

59639-168

8/25/2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 25 2010

Name Ms. Linda Obrestad
Regulatory Analyst

Company Valent USA Corporation
Address 1600 Riviera Avenue, Suite 200
Walnut Creek, CA 94596-8025

Subject: Notification: Minor label additions/corrections
Updated container disposal statement per PR Notice 2007-4
Dinotefuran Insecticide Concentrate DT
EPA Registration Number 59639-168
Your submission pin punched June 7, 2010

Dear Ms. Hodge:

The Agency is in receipt of your Application dated June 4, 2010 for Pesticide Notification under Pesticide Registration Notice (PRN) 95-2 for the product Dinotefuran Insecticide Concentrate DT. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-308-8291.

Sincerely,
Rita Kumar
Rita Kumar
Senior Regulatory Specialist
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs
E-mail: kumar.rita@epa.gov



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 59639-168	2. EPA Product Manager Rita Kumar	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Dinotefuran Insecticide Concentrate DT	PM# 001	
5. Name and Address of Applicant (Include ZIP Code) Valent U.S.A. Company 1600 Riviera Ave., Suite 200 Walnut Creek, CA 94596-8025 <input type="checkbox"/> Check if this is a new address	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 _____	

NOTIFICATION
AUG 25 2010

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

NOTIFICATION: Updated the Storage and Disposal according to 2007-4, Deleted Fertilizer in Guaranteed Analysis, Updated claim with additional pests and product information.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes <input 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		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input checked="" type="checkbox"/> On Labeling	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Linda Obrestad	Title Regulatory Analyst	Telephone No: (Include Area Code) 925-256-2791
2. Signature <i>Linda Obrestad</i>		6. Date Application Received (Stamped)
3. Title Regulatory Analyst		
4. Typed Name Linda Obrestad		
5. Date June 4, 2010		

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.

3/10



June 4, 2010

**Dinotefuran Insecticide Concentrate DT
EPA Reg. No. 59639-168
NOTIFICATION**

NOTIFICATION

AUG 25 2010

AUG 25 2010

Ms. Rita Kumar
Insecticide-Rodenticide Branch
Document Processing Deck (NOTIF)
Office of Pesticide Programs
U.S. Environmental Protection Agency (7505P)
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Dear Ms. Kumar:

Valent U.S.A. Company would like to respectfully submit this notification to update our product label for Dinotefuran Insecticide Concentrate DT (EPA Reg. No. 59639-168). The following changes have been made to this product label according to PR-Notice 98-10:

- Updated the Container Disposal according to PR-Notice 2007-4
- Deleted Fertilizer in Guaranteed Analysis
- Updated claim with additional pests
- Updated Product Information

I have enclosed the following documents to support this Notification submission:

- Pesticide application (Form 8570-1)
- Certification Statements consistent with the provisions of PR-Notice 98-10 and PR-Notice 2007-4
- One (1) copy of the proposed label
- One (1) copy of the proposed label with redline additions/strike through

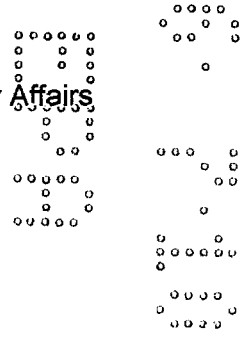
If you should have any questions please contact me at (925) 256-2791 or email: linda.obrestad@valent.com or Ms. Julie Schlekau at (202) 872-0955 or email: julie.schlekau@valet.com .

Sincerely,

Linda Obrestad

Linda Obrestad
Regulatory Analyst
Registration and Regulatory Affairs

Enclosures



2/10



NOTIFICATION

AUG 25 2010

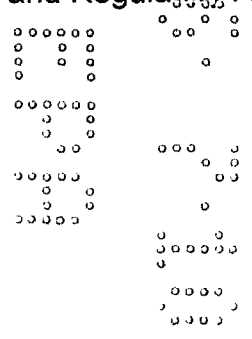
June 4, 2010

**Dinotefuran Insecticide Concentrate DT
EPA Reg. No. 59639-168
NOTIFICATION**

CERTIFICATION STATEMENT – PR-Notice 98-10

This notification is consistent with the provisions of PR-Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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.

Linda Obrestad
Linda Obrestad
Regulatory Analyst
Registration and Regulatory Affairs



5/10



NOTIFICATION

AUG 25 2010

June 4, 2010

**Dinotefuran Insecticide Concentrate DT
EPA Reg. No. 59639-168
NOTIFICATION**

**Certification Statement
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.

Linda Obrestad
Linda Obrestad
Regulatory Analyst
Registration and Regulatory Affairs

6/10



NOTIFICATION

AUG 25 2010

NOTIFICATION

Dinotefuran Insecticide Concentrate DT

For Outdoor Home Use Only

ACTIVE INGREDIENT:

Dinotefuran, (N-methyl-N'-nitro-N''-((tetrahydro-3-furanyl)methyl)guanidine)..... 0.43%

OTHER INGREDIENTS 99.57%

Total 100.00%

GUARANTEED ANALYSIS	
Total Nitrogen (N).....	X.X%
X.X% Nitrate Nitrogen	
X.X% Water Soluble Nitrogen	
X.X% Water Insoluble Nitrogen	
Available Phosphate (P ₂ O ₅).....	X.X%
Soluble Potash (K ₂ O)	X.X%

When applied as directed this product meets the guidelines for metals adopted by the American Plant Food Control Officials.

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.aapfco.org/metals.htm>

KEEP OUT OF REACH OF CHILDREN

CAUTION

EPA Reg. No. 59639-168

EPA Est. No.

See side or back panel booklet for additional precautionary statements.

Manufactured for Valent U.S.A. Corporation, P. O. Box 8025, Walnut Creek, CA 94596-8025, www.valent.com (800) 89-VALENT (897-2536)

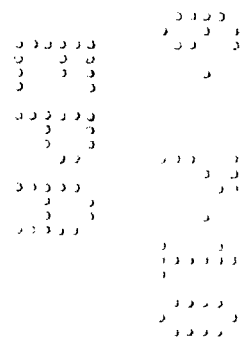
NET CONTENTS

32 fl oz (1 qt)

64 fl oz (0.5 gal)

{Optional front panel text}

- Feeds for up to 3 months
- Feeds and protects in one easy application
- Protects trees and shrubs from sucking and chewing insects as listed
- Feeds and protects [in one easy application]
- Helps keep trees and shrubs strong [and protects new growth]
- Controls insects that damage trees and shrubs
- Treats up to X [average size] trees or Y shrubs (depending on product container size)
- Systemic insecticide is absorbed through the roots
- Systemic insecticide – Protects from the inside – Out
- Prevents insects from damaging trees and shrubs
- Will not harm trees or shrubs
- For use on all ornamental trees and shrubs
- Easy to use – just mix with water and pour around the plant
- Rainproof [rainfast] protection
- Rainproof – won't wash away
- Not affected by rain or moisture
- Effective even after it rains
- Protects from [Aphids], [Japanese Beetles], [Beetles], [Borers], [Leafminers], [Scale], [Whitefly] and other insects listed
- Dual action formula – Feeds and Protects
- Two [Benefits] [Products] in One – Feeds and Protects
- Promotes Beautiful [Healthy] Trees [shrubs][plants]
- Promotes strong roots
- Feeds Ornamental Trees and Shrubs [for up to 3 months]
- No spraying –pour at the base of the plant
- One application – Two key benefits [Feeding + Insect Control]
- Protects and feeds in one easy application
- Inside-out [Protection] Technology
- No spraying required
- Water-based



**Open Resealable Label for
Directions & Precautions**

{PEEL HERE}
{PRESS TO RESEAL}

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read and follow all label directions.

PRODUCT INFORMATION

HOW IT WORKS

Kills sucking and chewing insects on ornamental trees and shrubs. Feeds trees and shrubs for up to three months.

PESTS CONTROLLED

Aphids, Adelgids, Black Vine Weevil (larvae), Roundheaded Borers (including Eucalyptus Longheaded Borers) , Japanese Beetle (adults), Lacebugs, Leaf Beetles (including Elm Leaf Beetles and Viburnum Leaf Beetles), Leafhoppers (suppression only), Leafminers (including Birch Leafminers), Mealybugs, Pine Tip Moth (larvae), Psyllids, Sawfly (larvae), Scale insects, Thrips and Whiteflies.

WHERE TO USE

Outdoors on [newly planted and] established ornamental trees and shrubs

WHEN TO USE

- To prevent against insect pests apply in May through early August.
- To treat insect pests apply in mid-August through late September.

HOW TO USE

- To treat **established or newly planted ornamental trees** measure the distance around the trunk. For each inch measured mix 3 fl oz of product in one gallon of water. For example, if the tree trunk circumference is 3 inches mix 9 fl oz of product in 1 gallon of water. To treat **established or newly planted ornamental shrubs** mix 9 fl oz in one gallon of water for each foot of shrub height.
- Slowly pour the solution around the base of the ornamental tree or shrub keeping as close to the trunk as possible. Allow time while pouring for the liquid to soak into the ground.
- Rinse the bucket or watering can with an additional gallon of water and pour around the tree trunk or shrub.
- Do not allow product to run off to surrounding areas as this will reduce product performance.

10/9

USE PRECAUTIONS

- Do not apply to areas next to rivers, lakes streams or ponds.
- Do not apply to waterlogged or frozen soils
- Do not apply to fruit or nut trees where produce is to be eaten
- Do not apply more than once per year to a treated tree or shrub
- Do not use food utensils such as teaspoons and measuring cups for food purposes after use with this product.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container in a cool dry place, out of reach of children, preferably a locked storage cabinet.

Pesticide Disposal and Container Handling: Nonrefillable container. Do not reuse or refill this container. **If empty:** Place in trash or offer for recycling, if available. **If Partly Filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating drinking, chewing gum or using tobacco.

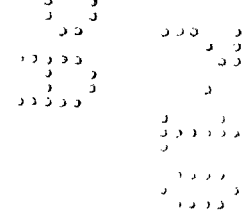
FIRST AID

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 treatment advice.

PRODUCT INFORMATION: Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment. You may also contact (XXX) XXX – XXXX for general information and/or medical information.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to shrimp. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.



**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 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, and injury caused by drift. Such risks of 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, 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. 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 TO THE FULLEST EXTENT ALLOWED BY LAW, 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 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. To the extent consistent with applicable law AND 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

To the fullest extent allowed by law, Valent or Seller is not 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, increased care, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. TO THE FULLEST EXTENT ALLOWED BY LAW, 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 with prompt notice of any claim so that an immediate inspection of the affected property or plants can be made. To the extent applicable law allows such requirement, notice of a claim shall be given promptly to Valent, whether the claim is based on contract, negligence, strict liability, or other tort or otherwise be barred from 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.

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