

59639-168

1/28/2014

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JAN 28 2014

Ms. Linda Obrestad
Valent USA Corporation
1600 Riviera Ave., Suite 200
Walnut Creek, CA 94596-8025

Dear Ms. Obrestad:

Subject: Label revision: add restriction for use on Tilia species, revise Environmental Hazards statement
Dinotefuran Insecticide Concentrate DT
EPA Registration Number 59639-168
Your submissions dated 11/26/2013 and 1/14/2014
OPP Decision Number D486882

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

A stamped copy of the label is enclosed for your records. Submit two (2) copies of the final printed label before you release the product for shipment bearing the revised labeling. If you have any questions, contact Rita Kumar at (703) 308-8291 or kumar.rita@epa.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Meredith Laws".

Meredith Laws, Chief
Insecticide-Rodenticide Branch
Registration Division (7505P)
kumar.rita@epa.gov

Enclosure



ACCEPTED

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JAN 28 2014
Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:

EPA Reg. No: 59639-168

Dinotefuran Insecticide Concentrate DT

For Outdoor Home Use Only

[] indicates alternate language

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.

In Mississippi, this product is classified as a low analysis fertilizer.

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

[Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-sc.com>]

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)

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{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
<p>HOW IT WORKS Kills sucking and chewing insects on ornamental trees and shrubs. Feeds trees and shrubs for up to three months.</p>
<p>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.</p>
<p>WHERE TO USE Outdoors on [newly planted and] established ornamental trees and shrubs. Do not apply this product to linden, basswood or other <i>Tilia</i> species.</p>
<p>WHEN TO USE</p> <ul style="list-style-type: none"> • To prevent against insect pests apply in May through early August. • To treat insect pests apply in mid-August through late September.
<p>HOW TO USE</p> <ul style="list-style-type: none"> • 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.

RESTRICTIONS

- 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

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.

This pesticide is toxic to 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 dispose of equipment washwaters or rinsate into a natural drain or water body. Do not contaminate water when disposing of equipment washwaters or rinsate.

This compound is toxic to honey bees. The persistence of residues and potential residual toxicity of Dinotefuran in nectar and pollen suggest the possibility of chronic risk to honey bee larvae and the eventual instability of the hive.

This product is toxic to bees exposed to treatment for more than 38 hours following treatment. Do not apply this product to blooming, pollen-shedding or nectar-producing parts of plants during this time period, unless the application is made in response to a public health emergency declared by appropriate state and federal authorities.

Dinotefuran and its degradate, MNG have the properties and characteristics associated with chemicals detected in ground water. The high water solubility of dinotefuran, and its degradate, MNG, coupled with its very high mobility, and resistance to biodegradation indicates that this compound has a strong potential to leach to the subsurface under certain conditions as a result of label use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.

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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 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.

[NOTICE: To the extent consistent with applicable law, buyer assumes all risk of use, storage or handling of this product not in accordance with directions. GUARANTEE: If for any reason you, the consumer, are not satisfied with this product, mail us your original proof of purchase to obtain a full refund of your purchase price.]

059639-00168.20140115.Dinotefuran DT.AMEND

JAN 15 2014