

62719-292

09/23/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Dr. Kenneth Racke
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

SEP 23 2009

Subject: Success, EPA Reg. No. 62719-292 Supplemental Labels for tree nuts and pistachios

Date of Registrant Submission: September 23, 2008

Decisions: 400722

Dear Dr. Racke:

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

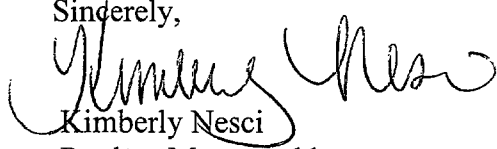
In addition, in order to be in accordance with PR Notice 87-1, the following changes to the chemigation directions are required:

1. As some but not all crops on this label are to be chemigated, under the General Directions for Chemigation include a list of the only crops that may be treated by irrigation.
2. Under the Precautions section change the 4th bullet to read, "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."
3. As bullet number 3 under the Precautions section reads, "Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place," the following additional language is required on the label:
 - "Public water system means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regular serves an average of at least 25 individuals daily at least 60 days out of the year."
 - "Chemigation systems connected to public water systems must contain a functional, reduced-pressure zone, back flow preventer (RPZ) or the functional equivalent in the water supply line upstream from the point of pesticide introduction. As an option to the RPZ, the water from the public water system should be discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the flow outlet end of the fill pipe and the top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe."

- "The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection."
 - "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, or in cases where there is no water pump, 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."
4. Under the Specific Equipment Requirements section add the following statements verbatim:
- "The pesticide injection pipeline must also 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." [replaces current 3rd bullet]
 - "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."

At your next label printing, or within eighteen (18) months, whichever comes first, you must incorporate the supplemental labeling and above chemigation directions into the main product labeling. Stamped copies of the supplemental label are enclosed for your records.

Two (2) copies of the finished labeling must be submitted prior to releasing each product for shipment. If you have any questions regarding this letter, please contact Samantha Hulkower at (703) 603-0683.

Sincerely,

 Kimberly Nesci
 Product Manager 11
 Insecticide Branch
 Registration Division (7505P)

Enclosures: Copy of Labels Stamped "Accepted"

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Supplemental Labeling



Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268-1054 USA

Success[®]

EPA Reg. No. 62719-292

Foliar Insect Control in Tree Nuts and Pistachios

ATTENTION

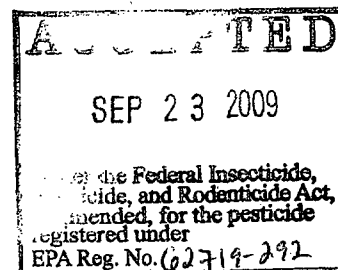
- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This labeling must be in the possession of the user at the time of application.
- Read the label affixed to the container for Success[®] Naturalyte[®] insect control before applying. Carefully follow all precautionary statements and applicable use directions.
- Use of Success according to this supplemental labeling is subject to all use precautions and limitations imposed by the label affixed to the container for Success.

Directions for Use

Refer to product label for Success for General Use Precautions, Mixing, and Application information.

Pests and Application Rates:

Crops	Pests	Success	
		(fl oz/acre)	Dilute Spray (fl oz/100 gal)
almond	codling moth	4 - 10	1 - 2.5
cashew	fall webworm		
chestnut	filbert worm		
filbert (hazelnut)	hickory shuckworm		
macadamia nut	light brown apple moth		
pecan	navel orange worm		
pistachios	oblique banded leafroller		
walnut	peach twig borer		
	pecan nut casebearer		
	redhumped caterpillar		
	walnut caterpillar		
	walnut husk fly		



Specific Use Directions:

Application Timing: Apply Success as either a dormant or a foliar spray when pests appear or in accordance with local conditions. Apply as a concentrate or dilute spray using conventional, power operated spray equipment (see Orchard Spraying section under Application). Consult your Dow AgroSciences representative, extension service specialist, certified crop advisor or your state agricultural experiment station for any additional local use recommendations for your area.

Use of Crop Oils: Crop oils labeled for agricultural use may be added to the dormant spray solution for suppression of overwintering mites and scale insects. Consult specific oil labels and University of California recommendations for precautions and restrictions regarding the use of oils in nut and fruit trees.

Application Rate: The rate per acre of Success will depend upon tree size and volume of foliage present and pest pressure. Choose a higher rate for large trees or heavy infestations.

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Spray Volume: Dilute sprays are sprayed to the point of runoff. The application rate range in the table is based on a spray volume of 400 gallons per acre. Gallonage of dilute sprays will vary depending on tree size, density of canopy, stage of seasonal growth, and spacing in the orchard.

Resistance Management: Do not make more than 3 consecutive applications of Group 5 insecticides (spinetoram and spinosad) within a crop season. If additional treatments are required after 3 consecutive applications of Group 5 insecticides, rotate to another class of effective insecticides for at least one application. Consult your local Dow AgroSciences representative, extension specialist, certified crop advisor, or state agricultural experiment station for information on alternative effective products to use in your area. Do not apply more than 3 sprays targeted at leafrollers per season.

Restrictions:

- **Preharvest Interval:** Do not apply within 1 day of harvest of all tree nuts and pistachios. **Note:** The 1-day PHI for all tree nuts and pistachios supercedes the previous PHI of 14 days.
- **Minimum Treatment Interval:** Do not make applications less than 7 days apart.
- Do not apply more than a total of 29 fl oz of Success (0.45 lb ai spinosad) per acre per crop.

Note: This product is toxic to bees exposed to treatment for 3 hours following treatment and toxic to aquatic invertebrates. Refer to the Environmental Hazards section of the product label attached to the product container for required protective measures.

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EPA approved: ___/___/___

Initial printing.