

59639-108

9-26-2003

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SEP 26 2003

Eric Maurer
Valent U.S.A. Corporation
1333 N. California Blvd., Ste. 600
Walnut Creek, CA 94596

Dear Mr. Maurer:

Subject: Revised Labeling - Add Use on Outdoor Ornamentals and Interiorscapes
TetraSan 5 WDG Herbicide
EPA Registration No. 59639-108
Your Submission Dated August 20, 2003

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following provision:

Revise the Environmental Hazards section to read as follows:

"This pesticide is toxic to freshwater and marine/estuarine aquatic invertebrates, including oysters and shrimp. 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 apply when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate."

A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the referenced label, incorporating the above change, before releasing the product for shipment.

Sincerely yours,

Daniel C. Kenny
Product Manager (01)
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure

DK: 305-7546: IRB/PM 01

		CONCURRENCES						
SYMBOL	7505C							
SURNAME	D. KENNY							
DATE	9/26/03							

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ACCEPTED
with COMMENTS
In EPA Letter Dated:
SEP 26 2003
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
59639-108

TetraSan™ 5 WDG

Miticide/Ovicide for Ornamental Plants

For control of Spider Mites on ornamental plants

Affects all life stages

Active Ingredient	By Wt.
*Etoxazole	5%
Other Ingredients	<u>95%</u>
Total	100%

*2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole

TetraSan 5 WDG is a water dispersible granule containing 5% active ingredient per pound.

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE NEXT PAGE FOR ADDITIONAL PRECAUTIONARY STATEMENTS

NET CONTENTS _____

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS
CAUTION**

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Avoid breathing dust or spray mist.

FIRST AID

- If swallowed:**
 - 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:**
 - 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 further treatment advice.
- If on skin or clothing:**
 - 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 inhaled:**
 - 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.

HOTLINE 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 1-800-892-0099 for emergency medical treatment information.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear: long-sleeved shirt and long pants, socks plus shoes.

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 the toilet.
 - Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
 - Remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

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 cleaning equipment or disposing of equipment washwaters.

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 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 and restricted-entry interval.

Do not enter or allow workers entry into treated areas during the restricted-entry interval (REI) of 12 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: long-sleeved shirt and long pants, socks plus shoes.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standards for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forest, nurseries, or greenhouses.

Keep all unprotected persons out of operating areas, or vicinity where there may be drift. Do not enter treated areas without protective clothing until sprays have dried.

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**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 ornamental 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 ornamental crops caused by carryover in the soil. Such risks of ornamental 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 ornamental 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 ornamental crop in all or a portion of the treated acreage, or otherwise affect the ornamental crop such that additional care, treatment and expense are required to take the ornamental 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 ornamental 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 ornamental 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 ornamental 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.

GENERAL INFORMATION

- Do not apply this product through any type of irrigation or chemigation system.
- TetraSan 5 WDG is not intended for indoor or outdoor residential uses.

TetraSan 5 WDG is a miticide that controls major tetranychid mite species in egg and nymph stages of growth. Foliar applications of TetraSan 5 WDG can be made for control of spider mites infesting indoor (greenhouses, lathhouses, shadehouses and interiorscapes) and outdoor ornamentals, including flowering and foliage crops, ground covers, shrubs and ornamental trees, and non-bearing fruit and nut trees. TetraSan 5 WDG exhibits strong translaminar movement within plant leaves. Spray contacting the upper surface of leaves will absorb into the leaves and locally translocate within the leaf. Thus mites feeding on the undersides of leaves will be controlled.

IMPORTANT: Applications of TetraSan 5 WDG may be made to a wide range of ornamental plants. To ensure that TetraSan 5 WDG is compatible with the variety or cultivar under your specific conditions, test the product on a limited scale and observe for phytotoxicity for two weeks before making large scale applications. The large number of existing ornamental varieties and cultivars coupled with the constant introduction of new varieties makes it impossible to field test TetraSan 5 WDG in every locale where sold or in all of the combinations created by nursery differences. Factors that can influence phytotoxicity to any applied pesticide include soil or media type, pH, moisture or fertility, environmental conditions such as temperature, lighting or degree days and horticultural practices including planting dates, control of other pests, and timing of various horticultural practices. TetraSan 5 WDG has not been tested in tank mix combinations, sequential pesticide treatments or with various adjuvants and surfactants. Do not apply to Poinsettia after bract formation.

MANAGING MITE RESISTANCE

Repeated use of the same class of miticides or miticides with similar modes of action can lead to the build up of resistant mite strains. For optimum resistance management, apply TetraSan 5 WDG no more than two times per cropping cycle (start to finish for one ornamental crop) or no more than two times per six months. TetraSan 5 WDG should be used in alternation with other miticide materials possessing dissimilar modes of action and/or with other chemical classes of miticides. Due to its unique chemistry and mode of action, TetraSan 5 WDG can be used in rotation with all other registered miticides in IPM and resistance management programs. Follow local, state and federal Integrated Pest Management (IPM) and Resistance Management (RM) recommendations. Read and follow all product labels before applying any miticide.

MULTIPLE PACKAGING

This bag contains multiple water soluble packets of TetraSan 5 WDG. Do not handle the packets with wet gloves or allow the packets to become wet prior to addition to spray tank. Do not break open packets. Each packet contains 2 oz. (1/8 lb.) of TetraSan 5 WDG. If all packets are not used, close and reseal outer container to protect remaining packet(s).

SPRAY EQUIPMENT

Thoroughly clean spray equipment prior to mixing and applying TetraSan 5 WDG. Thoroughly rinse the spray tank, spray boom and all nozzles before adding TetraSan 5 WDG to the tank. Apply TetraSan 5 WDG using equipment such as compressed air sprayers, hydraulic sprayers, or ground boom sprayers.

PREPARATION OF SPRAY SOLUTION

To prepare spray solution, drop the unopened packet(s) of TetraSan 5 WDG into a spray tank containing at least one-half the total quantity of water required. Direct water at the floating packet(s) and continue to add water with the agitator running until the spray volume is reached. Do not add any liquid fertilizers, micronutrients or adjuvants to the spray solution until after the water soluble packets and their contents

have completely dissolved. Water soluble packet(s) should completely dissolve in approximately five minutes. Dissolution rate may be slowed by cold water, lack of agitation or water containing high concentrations of boron or sulfur. High concentration of boron or sulfur may result in spray screen or nozzle clogging due to the incomplete dissolution of the water soluble packet material. Continuous agitation is required to keep the product in suspension.

COMPATIBILITY

Before mixing TetraSan 5 WDG with other insecticide products, test mix small portions of products in a small quantity to ensure compatibility.

DIRECTIONS FOR USE ON ORNAMENTAL PLANTS

CROP	PESTS	DOSAGE	SPECIAL INSTRUCTIONS
<p>Ornamental Plants Including: Bedding Plants Flowering Plants Foliage Plants Ground Covers Non-Bearing Fruit Trees Non-Bearing Nut Trees Ornamentals Ornamental Trees Shrubs</p>	<p>Spider Mites Including: Citrus Red Mite European Red Mite Lewis Spider Mite Pacific Spider Mite Southern Red Mite Spruce Spider Mite Twospotted Spider Mite</p>	<p>8 to 16 oz./100 gals. 4 to 8 packets/100 gals. 16 to 32 oz./A (Each water soluble packet contains 2 oz. of TetraSan WDG.)</p>	<p>Mix with sufficient water and apply as a foliar spray to obtain uniform coverage.</p> <p>TetraSan 5 WDG kills mite eggs (ovicidal) and nymphs, but not adult mites. For best control, apply at first sign of infestation and before large numbers of adult mites are present. Make a second application if necessary, but no sooner than 14 days after the first application. Do not apply TetraSan 5 WDG more than two times per cropping season or within a six month period.</p> <p>TetraSan 5 WDG is transovarial, meaning that treated adult mites will not produce viable eggs.</p> <p>Use higher rates for moderate to heavy infestations, especially with dense plant canopies.</p> <p>If rapid control (<7 days) of adult mites is required, apply TetraSan 5 WDG in combination with a contact adulticide.</p>
<p>NOTE: Since ornamental varieties are numerous, constantly changing, and may react differently to TetraSan 5 WDG and tank mixtures, test the product(s) on a small scale before making large-scale applications. TetraSan 5 WDG is not intended for indoor or outdoor residential uses.</p>			

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STORAGE AND DISPOSAL

PROHIBITIONS

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

STORAGE

Keep pesticide in original container.

Store in a cool, dry, secure place.

Do not put formulation or dilute spray solution into food or drink containers.

Do not contaminate food or foodstuffs.

Do not store or transport near feed or food.

Not for use or storage in or around the home.

For help with any spill, leak, fire or exposure involving this material, call day or night (800) 892-0099.

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at any approved waste disposal facility.

CONTAINER DISPOSAL

Do not reuse outer bag. Dispose of the outer bag in a sanitary landfill, or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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Manufactured for:

Valent U. S. A. Corporation

P.O. Box 8025

Walnut Creek, CA 94596-8025

www.valentpro.com

Made in U.S.A.

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