

55146-103

07/29/2010

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

Office of Chemical Safety
and Pollution Prevention

JUL 29 2010

Georgia Anastasiou
Agent for Nufarm Americas, Inc.
Lewis & Harrison LLC
122 C Street, N.W. Suite 740
Washington, DC 20001

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

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated July 15, 2010 for:

EPA Registration 55146-103 Spera 240 FS Fungicide

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 703-305-5335 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Mastradone".

Paul Mastradone, Ph.D.
Acting Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

- Registration
 Amendment
 Other: Notification

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 55146-103	2. EPA Product Manager Shaja Joyner	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Spera 240 FS Fungicide	PM# 20	
5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. AGT Division 150 Harvester Drive, Ste. 200 Burr Ridge, IL 60527 <u>PLEASE SEND ALL CORRESPONDENCE TO "CONTACT POINT" LISTED BELOW</u>	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

- Amendment - Explain below. Final printed labels in response to Agency letter dated _____
 Resubmission in response to Agency letter dated _____ "Me Too" Application
 Notification - Explain below. Other - Explain below

NOTIFICATION
JUL 29 2010

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

Notification to add refillable language to the storage and disposal section.

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:

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	2. Type of Container <input type="checkbox"/> Metal <input checked="" 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 1, 2.5, 30, 220, 250 gals	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 <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)

Name Georgia Anastasiou, Lewis & Harrison 122 C St. NW Suite 740, Washington DC 20001	Title Agent for Nufarm Americas, Inc.	Telephone No. (Include Area Code) (202) 393-3903 x19
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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 <i>Georgia Anastasiou</i>	3. Title Agent for Nufarm Americas, Inc.
4. Typed Name Georgia Anastasiou	5. Date July 15, 2010

**LEWIS &
HARRISON**

Consultants in Government Affairs

122 C Street, N.W., Suite 740
Washington, D.C. 20001telephone 202.393.3903
fax 202.393.3906

July 15, 2010

HAND DELIVERED

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

ATTENTION: **Mary Waller**
 Product Manager #21

SUBJECT: **Nufarm Americas, Inc.**
 Spera 240 FS Fungicide, EPA Reg. No. 55146-103
 Notification per PR Notice 2007-4

Dear Ms. Waller:

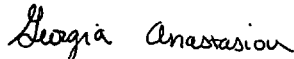
On behalf of Nufarm Americas, Inc, I am a notification for the product Spera 240 FS Fungicide (EPA Reg. No. 55146-103). The purpose of this notification is to add refillable language to the Storage and Disposal section. The refillable language I am proposing in is in accordance with PR Notice 2007-4.

In support of this submission I have enclosed the following documents:

- 1) Application for Pesticide Notification;
- 2) One (1) copy of the label with changes highlighted;
- 3) Two (2) copies of the revised label;
- 4) CD containing a PDF copy of the revised label;
- 5) Certification with Respect to Label Integrity form and,
- 6) Letter of authorization to allow Lewis & Harrison to act as company agent.

If you have any questions, or require any additional information, please feel free to contact me by phone at 202-393-3903 ext. 19, by fax at 202-393-3906, or by email at georgia@lewisharrison.com.

Sincerely,



Georgia Anastasiou
Agent for,
Nufarm Americas, Inc,

cc: Nathan Ehresman (Nufarm Americas, Inc,)



NUFARM AMERICAS, INC.
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527
Phone: 630-455-2000 ■ Fax: 630-455-2001

July 1, 2010

To Whom It May Concern:

Nufarm Americas Inc. (EPA Co. No. 000228), Nufarm Inc (EPA Co. No. 071368), Nufarm Americas-AGT Division (EPA Co. No. 055146), Nufarm Limited (EPA Co. No. 035935), Nufarm USA (EPA Co. No. 061272) and; Nufarm Marman USA (048273) hereby authorizes Lewis & Harrison, LLC, of 122 Street, NW, Suite 740, Washington, DC 20001, to act as its authorized agent on matters pertaining to the registration and regulation of its products with the U.S. Environmental Protection Agency.

Sincerely,

Nathan P. Ehresman
Director, Regulatory Affairs
Nufarm Americas, Inc.

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SPERA™ 240 FS FUNGICIDE

SEED TREATMENT FUNGICIDE FOR USE IN TREATING COTTON SEED

NOTIFICATION

JUL 29 2010

ACTIVE INGREDIENT:

Myclobutanil: alpha-butyl-alpha-(4-chlorophenyl)-1 H-1 ,2,4-triazole-1 -propanenitrile 22.37%

OTHER INGREDIENTS: 77.63%

TOTAL..... 100.00%

Contains 2 pounds active ingredient per gallon (240 grams per liter).

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300
For Medical Emergencies Only, Call (877) 325-1840

EPA REG. NO. 55146-103
EPA EST. NO. _____

Manufactured For
NUFARM AMERICAS INC.
AGT Division
150 Harvester Drive
Burr Ridge, IL 60527



NET CONTENTS: _____ Gal. (_____ L)

055146-00103.20100715.PRN2007-4Refillable

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PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco and using the toilet.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

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

All mixers, loaders, applicators, flaggers, and other handlers must wear:

- Long -sleeved shirt and long pants,
- Shoes and socks,
- Chemical-resistant gloves (such as natural rubber).

User Safety Requirements

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, 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 the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • 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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS

For terrestrial uses, 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. Do not apply when weather conditions favor drift or runoff from areas treated.

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 other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirement 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 with 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 intervals. 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 48 hours**.

Exception: If the product is soil-injected or soil incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to 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, and shoes plus socks.

COMMERCIAL COTTON SEED TREATMENT

This product is recommended for use at time of planting as a seed treatment to protect against sore shin (*Rhizoctonia solani*) and black root rot (*Thielaviopsis basicola*) which impairs good cotton seed germination and seedling development. This product can be tank-mixed with other properly labeled cottonseed protectants for Pythium control. This product is a liquid formulation that can be pumped or poured directly into the cotton seed treater or diluted with water, provided the recommended amount of product is applied.

Use 1.25 to 4.0 fluid ounces of this product per 100 pounds cottonseed to reduce seedling damage caused by sore shin (*Rhizoctonia solani*) and black root rot (*Thielaviopsis basicola*).

Label Treated Seed: "This seed is treated with Spera™ 240 FS Fungicide, which contains the active ingredient myclobutanil. Do not use for food, feed, oil production or any other purpose except planting. Do not graze cotton plants grown from treated seed. Store away from feed and foodstuffs."

Always use this product with an EPA approved dye or colorant that imparts an unnatural color to the seed.

ON-FARM COTTON SEED TREATMENT

For mechanical treaters or hopper box treatments, dilute 1.25 to 4.0 fluid ounces of this product with 8 to 10 fluid ounces of water and apply to 100 pounds of cotton seed. Other cotton seed hopper box products may be applied with this product. Always follow the label recommendations on the respective products.

Do not apply this product through any type of irrigation system.

Do not use treated seed for food or feed purposes or process for oil. Treat only those seeds needed for immediate use, minimizing the interval between treatment and planting. Do not store excess treated seeds beyond planting time.

Seed treatment on agricultural establishment in hopper-box, planter box, or other seed-treatment application at or immediately before planting is within the scope of WPS, while commercial treatment of seeds is not within the scope.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry secure area at temperatures above freezing and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food and feed. Store in original container and out the reach of children.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture or rinsate is violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING:

[For containers smaller than 5 gallons:] Nonrefillable container: Do not reuse or refill this container. 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 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 or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

[Nonrefillable Containers Larger than 5 Gallons:] Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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 this procedure two more times.

Pressure rinse as follows: 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 or 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.

OR

Refillable container. 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 this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

[Refillable For return to Nufarm:] Refillable Container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Close all openings and replace all caps. Contact Nufarm's Customer Service Department at 1-800-345-3330 to arrange for return of the empty refillable container.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

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TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

(RV071510)

SPERA is a trademark of Nufarm Americas Inc.

LABEL HISTORY

File Name	Revision Mark	Comment
055146-00103.20100715.PRN2007-4Refillable	RV071510	Addition of Refillable container disposal statement in accordance with PR Notice 2007-4