

66222-53

03-05-2012

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MAR 05 2012

Ms. Jennifer Yentel
Makhteshim Agan of North America, Inc.
4515 Falls of Neuse Rd., Suite 300
Raleigh, NC 27609

Subject: Revised Label Language from Homeowner to Residential Use

Dear Ms. Yentel:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated February 13, 2012 for:

EPA Registration 66222-53

Clofentezine SC

The Registration Division (RD) has conducted a review of this request of applicability under PRN 98-10 and finds that the label changes(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, call me at 703 305-5409 or electronically at daniel.dani@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Dani Daniel".

Dani Daniel
Registration Division (7504P)
Insecticide/Rodenticide Branch

NOTIFICATION

Form Approved

OMB No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

MAR 15 2012

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 66222-53	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Clofentezine SC	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Makhteshim Agan of North America, Inc. 4515 Falls of Neuse Rd., Suite 300 Raleigh, NC 27609 <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 _____	

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 of Revised Labeling per PRN 98-10. We are replacing the word "homeowner" with "residential" on page 1 of the product labeling. 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 false statements 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.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	
				<input 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" Package wgt	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input 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 Jennifer Yentel		Title Regulatory Specialist		Telephone No. (Include Area Code) 919-256-9315	
Certification 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 (Stamped)
2. Signature 		3. Title Regulatory Specialist			
4. Typed Name Jennifer Yentel		5. Date 02-13-2012			



February 13, 2012

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

Attn: Richard Gebken, Product Manager 10, Insecticide Branch, Registration Division
Phone: 703-305-6701

Re: Clofentezine SC (EPA Reg. No. 66222-53)
Notification of Label Revision as allowed by PRN 98-10

Dear Mr. Gebken,

Makhteshim Agan of North America, Inc. is notifying the Agency of revised labeling language for Clofentezine SC (EPA Reg. No. 66222-53). We are replacing the statement "Not for Homeowner Use" with "Not for Residential Use" on page 1 of the product label. We are making this change to the product label at the request of a subregistrant who was recently denied registration of their product (Ovation SC (EPA Reg. No. 66222-53-58185)) in the state of North Dakota because the label contained unenforceable restrictions.

The State's interpretation of the word "homeowner" implies that the product can be used by persons renting a home or an apartment and that it would be impossible for a state regulator to determine the person's status as a homeowner during use of this product. The State will however accept the term "residential use" as a regulatory term and will permit us to rephrase the statement to read: "Not for Residential Use".

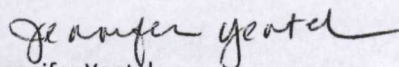
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make false statements 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.

In support of this submission, the following documents are attached:

- Application for Pesticide Registration (EPA Form 8570-1)
- One annotated copy of the revised product labeling
- One copy of the finalized product labeling

Should you have any questions about this application, please contact me at 919-256-9315 or e-mail at jyentel@manainc.com.

Sincerely,


Jennifer Yentel
Regulatory Specialist
Enclosures

4515 Falls of Neuse Road, Suite 300, Raleigh, NC 27609
T: 919.256.9300 ♦ F: 919.256.9308

MAR 05 2012

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Clofentezine SC

OVICIDE/MITICIDE

A Suspension Concentrate (SC) for Mite Management on Commercial Ornamental Plants in Greenhouses, Saran and Shade Houses, Outdoor Containers, and Field-Grown Nursery Stock.
Not for Residential Use. Not for Homeowner Use.

ACTIVE INGREDIENT:

Clofentezine: 3,6-bis (2-chlorophenyl)-1,2,4,5-tetrazine*

% BY WT

42.0%

INERT INGREDIENTS:

58.0%

TOTAL 100.0%

*Contains 1 pound of active ingredient per quart.

KEEP OUT OF REACH OF CHILDREN

CAUTION

Manufactured for:
 Makhteshim Agan of North America, Inc.
 4515 Falls of Neuse Road, Suite 300
 Raleigh, NC 27609

EPA Reg. No. 66222-53

NET CONTENTS: ___ OUNCES

EPA Est. No.:

FIRST AID**IF ON SKIN OR CLOTHING:**

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for treatment advice.

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.

IF SWALLOWED:

- Call a poison control center or doctor immediately for treatment advice.
- Have person sip a glass of water if able to swallow.
- Do not induce vomiting unless told to by a poison control center or doctor.
- Do not give anything by mouth to an unconscious person.

IF INHALED:

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.
- Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact PROSAR at 1-877-250-9291 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. 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
- Chemical-resistant gloves, such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, poly-vinyl chloride (PVC), or Viton®
- Shoes plus socks

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.

ENGINEERING CONTROLS STATEMENT

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

ENVIRONMENTAL HAZARDS

For terrestrial uses, 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 within 100 feet of lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries, and commercial fish farm ponds. Do not apply when weather conditions favor drift from treated area. Do not allow spray to drift off of crop, especially when spraying outer rows. Always direct spray *into* the crop. Do not contaminate water when disposing of equipment washwaters.

IMPORTANT—Read the entire Directions for Use and Disclaimer of Warranties before using this product.

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 instructions 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.

PPE required 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, is:

- Coveralls
- Chemical-resistant gloves such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, poly-vinyl chloride (PVC), or Viton
- Shoes plus socks

GENERAL INFORMATION

Clofentezine SC Ovicide/Miticide is recommended for use on ornamental plants (including but not limited to conifers and nonbearing trees and vines, carnations, chrysanthemums, dieffenbachia, geraniums, impatiens, hydrangeas, potentillas, scheffleras, and roses) in greenhouses, saran and shade houses, outdoor container, and field grown nursery stock for management of plant-feeding mites.

Clofentezine SC is highly active on mite eggs and early mite stages. It has shown activity and persistence up to 45 days after application. Proper timing of application based on the utilization of scouting may delay or eliminate the need for subsequent applications of other miticides.

MIXING INSTRUCTIONS

Add the appropriate amount of Clofentezine SC to a partially filled spray tank under agitation. After adding Clofentezine SC, other tank mix components (adjuvants, fungicides, and insecticides), if required, may be added along with sufficient water to bring to the proper volume. Maintain agitation.

Adjuvant Addition:

Often addition of adjuvants (stickers, spreaders, spreader-stickers, dormant oils, etc.) will aid in the performance of plant protection products under certain conditions. Generally an adjuvant is not required with Clofentezine SC where adequate spray coverage is achieved. Should inadequate spreading of the Clofentezine SC spray occur, the addition of a spreader or spreader sticker may be considered. If addition is warranted, trial applications must be followed using the instructions in the section below, **NOTICE TO USERS**, as phytotoxicity can result from such additions.

When an adjuvant is to be used with this product, Makhteshim Agan of North America, Inc. suggests the use of a Chemical Producers and Distributors Association certified adjuvant.

Ph Stability/Compatibility with other products:

Clofentezine SC is extremely stable over a wide range of pH. It has proven to be physically and chemically stable in tank mixes with a wide range of other plant protection products. If tank mixing is planned, evaluate both the physical and chemical (phytotoxicity) compatibility on a selected group of plants prior to full scale use. See **NOTICE TO USERS** section below.

NOTICE TO USERS

Clofentezine SC has demonstrated excellent plant safety; however, all species and varieties of ornamental plants have not been tested. If a user wishes to make an application to an ornamental plant not listed on the label but found on a similar use site and for a pest that is listed on the label, it is suggested that a trial application be performed first. For a trial application, make 2 applications at a 7- day interval, 2 fl. oz. per 100 gal., to 25 or more test plants grown under conditions similar to those under which the plants will be grown full scale. Wait 7 days after last application for final observation for phytotoxicity.

Clofentezine SC is magenta in color and may leave a residue on light colored flowers or foliage.

APPLICATION RECOMMENDATIONS

Clofentezine SC Ovicide/Miticide is recommended at a concentration of 2 fl. oz. per 100 gal. when used in high volume sprays using hand-held equipment. For low and ultra-low volume applications, apply 4 to 8 fl. oz. per acre. Applications irrespective of delivery method should not exceed 8 fl. oz. per acre per application.

Spray applications should be directed in a manner to cover all plant surfaces, especially the undersides of leaves.

CHEMIGATION STATEMENT

Do not apply this product through any type of irrigation system.

Frequency:

Clofentezine SC application is recommended only once per each crop cycle in greenhouse and/or sun and shade house culture. For outdoor ornamentals, Clofentezine SC application is recommended once per each crop cycle occurring within a year.

Mites Controlled:

Two-spotted spider mite
Pacific spider mite
McDaniel spider mite

European red mite
Yellow spider mite

Control is achieved through direct spray contact or by mite contact with Clofentezine SC residue on the treated foliage.

Timing:

Clofentezine SC is most effective in mite management when applied at the first sign of mite activity and egg laying. At that time, the susceptible female mite, egg, and first stage mite largely or totally make up the population. If a high population of adult mites is present at the time of application, Clofentezine SC should be tank mixed with an adult miticide. Test any tank mix for physical compatibility and crop phytotoxicity before broad scale application.

RESISTANCE MANAGEMENT

Clofentezine SC Ovicide/Miticide is an excellent tool for growers to use in their mite resistance management program. Proper application timing of Clofentezine SC may delay or reduce the number of subsequent applications of other miticides, extending their effective life as mite management products.

IPM/COMPATIBILITY WITH BENEFICIAL MITES, PREDATORY INSECTS, ETC.

Clofentezine SC Ovicide/Miticide has proven to have limited to no effect on beneficial insects, particularly predatory mites.

Clofentezine SC Ovicide/Miticide can be effectively used in IPM programs employing beneficial insects.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container, tightly closed, in a safe 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:

Nonrefillable Container (five gallons or less): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container 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 or reconditioning; 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.

Nonrefillable Container (greater than five gallons): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: 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. Offer for recycling or reconditioning; 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.

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Refillable Container: Refillable container. Refill this container with clofentezine 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 24-HOUR EMERGENCY ASSISTANCE (SPILL, LEAK, OR FIRE), CALL INFOTRAC AT 1-800-535-5053.

LIMITATION OF WARRANTY AND LIABILITY

Read the entire directions for use, conditions of warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following **CONDITIONS, DISCLAIMER OF WARRANTIES and LIMITATIONS OF LIABILITY.**

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Makhteshim Agan of North America, Inc. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, Makhteshim Agan of North America, Inc. makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Makhteshim Agan of North America, Inc. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Makhteshim Agan of North America, Inc. disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at Makhteshim Agan of North America, Inc.'s election, the replacement of product.

Clofentezine SC (66222-53) (EPA app 11-19-02)(notif to EPA 08-06-08)(Notif to EPA 02-13-12)