



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

June 5, 2019

Roland L. Cargill
Product Registration Specialist
Fair Products, Inc.
P.O. Box 386
Cary, NC 27512

Subject: Non-PRIA (Pesticide Registration Improvement Act) Labeling Amendment –
Amendment to Update Warranty, Add Hotline Number, Correct Precautionary
Statements and User Safety Recommendations and to Make Formatting Changes
Product Name: FAIR 85
EPA Registration Number: 51873-7
Application Date: 5/9/19
OPP Decision Number: 550765

Dear Mr. Cargill:

The amended labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable.

This approval does not affect any terms or conditions that were previously imposed on this registration. You continue to be subject to existing terms or conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release this product for shipment with the new labeling. In accordance with 40 CFR § 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. “To distribute or sell” is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR § 152.3.

Should you wish to add/retain a reference to your company’s website on your label, then please be aware that the website becomes labeling under FIFRA and is subject to review by the U.S. Environmental Protection Agency (EPA). If the website is false or misleading, the product will be considered to be misbranded and sale or distribution of the product is unlawful under FIFRA section 12(a)(1)(E). 40 CFR § 156.10(a)(5) lists examples of statements the EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims

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made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the EPA find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

Your release for shipment of this product constitutes acceptance of these terms. If these terms are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6.

If you have any questions, please contact Chris Pfeifer of my team by phone at (703) 308-0031 or via email at pfeifer.chris@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Andrew C. Bryceland". The signature is fluid and cursive, with the first name being the most prominent.

Andrew Bryceland, Team Leader
Biochemical Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)
Office of Pesticide Programs

Enclosure



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 (C8).....	36.2%
Decanol (C10).....	48.2%
Related Compounds (dodecanol C12).....	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
 02102014V-2019P

NET CONTENTS:
 18.93 LITERS
 5 GALLONS

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.

Hot Line Number

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 pertaining to the product and contact with eyes call (919)-467-8352, Monday through Friday 9AM to 5PM EST. After 5PM call your Poison Control Center or Call the National Poison Control Hotline at 1-800-222-1222 for additional information.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

Corrosive. Causes irreversible eye damage. Wear protective eyewear (goggles, face shield, or safety glasses). Harmful if absorbed through skin. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using toilet. Remove and wash contaminated clothing before reuse. Avoid contact with skin, eyes or clothing. Wear long-sleeved shirt and long pants, socks, shoes, and gloves (such as or made out of any waterproof material, selection category A).

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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:

- 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.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE - Do not stack over 2 pallets high. Store original containers in cool dry place away from food, water and feed.

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

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 $\frac{1}{4}$ 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. 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.

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 $\frac{1}{4}$ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least on 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.

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.

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 and Disclaimer Statement:

The directions for use of this product are believed to be adequate and must be followed carefully, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result due to such factors as weather conditions, presence or absence of other materials, or the manner of use or application, all of which are beyond the control of Fair Products, Inc. the manufacturer, or the seller.

To the extent consistent with applicable law, the products sold to you are furnished "as is" by Fair Products, Inc. The manufacturer and the seller are subject only to the manufacturer's warranties, if any, which appear on the label of the product sold to you. Except as warranted by this label, Fair Products, Inc., the manufacturer, or the seller makes no warranties, guarantees, or representations of any kind to the buyer or the user, either express or implied, or by usage of trade, statutory or otherwise, with regard to the product sold or use of the product, including, but not limited to, merchantability, fitness for a particular purpose or use, or eligibility of the product for any particular trade usage. To the extent consistent with applicable law, Buyer's or user's exclusive remedy, and Fair Products, Inc., the manufacturer's or the seller's total liability shall be limited to damages not exceeding the cost of the product. No agent or employee of Fair Products, Inc. or the seller is authorized to amend the terms of this warranty disclaimer or the product's label or to make a presentation or recommendation different from or inconsistent with the label of this product.

To the extent consistent with applicable law, Fair Products, Inc., the manufacturer, or the seller shall not be liable for consequential, special, or indirect damages resulting from the use, handling, application, storage, or disposal of this product or for damages in the nature of penalties, and the buyer and the user waive any right that they may have to such damages.