

51873-7

10/19/2012

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

OFFICE OF CHEMICAL, SAFETY
AND POLLUTION PREVENTION

Fair Products Inc
Roland Cargill
PO Box 386
Cary, NC 27512-0386

OCT 19 2012

Subject: Labeling and CSF Amendment to FAIR 85
EPA Registration No. 51873- 7
Decision No. 467242
Submission Date: 7/2/12 and resubmission 9/21/12

Dear Mr Cargill:

The basic confidential statement of formula (CSF) dated 7/2/12, referred to above, submitted under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable. This CSF supersedes all previously accepted CSFs.

The labeling referred to above, submitted under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended to revise the label based upon the revised basic CSF, is acceptable. A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the above mentioned label before releasing the product for shipment. If you have any questions, please contact Dominic Schuler at (703) 347-0260 or via email at schuler.dominic@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Tony Kish". The signature is written in a cursive style with a large, prominent "T" and "K".

Tony Kish
Product Manager 22
Fungicide Branch
Registration Division (7504P)

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FAIR 85/Front panel

PROPOSED CHANGES IN RED

FAIR 85®

CONTACT TOBACCO SUCKER CONTROL AGENT

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO

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: (% by weight)

Octanol (C ₈).....	36.2%
Decanol (C ₁₀).....	48.2%
Related Compounds (dodecanol C ₁₂).....	0.3%

OTHER INGREDIENTS:	15.3%
TOTAL	100%

This product contains 2.57 lb. octanol 3.43 lb. decanol and 0.02 lb. dodecanol 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 27512
Telephone: (919) 467-8352

MADE IN U.S.A.
EPA REG. NO. 51873-7
EPA EST. NO. 45671-NC-01
01132009V-2012P

NET CONTENTS:
18.93 LITERS
5 GALLONS

ACCEPTED

OCT 19 2012

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 51873-7.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

Corrosive. Causes irreversible eye damage. Causes skin irritation. Do not get in eyes, on skin or on clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are made of barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride or viton. If you want more options, follow the instructions for **CATEGORY C** on an EPA chemical resistance category selection chart.

MIXERS, LOADERS, APPLICATORS AND OTHER HANDLERS MUST WEAR:

- Goggles or faceshield
- Coveralls over short sleeved shirt and short pants
- Chemical resistant footwear plus socks
- Chemical resistant gloves

USER SAFETY REQUIREMENTS

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 exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

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
- Shoes plus socks
- Protective eyewear

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using toilet.
- Remove clothing /PPE 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.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of waste.

FIRST AID

If In Eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 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 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 Swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person
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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for treatment advice.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Have the container or label with you when calling a poison control center or doctor or going for treatment. For emergency information on product call (919) 467-8352, Monday through Friday 9 am to 5 PM EST. After 5 PM call your poison control center or call the National Poison Control Hotline at 1-800-222-1222 for additional information.

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 reuse or refill this container. **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. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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.

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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 Fired, 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 it 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 2 gallons (7.57 liters) in 48 gallons (182 liters) of water, for a total spray solution of 50 gallons (189 liters) -4% solution. or 2.5 gallons (9.4 liters) in 47.5 gallons (180 liters) of water for a total spray solution of 50 gallons (189 liters) - 5% solution.
For hand sprayer - use 5 ounces (148 milliliters) in water to make a total of 1 gallon (3.785 liters) of spray (4% solution), or 6 ounces (177 milliliters) in water to make a total of 1 gallon (3.785 liters) of spray (5% solution).

Note: 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 water to make a total of 50 gallons (189 liters) of spray solution (3.5 to 4% solution).

Dark Fired: For hand sprayer, use 6 to 8 ounces (177-237 milliliters) in water to make a total of 1 gallon (3.785 liters) of spray (4.5 - 6% solution).

Cigar: Use 4 to 5 ounces (118-148 milliliters) in water to make a total of 1 gallon (3.785 liters) of spray solution to apply with a hand sprayer (3 - 4 % solution).

Maryland: Use 4 to 4.5 ounces (118-133 milliliters) in water to make a total of 1 gallon (3.785 liters) of spray solution to apply with a hand sprayer (3 to 3.5% solution).

When applied by hand using 2/3 to 1 ounce (20 - 30 milliliters) of spray solution per plant, 1 gallon (3.785 liters) of diluted Fair 85 will treat 128-190 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 must 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 must 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 must 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.
5. Do not mix with other pesticides, fertilizers, surfactants or any other materials as plant damage or death may result.

WARRANTY STATEMENT: To the extent permitted by applicable law, 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.