



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

DEC 6 2000

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Zenna Burke
Project Manager
Registration and Regulatory Affairs
Valent U.S.A. Corporation
1333 North California Blvd
Suite 600
P.O. Box 8025
Walnut Creek, CA 94596-8025

Subject: Amendment: Add New York State Restrictions
Danitol 2.4 EC Spray
EPA Registration No. 59639-35
Your submission dated November 30, 2000

Tame 2.4 EC Spray
EPA Registration No. 59639-77
Your submission dated November 30, 2000

Dear Ms. Burke:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable. A stamped copy of the labeling is enclosed for your records.

With respect to the issue of the solubility of fenpropathrin in water raised by the New York Bureau of Habitat, (see November 28, 2000 fax from Jeanine Broughel of the New York State Department of Environmental Conservation to Harry Radke of Valent USA), does Valent have data showing that the water solubility of fenpropathrin is less than 34 micrograms/L? The Bureau of Habitat (BoH) stated that the acceptability of fenpropathrin at application rates of 0.2 lbs/acre or less is dependent upon the solubility of fenpropathrin being only 10 micrograms/L, but that this value has never been substantiated. According to the BoH, Valent claims that new studies were conducted that demonstrate the solubility of fenpropathrin in water is 10 ppb, but the BoH states that no study or EPA DER was ever submitted. Please clarify as to whether this data has been submitted to the Agency for review.

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If you have any questions, please call Dr. William Sproat of my team at 703-308-8587.

Sincerely,



George T. LaRocca
Product Manager 13
Insecticide Branch
Registration Division (7505C)

Enclosure



ACCEPTED
with COMMENTS
DEC 6 2000
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
59639-77

RESTRICTED USE PESTICIDE
DUE TO TOXICITY TO FISH AND AQUATIC ORGANISMS.
 For retail sale to and use by **Certified Applicators**, or persons under their direct supervision, and only for those uses covered by the **Certified Applicator's certification.**

TAME[®] 2.4 EC Spray

(INSECTICIDE-MITICIDE)

**For Commercial Nonfood Use On Indoor and Outdoor
 Ornamental and Nursery Plantings**

Active Ingredient	By Wt.
Fenprothrin (alpha-Cyano-3-phenoxybenzyl 2,2,3,3-tetramethyl-cyclopropanecarboxylate)	30.9%
Other Ingredients	<u>69.1%</u>
Total	100.0%

Contains 2.4 pounds a.i. per gallon
 Contains Petroleum Distillates

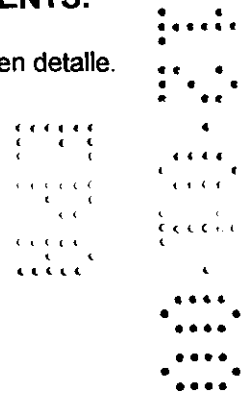
KEEP OUT OF REACH OF CHILDREN

WARNING - AVISO

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

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.)

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

WARNING

Wash thoroughly with soap and water after handling and before eating, drinking or using tobacco. Remove contaminated clothing and wash clothing before reuse. Wear protective eyewear (goggles, face shield, or safety glasses). Causes substantial but temporary eye injury. May be fatal if swallowed. Harmful if inhaled. Do not get in eyes, on skin, or on clothing. Avoid breathing vapor or spray mist.

STATEMENT OF PRACTICAL TREATMENT:

- If on skin:** Wash thoroughly with soap and water. Get medical attention.
- If in eyes:** 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. Call poison control center or doctor for treatment advice.
- If swallowed:** Call poison control center or doctor immediately for treatment advice. Have a person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor.
- If inhaled:** Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth to mouth. Get medical attention.
- Note to Physicians:** Possible mucosal damage may contraindicate the use of gastric lavage. This product may pose an aspiration pneumonia hazard. Treatment is supportive and symptomatic. Diazepam has been recommended to reduce the CNS effects of fenpropathrin. Emergency Information - call 1-800-892-0099.

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 G on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves, such as Barrier Laminate or Viton ≥ 14 mils, shoes plus socks, and 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/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 the toilet.
- Remove clothing 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.

ENVIRONMENTAL HAZARDS:

This product is extremely toxic to fish and aquatic organisms and is toxic to wildlife. 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 apply where runoff is likely to occur. Do not apply when weather conditions favor drift from areas treated. Do not contaminate water when cleaning equipment or when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

PHYSICAL OR CHEMICAL HAZARDS:

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

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 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 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 restrictive-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 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, such as Barrier Laminate or Viton ≥ 14 mils, shoes plus socks, and protective eyewear.

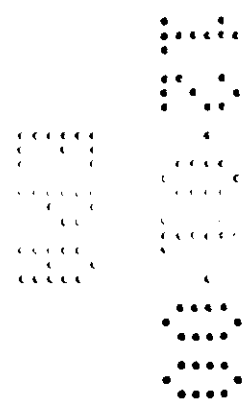
CALIFORNIA SPECIFIC REQUIREMENTS FOR GREENHOUSE HARVESTERS AND OTHER PERSONNEL WORKING WITH TREATED ORNAMENTALS

Harvesters and other personnel performing tasks with foliage contact in treated areas within fourteen (14) days of application must wear a long-sleeved shirt, long pants, and shoes and socks.

Following treatment of ornamentals in greenhouses with the recommended rates of TAME, harvesters must wear gloves for seven (7) days following application.

ADDITIONAL RESTRICTIONS FOR USE IN NEW YORK

Do not apply this product within 100 feet of any freshwater lake, pond, river, stream or wetland in the state of New York. Do not apply this product within 100 feet of a coastal marsh or any water that drains into a coastal marsh in the state of New York.



**DISCLAIMER, RISKS OF USING THIS PRODUCT,
LIMITED WARRANTY
AND LIMITATION OF LIABILITY**

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THE PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

In no event shall Valent or Seller be liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

If Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be modified by any oral or written agreement.

TANK MIXES

NOTICE: Tank mixing or use of this product with any other product which is not specifically and expressly authorized by the label shall be the exclusive risk of user, applicator and/or application advisor.

Read and follow the entire label of each product to be used in the tank mix with this product.

DIRECTIONS

Do not apply this product using aircraft or through any type of irrigation system. Not for use in or around residential areas.

This product is for commercial, nonfood use only. TAME 2.4 EC Spray is intended for the control of the indicated insects and mites on indoor ornamental plantings in greenhouses, lath and shade houses, interiorscapes, and other ornamental plants, and on outdoor ornamental and nursery plantings in commercial nurseries and other landscaped areas.

APPLICATION INSTRUCTIONS

Apply specified dosage in sufficient water for complete coverage. Spray all foliage including underside of leaves. Repeat as needed to maintain control, but no more often than every seven (7) days. Under severe pest pressure, use the higher recommended rates and/or shorter spray intervals. Do not use less than a seven-day retreatment interval. TAME may be tank mixed and/or alternated with many commonly used insecticides, miticides and fungicides. See recommendations for rotating sprays for Sweetpotato/Silverleaf Whitefly control. Certain strains of whiteflies may be more susceptible to a TAME plus ORTHENE® tank mix.

RESISTANCE MANAGEMENT

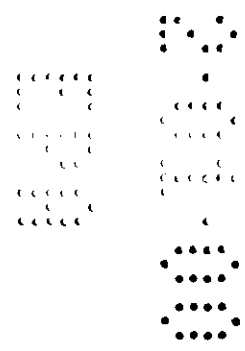
For use in resistance management programs and to aid in preventing resistance, insecticides from other classes of chemistry such as organophosphorus esters, N-methyl-carbamates, or insect growth regulators should be included with or alternated with a TAME spray program. TAME is a pyrethroid, and other pyrethroid products are not considered alternate chemistry. Consult your state or area agricultural extension service for local resistance management strategies and advice on alternate insecticides.

Note: Since ornamental varieties are numerous, constantly changing, and may react differently to TAME, test the product on a small scale before making large-scale applications. High gallonage applications to certain chrysanthemum varieties may result in crop injury. Do not apply to chrysanthemums and roses with open flowers. Application of the TAME plus ORTHENE tank mix on poinsettias after bract formation may result in phytotoxicity on certain varieties.

SPRAY DRIFT PRECAUTIONS FOR OUTDOOR USE

- TAME is extremely toxic to fish and aquatic invertebrates. Observe the following precautions when spraying outdoors in the vicinity of aquatic areas such as lakes; reservoirs; rivers; permanent streams, marshes, or natural ponds; estuaries; and commercial fish farm ponds.
- Do not apply within 25 feet of the aquatic areas listed above. When treating tall trees (>15 feet) from the ground with high pressure sprays or during any application with air assisted equipment (mist blowers) do not apply within 150 feet of aquatic areas.
- Make applications when the wind velocity favors on-target deposition (approximately 3 to 10 mph). Do not apply when sustained winds or wind gusts exceed 15 mph.
- Risk of exposure to sensitive aquatic areas can be reduced by avoiding applications when the wind direction is towards the aquatic area.
- Low humidity and high temperatures increase the likelihood of spray drift to sensitive areas. Avoid spraying during conditions of low humidity and/or high temperature.
- Use the largest droplet size consistent with acceptable efficacy. Formation of very small droplets may be minimized by appropriate nozzle selection and by avoiding excessive spray pressure.
- Do not make applications during temperature inversions. Inversions are characterized by stable air and increasing temperature with height above ground. Mist or fog may indicate the presence of an inversion in humid areas. The applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.

When applying indoors, be particularly careful not to allow drift to containers or ornamental ponds containing valuable fish or invertebrates.



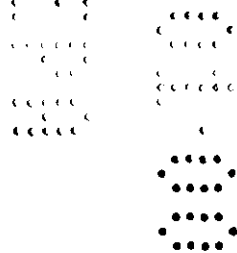
MIXING INSTRUCTIONS

TAME mixes readily with water. When tank mixing with ORTHENE Turf, Tree & Ornamental Spray, first mix the recommended amount of ORTHENE Turf, Tree & Ornamental Spray in the appropriate amount of water, then add the TAME last. Agitate well. All applicable directions, restrictions and precautions on the ORTHENE EPA registered label are to be followed.

Do not exceed 0.37 fl. oz. formulation per 1000 sq. ft. per application (equivalent to 16 fl. oz. per acre application) in greenhouse, shade and lath house treatments.

Do not apply under conditions involving possible drift to food, forage or other plantings that might be damaged or the crops thereof rendered unfit for sale, use or consumption.

Ornamental Shrubs and Plants				
Crop	Pests	TAME Application Rate		Special Instructions
		Fl. Oz. per 100 Gals.	Fl. Oz. (lb. ai) per Acre	
Shrubs and Plants	European Red Mite Greenhouse Whitefly Lacebugs Leafhoppers Spotted Tentiform Leafminer	5-1/3 to 10-2/3	5-1/3 to 10-2/3 (0.1 to 0.2)	May be tank mixed with ORTHENE Turf, Tree & Ornamental Spray 1/3 lb./100 gals. for greenhouse and shade and lath house use or 3/4 lb. of product per acre for outdoor use.
	Southern Red Mite (low to moderate mite pressure) Twospotted Spider Mite	8 to 16	8 to 16 (0.15 to 0.3)	
	Beet Armyworm Black Vine Weevil Adults Japanese Beetle	10-2/3	10-2/3 (0.2)	
	Mealybugs (including immature stages of the Citrus Mealybug)	16	16 (0.3)	
	Aphids	10-2/3 TAME + 1/3 to 2/3 lb. ORTHENE Turf, Tree & Ornamental Spray	10-2/3 (0.2) TAME + 2/3 lb. ORTHENE Turf, Tree & Ornamental Spray	
Sweetpotato/Silverleaf Whitefly Adults and Nymphs (includes all instars and transitional stages [pupae])	Apply TAME at 10-2/3 to 16 fl. oz./100 gals. plus ORTHENE Turf, Tree & Ornamental Spray at 1/3 lb./100 gals. for greenhouse and shade and lath house use. For outdoor use apply 10-2/3 to 16 fl. oz. per acre (0.2 to 0.3 lb. ai) of TAME plus ORTHENE Turf, Tree & Ornamental Spray 2/3 lb. per acre. Apply when adults and/or nymphs first appear. If a population of Sweetpotato/Silverleaf Whitefly is well established, use the higher TAME rate in the tank mix followed by repeat applications of the tank mix no less than seven (7) days apart. Apply no more than three (3) successive applications before rotating to a non-pyrethroid/non-organophosphate insecticide to avoid the potential for resistance. If a tolerant strain of Sweetpotato Whitefly is present, treat with EPA labeled insecticides other than TAME plus ORTHENE.			



TREES				
Crop	Pests	TAME Application Rate		Special Instructions
		Fl. Oz. per 100 Gals.	Fl. Oz. (lb. ai) per Acre	
TREES Conifers Deciduous Non-deciduous Palms	European Red Mite San Jose Scale (crawlers) Spotted Tentiform Leafminer Thrips	5-1/3 to 10-2/3	5-1/3 to 10-2/3 (0.1 to 0.2)	May be tank mixed with ORTHENE Turf, Tree and Ornamental Spray 2/3 lb./100 gals. or per acre.
	Apple Aphid Leafminer Woolly Apple Aphid	5-1/3 to 10-2/3 TAME + 1/3 lb. to 2/3 lb. ORTHENE Turf, Tree and Ornamental Spray	5-1/3 to 10-2/3 (0.1 TO 0.2) TAME + 2/3 lb. ORTHENE Turf, Tree and Ornamental Spray	Tank mix TAME 5-1/3 to 10-2/3 oz. plus ORTHENE Turf, Tree and Ornamental Spray 1/3 lb./100 gals. for greenhouse and shade and lath house use. Tank mix with 2/3 lb./acre ORTHENE for outdoor use.
	Southern Red Mite (low to moderate mite pressure) Twospotted Spider Mite	8 to 16	8 to 16 (0.15 to 0.3)	May be tank mixed with ORTHENE Turf, Tree and Ornamental Spray 2/3 lb./100 gals. or per acre.
Non-Bearing Nursery Fruit Trees	Citrus Thrips Codling Moth European Red Mite Leafrollers McDaniel Mite Orange Tortrix Pandemis Moth Tarnished Plant Bug	5-1/3	5-1/3 (0.1)	Apply beginning after petal fall or as needed. Do not apply within 6 months of fruit set that yields fruit which could be used for food or feed.
	Southern Red Mite (low to moderate mite pressure) Twospotted Spider Mite	8 to 16	8 to 16 (0.15 to 0.3)	

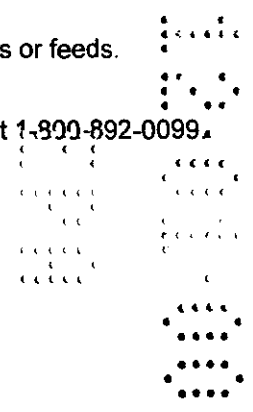
STORAGE AND DISPOSAL

PROHIBITIONS

Do not contaminate water, food or feed by storage or cleaning of equipment.
 Open dumping is prohibited.

STORAGE

Keep pesticide in original container.
 Do not put concentrate or dilute into food or drink containers.
 Not for use or storage in or around the home.
 Do not store next to feed or food, or transport in or on vehicles containing foodstuffs or feeds.
 Store in a cool, dry place.
 Protect from heat.
 For help with any spill, leak, fire or exposure involving this material, call day or night 1-800-892-0099.



PESTICIDE DISPOSAL

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture or rinsate is a 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 DISPOSAL

Triple rinse (or equivalent). Do not reuse container. 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.

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ORTHENE® - Reg. TM of OMS Investments, Inc.

TAME® - Reg. TM of Valent U.S.A. Corporation

Manufactured for:

VALENT U.S.A. Corporation

P.O. Box 8025

Walnut Creek, CA 94596-8025

Made in U.S.A.

Form TAME05R_20001130

EPA Reg. No. 59639-77

EPA Est. No.

