

42750-130

1.2.2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

January 2, 2007

Mr. Morris Gaskins
Albaugh, Inc.
P.O Box 2127
304 Janet Street, Suite H
Valdosta, GA 31604

Subject: Label Notifications for Pesticide Registration Notice 2007-4

Dear Mr. Gaskins,

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated November 28, 2007 for the following products:

EPA Registration Number 42750-130	Tebuconazole 28% FL ST
EPA Registration Number 42750-167	NUCOP 3L HB
EPA Registration Number 42750-29	Weed Hoe 108
EPA Registration Number 42750-28	Weed Hoe 120
EPA Registration Number 42750-79	Picloram K-Salt Rangeland
EPA Registration Number 42750-81	Picloram K-Salt IVM

The Registration Division (RD) has conducted reviews of these requests for their applicability under PRN 2007-4 and finds that the actions requested fall within the scope of PRN 2007-4. The labels submitted with the applications have been stamped "Notification" and will be placed in our records.

With regard to your proposed label for EPA Reg. No. 42750-167, NUCOP 3L HB, it appears that in addition to revising the label to reflect the language in PRN 2007-4, you are also adding a new disease, phomopsis, to the label for use on grapes (p. 18 of your proposed label). This type of action can be handled through the notification process, but in the future please include this as a separate notification. Also, please be aware that you must have data available showing efficacy against this disease.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code to identify the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification, per PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please call me directly at 703-305-6249 or Steve Schaible of my staff at 703-308-9362.

Sincerely,

for Sherada W. Hobbs

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 42750-130	2. EPA Product Manager M. Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Tebuconazole 28% FL ST	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Albaugh Inc. P.O. Box 2127 Valdosta, GA 31604-2127 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION JAN - 2 2008
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2.5, 30, 250 bulk		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)				
Name Morris Gaskins		Title Registrations Manager		
		Telephone No. (Include Area Code) 229-244-3288		
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			6. Date Application Received (Stamped)	
2. Signature 		3. Title Registrations Manager		
4. Typed Name Morris Gaskins		5. Date November 28, 2007		

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TEBUCONAZOLE 28% FL ST

Seed Treatment Fungicide

For Use Only by Commercial Seed Treaters

For Control of Specified Diseases on Wheat, Barley and Oats

ACTIVE INGREDIENT:

Tebuconazole, Alpha-[2-(4-Chlorophenyl) ethyl]-alpha-(1, 1-Dimethylethyl)-

1H-1,2,4-triazole-1-ethanol 28.3%

OTHER INGREDIENTS: 71.7%

TOTAL: 100.0%

Contains 2.5 lbs. tebuconazole per gallon

STOP-READ THE LABEL BEFORE USE

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by poison control center or doctor.• Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15 - 20 minutes.• Call a poison control center or doctor for treatment advice.
IF IN EYES:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.• Call a poison control center or doctor for treatment advice.
IF INHALED:	<ul style="list-style-type: none">• Move person to fresh air.• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.• Call a poison control center or doctor for further treatment advice.
For Chemical Emergency ONLY (spill, leak, fire, exposure or accident), call CHEMTREC at 1-800-424-9300. Have product container or label with you when calling a poison control center or doctor, or going for treatment.	

For all other inquiries about this product contact Albaugh at 1-800-247-8013.

EPA Reg. No. 42750-130

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS:

NOTIFICATION

JAN - 2 2008

Manufactured For:

ALBAUGH, INC.

121 NE 18th St

ANKENY, IA 50021

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, inhaled or absorbed through the skin. Avoid contact with skin, eyes and clothing. Avoid breathing vapor or spray mist. Wear long sleeved shirt, long pants or coveralls, and chemical-resistant gloves made of waterproof material. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

This product is toxic to estuarine invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.

IMPORTANT: Read these entire Directions and Warranty before using TEBUCONAZOLE 28% FL ST.

TEBUCONAZOLE 28% FL ST controls or suppresses certain designated seed and soilborne diseases of wheat, barley and oats.

SEED TREATMENT: Apply TEBUCONAZOLE 28% FL ST as a water-based slurry through standard slurry or mist-type commercial seed treatment equipment. Prepare a slurry by mixing the specified dosage in 9 to 20 fl. oz. of water per 100 lb of seed. Add dye** to the resulting slurry. Mix the slurry thoroughly with the seeds to provide uniform coverage. **21CFR Chapter I, Section 2.25 requires grain seed treated with poisonous substances in excess of recognized tolerances be suitably colored with an EPA approved dye, such as one of the dyes listed in 40 CFR Section 180.1001 (c) and (d), to prevent their subsequent inadvertent use as a food for man or feed for animals.

APPLICATION RATE		
CROP & DISEASE	RATE OF TEBUCONAZOLE 28% FL ST	APPLICATION DIRECTIONS
Wheat: Stinking Smut, Flag Smut, Loose Smut, Early Season Septoria Disease Complex, Early Season Rhizoctonia Root Rot, Early Season Common Root Rot, Early Season Fusarium Foot Rot, Early Season Suppression of Powdery Mildew, Early Season Suppression of Wheat Leaf Rust Barley: Covered Smut, Loose Smut, Barley Stripe (suppression), Early Season Rhizoctonia Root Rot, Early Season Common Root Rot, Early Season Fusarium Foot Rot, Early Season Suppression of Powdery Mildew, Early Season Suppression of Barley Leaf Rust Oats: Loose Smut , Pythium Damping-off, Early Season Rhizoctonia Root Rot, Early Season Common Root Rot, Early Season Fusarium Foot Rot, Early Season Suppression of Powdery Mildew, Early Season Suppression of Crown rust	0.1 fluid ounce per 100 pounds of seed	Refer to the SEED TREATMENT section on this label for the method of treating seed.

SEED LABELING REQUIREMENTS

To meet U.S. Federal Seed Act requirements, all seed treated with TEBUCONAZOLE 28% FL ST should be labeled: "Treated with Alpha-[2-(4-Chlorophenyl) ethyl]-alpha-(1, 1-Dimethylethyl)-1H-1,2,4-triazole-1-ethanol (TEBUCONAZOLE 28% FL ST). Do not use treated seed for feed, food or oil purposes. Barley, wheat and oat green forage may be grazed or harvested for hay 31 days after seeding."

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONTAINER DISPOSAL:

Non-refillable containers (1, 2.5, 30 & 55 gallon): Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

(non-refillable <5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

(non refillable >5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows (all sizes): Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use for disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable container (250 gallon & bulk): Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

To clean the container before final disposal, empty the remaining contents from the container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing process two more times.

CONDITIONS OF SALE AND LIMITED WARRANTY STATEMENT

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, may result in reduced germination and/or reduction of seed and seedling vigor. Treat and conduct germination tests on a small portion of seed before committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of ALBAUGH, INC., no claims are made to guarantee

germination of carry-over seed.

As its sole express warranty, ALBAUGH, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for purposes stated on the label only when used in accordance with directions and instructions specified on the label, subject to the inherent risks set forth above. ONLY AS PERMITTED BY APPLICABLE LAW, IN THE EVENT OF A BREACH OF THIS LIMITED WARRANTY, ALBAUGH, INC., SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES, SUBJECT TO APPLICABLE LAW. ALBAUGH, INC. NEITHER MAKES NOR AUTHORIZES ANY OF ITS AGENTS OR REPRESENTATIVES TO MAKE ANY WARRANTY OF FITNESS OR MERCHANTABILITY, GUARANTY OR REPRESENTATION, EXPRESS OR IMPLIED, CONCERNING THIS MATERIAL. Buyer assumes the responsibility to handle, use and store this product in accordance with the safety Instructions and use directions contained on the label.

Buyer/User purchases this product subject to the foregoing Conditions of Sale and Limited Warranty, which, subject to applicable law, may be varied only by a written agreement signed by a duly authorized representative of ALBAUGH, INC. If these terms are not acceptable, return all products to the place of purchase, unopened for a full refund.

CORPORATE OFFICE

1525 NE 36th Street
Ankeny, IA 50021
515.964.9444 - Office
800.247.8013 - Toll Free
515.964.7813 - Facsimile

ALBAUGH, INC.

Valdosta Office 9/9
P.O. Box 2127
304 Janet Street, Suite H
Valdosta, GA 31604
229.244.3288 - Office
229.244.5841 - Facsimile

FED-X

November 28, 2007

Document Processing Disk (NOTIF)
Office of pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

RE: Label notification for "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment"

Dear Sirs,

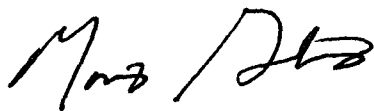
The enclosed submissions are draft labels submitted in response to Pesticide Regulation Notice 2007-4 for the following Albaugh registrations:

PRODUCT	EPA REG. NO.
Tebuconazole 28% FL ST	42750-130
NUCOP 3L HB	42750-167
Weed Hoe 108	42750-29
Weed Hoe 120	42750-28
Picloram K-Salt Rangeland	42750-79
Picloram K-Salt IVM	42750-81

Changes are noted in ~~strikeout~~ for deleted text and underline/bold for added text.

Please call if you have any questions.

Regards,



Morris Gaskins
Registrations Manager
Albaugh, Inc.

Agri Star®
By Albaugh, Inc.

PREMIER SUPPLIER OF OFF-PATENT CROP PROTECTION PRODUCTS

www.albaughinc.com