

51873-7

09/28/2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Roland L. Cargill  
Product Registration Specialist  
Fair Products, Inc.  
P.P. Box 386  
Cary, North Carolina 2712-0386

SEP 28 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Mr. Cargill:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 5, 2009 for:

**EPA Registration 51873-7**

**Fair 85**

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code 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/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

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



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number Fair Products, Inc. / 51873-7	2. EPA Product Manager Tony Kish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Fair Products, Inc. / Fair 85	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Fair Products, inc. PO Box 386 Carr, NC 27510 <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: <input checked="" type="checkbox"/> EPA Reg. No. 19713-35 Product Name Sucker Plucker	

### Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	<b>NOTIFICATION</b>  SEP 28 2009
<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 guidances PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.146 and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. (Continued on attached page)

### 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 checked="" type="checkbox"/> Yes <input 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 2,5,110, 275 g.		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product glued and slip sleeve			<input checked="" type="checkbox"/> Lithograph <input checked="" 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 Roland L. Cargill	Title Product Reg. Specialist	Telephone No. (Include Area Code) 919-467-1590
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 Product Registration Specialist	
4. Typed Name Roland L. Cargill	5. Date 8/5/09	



# Fair Products, Inc.

August 5, 2009

Tony Kish Product Manager, Team-22  
Fungicide Branch, Registration Division  
Document Processing Desk (AMEND)  
Office of Pesticide Programs (7504P)  
U.S Environmental Protection Agency  
Room S-4900 One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

Subject: Notification: Container Disposal Statement per PR 2007-4  
EPA Reg. No. 51873-7 Fair 85

Dear Tony:

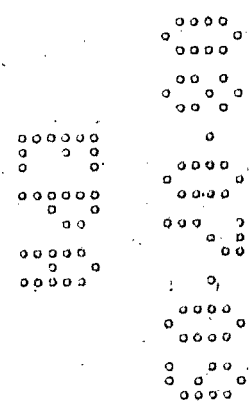
Attached is the completed Notification (EPA form 8570-1) for the subject product in compliance with PR 2007-4, as well as a copy of the updated label that contains the revised Container Disposal Statement.

If you have any questions, please do not hesitate to contact me at (919) 467-1599 or by email [carla@fairproductsinc.com](mailto:carla@fairproductsinc.com).

Sincerely,

Roland L. Cargill  
Product Registration Specialist

Enclosed



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**\*\*DRAFT\*\***

FAIR 85/Front panel

**\*\*\*Proposed changes in Red\*\*\***

**NOTIFICATION**

**SEP 28 2009**

# **FAIR 85®**

**CONTACT TOBACCO SUCKER CONTROL AGENT**

**KEEP OUT OF REACH OF CHILDREN**

## **WARNING - AVISO**

Do not inhale mist. Avoid contact with eyes, skin and clothing  
**PRECAUCION AL USUARIO:** Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail)

**READ ENTIRE LABEL CAREFULLY BEFORE USING THIS PRODUCT.**

### **ACTIVE INGREDIENTS:**

Fatty Alcohols.....85%  
(C6 - 0.5%, C8 - 42%, C10 - 56%, C-12 - 1.5%.....100%)

**INERT INGREDIENTS:**.....15%

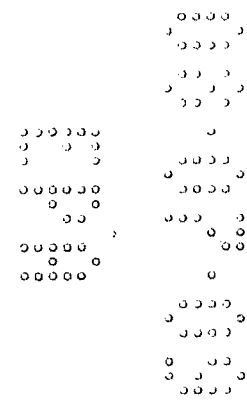
**TOTAL**.....100%

This product contains 6.01 lbs. of fatty alcohols per gallon  
If not used in accordance with directions, plant injury,  
excessive residues, or other undesirable results may occur.

Sold by  
**Fair Products, Inc., USA**  
Agri-Specialties Division  
Post Office Box 386  
Cary, North Carolina 27511  
Telephone: (919) 467-8352

MADE IN U.S.A.  
EPA REG. NO. 51873-7  
EPA EST. NO. 45671-NC-01  
**03282003V-2009P**

**NET CONTENTS:**  
7.57 LITERS (7570 ML.)  
2 GALLONS (256 FL. OZ.)





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FAIR 85/Left side panel, p.2

**DIRECTIONS FOR USE**

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or persons, either directly or indirectly through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

**AGRICULTURAL USE REQUIREMENTS**

Use this product only in accordance with its labeling and the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

**Do not enter or allow worker entry into treated areas during the Restricted Entry Interval (REI) of 24 hours.**

PPE required for early entry into treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Chemical resistant gloves made of any waterproof material
- Shoes plus socks
- Protective eyewear.

**USE PRECAUTIONS**

**PERSONAL PROTECTIVE EQUIPMENT**

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for **CATEGORY C** on an EPA chemical resistance category selection chart.

**APPLICATORS AND OTHER HANDLERS MUST WEAR:**

- Long-sleeved shirt and long pants
- Chemical resistant gloves made of any waterproof material
- Shoes plus socks
- Protective eyewear.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

**USER SAFETY RECOMMENDATIONS**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should remove PPE immediately after handling this product. Wash outside of gloves before removing.

As soon as possible, wash thoroughly and change into clean clothing.

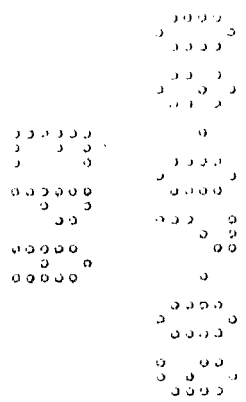
**\*\*DRAFT\*\***

FAIR 85/Right side panel

**STORAGE AND DISPOSAL**

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

- 1. **PESTICIDE STORAGE** - Do not stack over 2 pallets high. Store original containers in cool dry place away from food, water and feed.
- 2. **PESTICIDE DISPOSAL** - Pesticide wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
- 3. **CONTAINER DISPOSAL** – Non-refillable containers. Do not use or refill this container. Offer for recycling if available. **For container sizes of 5 gallons or less, triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank and draining 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. **For container sizes greater than 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. Turn the container over onto its other 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 the procedure two more times.**
- 4. **GENERAL** - Consult federal, state or local disposal authorities for approved alternative procedures in your area.



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FAIR-85/Rear panel, p.1

Fair 85 is a carefully balanced combination of active ingredients and wetting agents to be used for the control of sucker growth on Burley, Flue-Cured, Dark, Maryland and Cigar tobacco. The concentrated products is diluted with water to form a creamy emulsion which is applied as a coarse spray. The emulsion is effective only when is comes in direct contact with suckers, therefore, the material is applied so that maximum contact is made with the suckers. For maximum sucker control FAIR 85 applications are followed within 7-10 days by systematic maleic hydrazide (MH) sucker control agents such as FST-7, FAIR 80 SP, FAIR 30 or FAIR PLUS applied in accordance with directions.

**WHEN TO APPLY:**

FAIR 85 can be applied before or after topping. Best results are usually obtained by spraying the tobacco with FAIR 85 before topping in the early to late button stage and then topping the tobacco one week later, removing any suckers that were missed. If you top the tobacco before spraying, remove any suckers over one inch in length as you top and apply FAIR 85 after topping. Because FAIR 85 is a contact type agent, it is necessary to straighten any plants that are leaning so that the emulsion flows down the stalk evenly and contacts each sucker.

FAIR 85 can be applied anytime during the day. For best results, it is recommended that you wait until the dew dries before spraying. Do not spray after the leaves begin to close in the evening. Because the underside of the leaves may be injured by contact with FAIR 85, do not apply when the wind is high enough to turn the top leaves over. Do not apply during the rain or when plants are wet. If however, it rains after FAIR 85 has been on the plants for over an hour, you should not have to apply FAIR 85 again. Do not apply during periods of high heat or if plants are under excessive stress.

**HOW MUCH FAIR 85 TO APPLY:**

**Flue-Cured:**    *For power sprayer* - use 1.5 to 2 gallons (5.68-7.57 liters) in 50 gallons (189 liters) of water, or 2.5 gallons (9.4 liters) in 50 gallons (189 liters) of water.  
                  *For hand sprayer* - use 4 to 5 ounces (118-148 milliliters) per gallon (3.785 liters) of water, or 6 ounces (177 milliliters) per gallon (3.785 liters of water).

In the event of an extended season and to avoid excessive MH residues, a later season application of 2.5 gallons FAIR 85 in 47.5 gallons water (5% concentration) may be made 3 to 4 weeks after MH application.

**Burley:**            *For power sprayer* - use 1.75 to 2 gallons (6.62-7.57 liters) in 50 gallons (189 liters) of water.

**Dark:**             *For hand sprayer*, use 6 to 8 ounces per gallon (177-237 milliliters per gallon (3.785 liters) of water.

**Cigar:**            Use 4 to 5 ounces per gallon (118-148 milliliters per 3.785 liters) of water to apply with a hand sprayer.



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FAIR 85/Rear panel,p.2

**Maryland:** Use 4 to 4.5 ounces per gallon (118-133 milliliters per 3.785 liters) of water to apply with a hand sprayer.

When applied by hand, 1 gallon (3.785 liters) of diluted FAIR 85 will treat approximately 190 plants. If a power sprayer is used, 50 gallons (189 liters) of diluted product should be applied per acre of tobacco.

**HOW TO APPLY:**

The diluted emulsion is most easily prepared by adding the required amount of FAIR 85 to your spray tank and then adding the water. In order to obtain the best results, it is important that the water be added to the FAIR 85 rather than the FAIR 85 to the water.

If you use a hand-held or backpack sprayer, the diluted emulsion should be applied at a rate of 2/3 to 1 ounce (20-30 milliliters) per plant (or enough to insure rundown to the bottom of the plant). A coarse spray is recommended, directed downward at the top of the stalk from 6-8 inches above the top leaves, very little tank pressure is required, and in no case should more than 20 pounds be used.

When applied with power equipment, three nozzles per row should be used (TG full cone tips, or larger, are satisfactory). One TG-5 nozzle should be directed downward over the center of the row and two TG-3s should be positioned approximately 11 inches on either side directed at or slightly above the top of the stalk. The diluted FAIR 85 should be applied to the tobacco as a coarse spray from a height of 12 to 16 inches above the top of the stalk. It is recommended that boom pressure be kept at 20 to 25 lbs., and should never exceed 25 lbs. By using the recommended spray tips, spraying at approximately 20 lbs. pressure, and operating a tractor speed of 2.5 to 3 mph, you will apply approximately 50 gallons of diluted emulsion per acre of tobacco.

**HOW OFTEN TO APPLY:**

Usually one application of FAIR 85 will give good control of both primary and secondary suckers and produce excellent leaf quality. However, in most cases a dual treatment of FAIR 85 is recommended 7 to 10 days apart to allow time for uneven crops to become uniform. For season long sucker control, these treatments should be followed by a maleic hydrazide (MH) product (such as FST-7, FAIR 80 SP, FAIR 30 or FAIR PLUS) treatment applied within 7-14 days of the last FAIR 85 treatment in accordance with label instructions. In the event of an extended season and to avoid excessive MH residues, a later season application of 2.5 gallons FAIR 85 in 47.5 gallons water, (5% concentration) may be made 3 to 4 weeks after MH application.

**NOTES:**

- 1. Mix well prior to use and, if allowed to stand during the use, mix again before applying since the diluted emulsion may separate on standing.
- 2. Do not use on Burley tobacco during periods of high heat and high humidity.
- 3. Usage according to the directions outlined has resulted in adequate sucker control with very little or no leaf injury. Application not in accordance with the directions may lead to injury of leaves or improper sucker control.
- 4. Make sure spray equipment is clean before using.

**WARRANTY STATEMENT:** Seller's guarantee shall be limited to the terms of the label, and subject thereto the buyer assumes any risk to persons or property arising out of use or handling and accepts the product on these conditions.