

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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Tessenderlo Kerley, Inc. c/o Mr. Ross Gilbert Pyxis Regulatory Consulting, Inc. 4110 136<sup>th</sup> St. NW

MAY 2 5 2011

Product Name:

Metam Fluid Manufacturer's Concentrate

EPA Reg. No:

61842-4

Subject:

Label Notification dated March 9, 2011: Pesticide Registration

Notice 2007-4

**EPA Decision Number:** 

Gig Harbor, WA 98332

447742

Dear Mr. Gilbert:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4.

The label submitted with the application has been stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140 (a) (4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions regarding this correspondence, contact Tracy Keigwin of my staff by phone at 703-305-6605 or via email at <a href="mailto:keigwin.tracy@epa.gov">keigwin.tracy@epa.gov</a>.

Sincerely,

Product Manager (20)

Fungicide Branch

Registration Division (7505P)

Hease read instructions	on reverse before	comating	form

į				
Form Approve.	_OMB No.	2070-0060.	Approval expires	2-28-95

	Registration
	Amendmen
✓	Other

O EDA		ited States	_				Registr		OPP Identifier Number
Environmental Protection Agency Washington, DC 20460			Amend	ment					
		- · · ·	-,			<u> </u>	Other		
Application for Pesticide - Section I									
1. Company/Product Number 61842-4				2. EPA Pr	oduct Man	ager		3. P	roposed Classification  Restricted
4. Company/Product (Name) Tessenderlo Kerley Inc./Meta	m Fluid Manufacturers C	Concentrate		PM#	PM	121			
5. Name and Address of App Tessenderlo Kerley, Inc. 2255 North 44th Street, 3 Phoenix, AZ 85008-327	Suite 300	le)		(b)(i), my to:		s sim	ilar or iden		n FIFRA Section 3(c)(3) omposition and labeling
Check if this	is a new eddress			Product	Name _				
			Sect	ion - II					
Amendment - Explain Resubmission in resp  Notification - Explain	onse to Agency letter d	leted		- 🗒 🖰	inal printed Agency lett Me Too" A Other - Expl	er date applica	ition.	se to	
Explanation: Use addition Notification of label change per regulations at 40 CFR 156.10, Formula for this product. I undamended label is not consisten and I may be subject to enforce	PR Notice 2007-4. This 156.140, 156.144, 156.1 erstand that it is a violation t with the requirements of	notification is 46, and 156.19 on of 18 U.S.C of 40 CFR 156.	consistent 56. No oth 5. Sec. 100 .10, 156.14 ons 12 and	with the guer changes 1 to willfully 0, 156.144 14 of FIFR	have been make any , 156.146, a	made false s	to the labeli tatement to	ng or the C EPA. I furt	Confidential Statement of the understand that if the
			Secti	on - III		· · · · · ·			
1. Material This Product Will			<del></del>				ı		
Child-Resistant Packaging  Yes  ✓ No				No.			Metal Plastic Glass	,	
* Certification must be submitted	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package	es" No. per Paper Other (Specify)				Specify)	
3. Location of Net Contents Information  4. Size(s) Retail Container  5. Location of Label Directions  On Label On Labeling accompanying product									
6. Manner in Which Label is	Affixed to Product	Lithogr Paper of Stencil	aph glued ed		Other				CCCC
			Section	on - IV					(
1. Contact Point (Complete	items directly below for	identificetion	of individ	lual to be d	ontacted, i	if nece	essary, to p	rocess this	s application.)
Name Ross Gilbert		1	Title Agent					ļ <b>.</b>	ne No. (Include Area Code)
I certify that the stater I acknowledge that any both under applicable I	knowlinglly false or m		all attachm						6. Date Application Received (Stamped)
2. Signature	ther	3	3. Title Agent		-				
4. Typed Name Ross Gilbert		5	5. Date	3/9/	12011				

## PYXIS REGULATORY CONSULTING, INC.

4110 136<sup>th</sup> St. NW Gig Harbor, WA 98332

Phone: 253-853-7369 Fax: 253-853-5516 www.PyxisRC.com

March 9, 2011

#### **COURIER DELIVERY**

Mary Waller (PM 21)
Document Processing Desk (**NOTIF**)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

Dear Ms. Waller,

RE: Tessenderlo Kerley, Inc. – Metam Fluid Manufacturers Concentrate (EPA Reg. No. 61842-4) Revision to Container Disposal Instructions per PRN 2007-4

On behalf of Tessenderlo Kerley, Inc., please find the enclosed label notification revising the container disposal instructions per PRN 2007-4 for Metam Fluid Manufacturers Concentrate (EPA Reg. No. 61842-4).

In support of this notification submission, we submit the following documents:

- 1. Completed Application for Registration (EPA Form 8570-1)
- 2. One (1) copy of the Metam Fluid Manufacturers Concentrate labeling with changes tracked
- 3. One (1) copy of the Metam Fluid Manufacturers Concentrate labeling with changes incorporated
- 4. A CD containing an electronic version of the proposed labeling
- 5. Certification with Respect to Label Integrity
- 6. Letter of Authorization

Please feel free to contact me by phone (253) 853-7369 or by email at Ross@PyxisRC.com if you have any questions or need any additional information.

Sincerely,

Ross Gilbert

Enclosures

cc: B. Thomassen, Tessenderlo Kerley, Inc.

4/7

# METAM FLUID MANUFACTURER'S CONCENTRATE

Tessenderlo Kerley, Inc. 2255 North 44th Street, Suite 300 Phoenix, Arizona 85008-3279 1-888-732-8246

NOTIFICATION
MAY 2 5 2011

FOR THE FORMULATION OF END-USE PRODUCTS **ACTIVE INGREDIENT:** 

Sodium methyldithiocarbamate

 (anhydrous)
 42.2%

 INERT INGREDIENTS
 .57.8%

 TOTAL
 100.0%

Contains 4.22 lbs. active ingredient per gallon

EPA Reg. No. 61842-4

EPA Est. No. 61842-ID-001

KEEP OUT OF REACH OF CHILDREN

### **DANGER – PELIGRO**

## READ LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL WARNINGS AND DIRECTIONS.

PRECAUTION AL USUARIO: 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.)

#### STATEMENT OF PRACTICAL TREATMENT

If On Skin: Immediately flush skin with large amounts of running water for at least 15 minutes while removing contaminated clothing and shoes. Get medical attention immediately.

If In Eyes: Immediately flush eyes with large amounts of running water for at least 15 minutes. Hold eyelids apart to ensure rinsing of the entire surface of the eye and lids with water. Get medical attention immediately. If Inhaled: Remove victim to fresh air and get medical treatment.

**If Swallowed:** Call a physician or Poison Control Center. Drink one or two glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

6750

**NET CONTENTS:** 

# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER

Corrosive, causes skin irritation. May be fatal if absorbed through the skin. Causes moderate eye irritation. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. Wash thoroughly with plenty of soap and water after handling and before eating, drinking or using tobacco. Remove contaminated clothing and wash before reuse.

#### **ENVIRONMENTAL HAZARDS**

This product is toxic to fish. Do not discharge effluent containing the product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

#### STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. **STORAGE:** Store in a cool, dry place. Keep container closed when not in use. DO NOT STORE BELOW 0° F. Product crystallizes at lower temperature. Warm or store at higher temperatures and mix to redissolve crystals and assure uniformity before use.

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: [NON-REFILLABLE CONTAINERS -PLASTIC] 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 mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip the 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, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONTAINER DISPOSAL: [NON-REFILLABLE CONTAINERS – STAINLESS STEEL] Nonrefillable container. Do Not reuse er refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip the 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 reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

## CONTAINER DISPOSAL: [REFILLABLE CONTAINERS - PLASTIC]

Refillable container. Refill this container with Metam Fluid Manufacturer's Concentrate 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. For final disposal, offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

## CONTAINER DISPOSAL: [REFILLABLE CONTAINERS – STAINLESS STEEL]

Refillable container. Refill this container with Metam Fluid Manufacturer's Concentrate 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. For final disposal, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

#### **DIRECTIONS FOR USE**

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

#### **MANUFACTURING USE**

Dilute this product with water or a miscible solvent system to the concentration of active ingredient specified on the label of currently registered end-use products containing, metam sodium, such as the following types of products:

• Fumigant solutions for the suppression of weeds, fungi and nematodes in soil of ornamental, food and fiber crops.

Each formulator is responsible for obtaining and maintaining EPA registration for their formulated product(s). Labeling for products formulated for applications around homes and other structures which people inhabit or otherwise occupy must include appropriate wording for "Restricted Use Pesticides" and will include small-area applications such as, non-field application (including greenhouse) to seed bed, plant beds, lawns and other limited areas.

## CONDITIONS OF SALE – LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES

The directions on this label are believed to be reliable and should be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions, the failure to follow the label directions, or good application practices, all of which are beyond the control of Tessenderlo Kerley, Inc., or seller, In addition, failure to follow label directions may cause injury to crops. animals, man or the environment. Tessenderlo Kerley, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use, subject to the factors noted above which are beyond the control of Tessenderlo Kerley, Inc. Tessenderlo Kerley, Inc. makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose. The exclusive remedy against Tessenderlo Kerley, Inc. for any cause of action relating to the handling or use of this product is a claim of damage, and in no event shall damages or any other recovery of any kind against Tessenderlo Kerley, Inc. exceed the price of the product which causes the alleged loss, damage, injury, or other claim. Tessenderlo Kerley, Inc. shall not be liable and any and all claims against Tessenderlo Kerley, Inc. are waived, for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income, whether or not based on the negligence of Tessenderlo Kerley, Inc. breach of warranty, strict liability in tort, or any other cause of action. Tessenderlo Kerley, Inc. and the seller offer this product, and the buyer and users accept it, subject to the foregoing conditions of sale and limitations of warranty. liability and remedies.

EPA 20110309

