

60063 -12

9/9/2010

1/11



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

SEP - 9 2010

Joseph W. Burley, Ph.D.  
Sipcam Agro USA, Inc.  
2520 Meridian Parkway, Suite 525  
Durham, NC 27715

SUBJECT: Application for Pesticide Notification (PRN) 98-10 and or 2001-5  
Request General Label Changes, Comply w/ State of California Regulations and  
Removal of Telephone Number for the Poison Control Center from Health and  
Safety Section  
EPA Reg. No. 60063-12  
Application Dated August 19, 2010

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 08/19/10 for the above product. 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 703-305-5335 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

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

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



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input checked="" type="checkbox"/>	Amendment
<input type="checkbox"/>	Other

OPP Identifier Number  
EXPEDITED

**Application for Pesticide - Section I**

1. Company/Product Number <b>60063-12</b>	2. EPA Product Manager <b>Waller (21)</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product Name <b>Eminent 125SL Fungicide</b>	PM# <b>21</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Sipcam Agro USA, Inc. 2520 Meridian Parkway, Suite 525 Durham, NC 27713</b> <input checked="" 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. <b>80289-8</b> Product Name <b>METTLE 125ME</b>	

**Section - II**

<input checked="" type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	<b>NOTIFICATION</b> <b>SEP 09 2010</b>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

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

Amendment to add chemigation language to minimize movement of Eminent 125SL Fungicide into the soil.

**Section - III**

<b>1. Material This Product Will Be Packaged In:</b>			
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" Unit Packaging wgt.      No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container <b>2.5, 15, 30, 260 gal, bulk</b>	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**

<b>1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)</b>		
Name <b>Joseph W. Burley</b>	Title <b>Regulatory Manager</b>	Telephone No. (Include Area Code) <b>(919) 226-1297</b>
<b>Certification</b> 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  <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>(Stamped)</b> </div>
2. Signature 	3. Title <b>Regulatory Manager</b>	
4. Typed Name <b>Joseph W. Burley</b>	5. Date <b>8/19/10</b>	



SipcamAdvan

# 439132 3/11

August 19, 2010

Mary Waller (PM-21)  
Registration Division, Fungicide Branch (AMEND)  
U.S. Environmental Protection Agency (7504P)  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

**Subject: Minor Amendment for Eminent® 125SL Fungicide - EPA Reg. No. 60063-12  
Addition of Chemigation Language  
Addition of CPDA Adjuvant Statement**

Dear Ms. Waller:

Enclosed please find the following documents in support of this amendment for our subject product:

- Application for Pesticide form
- ~~Five~~ <sup>Three</sup> copies of Draft labeling (one highlighted to identify changes)
- Copy of California DPR Ground Water Protection Program Evaluation Report
- Copy of letter from Mr. Donald Stubbs re: CPDA certified adjuvants
- Copy of your March 11, 2010 amendment approval letter (for reference purposes)
- Copy of email correspondence with Ms. Lisa Jones of your office

This amendment requests the addition of chemigation language designed to minimize movement of Eminent 125SL Fungicide to the soil. Compliance with this request, which originates from the California Department of Pesticide Registration, will allow removal of the "Conditional" status of this product registration in California.

This amendment also requests that Sipcam be allowed to retain the adjuvants statement in the second paragraph of the General Use Information section. This request follows the direction to remove this statement in your letter of March 11, 2010 (copy enclosed) and subsequent email correspondence (copy enclosed) with Ms. Lisa Jones of your office. In a letter dated January 25, 2006 Mr. Donald Stubbs, then Associate Director of Registration Division of EPA, acknowledged to CPDA that registrants were able to add the statement referencing the use of CPDA certified adjuvants by notification. This letter makes no reference to the requirement for supporting data.

Finally, other changes stipulated in your March 11, 2010 letter are also incorporated into the label. One other minor change has been made: the telephone number for the poison control center has been deleted from the Health and Safety section on page 1.

7/11



SipcamAdvan

Since no data is to be reviewed for this amendment we believe this to be a fast track amendment and no PRIA fee is, therefore, deemed necessary.

If you should have any questions regarding this amendment, please call me at 919-226-1297

Sincerely,

Joseph W. Burley Ph.D.  
Regulatory Manager

Handwritten marks consisting of several columns of small 'c' characters, possibly a signature or initials.

5/11



**SIPCAM AGRO USA, INC.**

**NOTIFICATION**

**SEP 09 2010**

**EMINENT® 125SL FUNGICIDE**

GROUP	3	FUNGICIDE
-------	---	-----------

**ACTIVE INGREDIENT:**

Tetraconazole {1-[2-(2,4-dichlorophenyl)-3-(1,1,2,2-tetrafluoroethoxy) propyl]-1H-1,2,4-triazole} ..... 11.6%

**OTHER INGREDIENTS:** ..... 88.4%

**TOTAL** ..... 100.0%

Contains 1 lb. active ingredient (tetraconazole) per gallon.

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have affected person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
IF IN EYES	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
Emergency phone numbers	(800) 424-9300 CHEMTREC (transportation and spills) (800) 858-7378 NPIC (human and animal health)

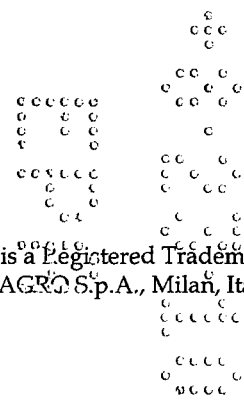
EPA Registration No. 60063-12

EPA Establishment No. \_\_\_\_\_

NET CONTENTS: \_\_\_\_\_

Manufactured for:  
**SIPCAM AGRO USA, INC.**  
2520 Meridian Parkway, Suite 525  
Durham, NC 27713

EMINENT® is a Registered Trademark  
of ISAGRO S.p.A., Milan, Italy.



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

Harmful if swallowed or absorbed through skin. 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, using tobacco or using the toilet.

**PERSONAL PROTECTIVE EQUIPMENT (PPE):**

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber  $\geq 14$  mils, nitrile rubber  $\geq 14$  mils, polyvinyl chloride (PVC)  $\geq 14$  mils, and viton  $\geq 14$  mils. If you want more options, follow the instructions for category C on an EPA chemical-resistance category selection chart.

**Applicators and other handlers must wear:**

- Long sleeved shirt and long pants
- Shoes plus socks
- Chemical-resistant gloves

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 may be toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift or runoff from treated areas may be hazardous to aquatic organisms adjacent to treatment areas. Exercise care when making applications of this product, and do not apply when atmospheric conditions favor drift or runoff. Do not contaminate water when disposing of equipment washwaters or rinsate.

In order to mitigate concern for reproductive effects to endangered bird and mammal species which may occur incidentally in sugarbeet growing areas, you are required to ascertain through the state Department of Agriculture, or Cooperative Extension Service, whether the treatment area may contain habitat of Federally listed bird and mammal species; if so, treatment must be avoided in these areas.

**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 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 instruction and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-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 12 hours. 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, wear:

- Coveralls
- Chemical-resistant gloves
- Shoes plus socks

**GENERAL USE INFORMATION:**

Apply EMINENT 125SL in water carrier by spraying onto crop surfaces that are intended to be protected from disease. To obtain adequate coverage of typical agricultural crops, total spray volume usually will range from 20 to 150 gallons per acre (200 to 1400 liters per hectare) for dilute sprays, and 5 to 10 gallons per acre (50 to 100 liters per hectare) for concentrate ground sprays and aircraft applications. Both ground and aircraft methods of application are recommended.

EMINENT 125SL should be added to the spray tank while filling with water. Keep the agitator running when filling spray tank and during spray operations. When tank mixing this product with other pesticides observe the more restrictive label limitations and precautions. Do not exceed any label dosage rates. This product cannot be mixed with any product containing a label prohibition against such mixing. Combination in the spray tank with other pesticides, fertilizers or surfactants is not recommended unless prior use has shown the combination to be physically compatible, effective and noninjurious under your conditions of use. When an adjuvant is to be used with this product, Sipcam Agro USA recommends the use of a Chemical Producers and Distributors Association (CPDA) certified adjuvant.

EMINENT 125SL contains a sterol demethylation inhibitor (sterol DMI) fungicide. For best results, apply this product in tank mix or in alternate applications with non-DMI fungicides as a resistance management strategy. Do not mix or alternate EMINENT 125SL with other DMI fungicides.

**AGRICULTURAL CROPS:**

Crop	Diseases Controlled	EMINENT 125SL Rate per Acre	Pre-harvest Interval	Application Directions
Sugarbeets	Cercospora leafspot, Powdery Mildew, Ramularia	13 fluid ounces	14 days	Apply EMINENT 125SL when conditions are favorable for Cercospora leafspot or powdery mildew. Do not make more than one (1) application of this product per growing season. Crops other than sugarbeet and small grains* must not be grown within 120 days following the last application of EMINENT 125SL. *Small grains can be planted 45 days following last application of this product.
Peanut	Early leafspot, Late leafspot, Web blotch, Rust	13 fluid ounces	14 days before digging	<p>Apply EMINENT 125SL at intervals of 14 days, beginning when conditions become favorable for disease, generally around 30 days after planting.</p> <p>Applications of EMINENT 125SL should be alternated with a non-triazole fungicide which is registered for use on peanuts. If the alternate fungicide is known to provide protection for up to 14 days, applications of this product should be no longer than 28 days apart.</p> <p>Do not make more than four (4) applications of EMINENT 125SL per growing season. Do not feed treated peanut hay to livestock.</p> <p>Crops other than peanuts must not be grown within 120 days following the last application of EMINENT 125SL.</p>



Crop	Diseases Controlled	EMINENT 125SL Rate per Acre	Pre-harvest Interval	Application Directions
Pecan	Scab, Downy spot, Leaf blotch (Mycosphaerella spp.), Vein spot and/or Leafspot (Gnomonia spp), Leaf scorch, Powdery mildew	16 fluid ounces	30 days	Apply EMINENT 125SL in adequate water to provide complete coverage. Spray volumes of at least 100 gallons per acre should be used for ground applications and at least 10 gallons per acre for aerial applications. Apply this product at intervals of 14 to 21 days, beginning when conditions are favorable for scab or other foliage and nut hull diseases. Applications of EMINENT 125SL may be alternated or tank mixed with a non-triazole fungicide which is registered for use on pecans. Do not make more than four applications of this product per growing season.

**GENERAL CHEMIGATION INSTRUCTIONS:**

Apply this product only through one or more of the following types of systems: sprinkler including center pivot, lateral move, end tow, side (wheel) roll, traveler, big gun, solid set or hand move irrigation system. Do not apply this product through any other type of irrigation system. Crop injury, lack of effectiveness or illegal pesticide residues in the crop can result from non-uniform distribution of treated water.

For specific information about calibration, contact State Extension Service specialists, equipment manufacturers, or other irrigation experts.

Do not connect an irrigation system used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place.

A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

**Prevent the movement of Eminent 125 SL Fungicide into the soil:**

- Minimize pesticide contact with the soil surface by chemigating above the crop canopy.
- Stop chemigation when pesticide mixture is observed running off crop surfaces or after 0.25 inches of water has been applied, whichever occurs first.
- Allow for sufficient time after chemigation for crop surfaces to dry prior to expected rainfall or to irrigation applied above the crop canopy.

**Sprinkler Chemigation:**

The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.

The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to

prevent the flow of fluid back toward the injection pump.

The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.

The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.

The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected.

Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Do not apply when wind speed favors drift beyond the area intended for treatment.

When mixing, fill nurse tank half full with water. Add EMINENT 125SL slowly to tank while hydraulic or mechanical agitation is operating and continue filling with water. Stickers, spreaders, etc., should be added last. If compatibility is in question, use the compatibility jar test before mixing a whole tank.

Because of the wide variety of possible combinations which can be encountered, observe all cautions and limitations on the label of all products used in mixtures.

EMINENT 125SL should be added through a traveling irrigation system continuously or at the last 30 minutes of solid set or hand moved irrigation systems. Agitation is recommended.

#### STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in original container in a dry, temperature-controlled, secure place.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on-site or at an approved waste disposal facility.

**CONTAINER DISPOSAL:** For 2.5 gal jugs: Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. 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 ¼ 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. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

For 15 gal. and 30 gal. containers: Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follow: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ 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. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

11/11

**FOR BULK AND MINI-BULK CONTAINERS [4000 gal. tanker truck and 260 gal. totes]**

**Container Disposal:** 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 mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

When the container is empty, replace the cap and seal all openings that have been opened during use; and return to the point of purchase, or to a designated location named at the time of purchase of this product. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn-out threads and closure devices. Check for leaks after refilling and before transporting. Do not transport if this container is damaged or leaking. If the container is damaged or leaking, call Chem-Trec. If the container is damaged and leaking or material has been spilled, follow these procedures:

- Cover spill with absorbent material.
- Sweep into disposal container.
- Wash area with detergent and water and follow with clean water rinse.
- Do not allow to contaminate water supplies.
- Dispose of according to instructions.

If not returned to the point of purchase or to a designated location, clean empty container as instructed above and offer for recycling. Disposal of this container must be in compliance with state and local regulations.

**THIS CONTAINER IS NOT SAFE FOR FOOD, FEED OR DRINKING WATER.**

**WARRANTY AND LIMITATION OF DAMAGES**

Conditions of sale: To the extent consistent with applicable law, Sipcam Agro USA, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in accordance with the directions under normal conditions of use. This warranty does not extend to the use of this product contrary to label instructions, or under conditions not reasonably foreseeable to Sipcam Agro USA, Inc. SIPCAM AGRO USA, INC. DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED. To the extent consistent with applicable law, SIPCAM AGRO USA, INC. SHALL NOT BE LIABLE FOR CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, AND SIPCAM AGRO USA, INC.'S SOLE LIABILITY AND BUYER'S AND USER'S EXCLUSIVE REMEDY SHALL BE LIMITED TO THE REFUND OF THE PURCHASE PRICE. BUYER AND USER ACKNOWLEDGE AND ASSUME ALL RISKS AND LIABILITY RESULTING FROM HANDLING, STORAGE AND USE OF THIS PRODUCT. SIPCAM AGRO USA, INC. DOES NOT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE ANY OTHER WARRANTY, GUARANTEE OR REPRESENTATION CONCERNING THIS PRODUCT.