

66222-65

9/11/2008

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

SEP 11 2008

Christie Hitchcock  
Registration Specialist  
Makhteshim Agan of North America, Inc.  
4515 Falls of Neuse Rd., Suite 300  
Raleigh, NC 27609

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 98-10  
Added Minor Label Revision  
Added Voluntary Marketing Statement  
Updated Warranty Statement  
Added Emergency Responder Phone Numbers

Dear Ms. Hitchcock:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 98-10 dated August 6, 2008 for:

**EPA Registration 66222-65**

**Apollo 42% Ovicide/Miticide**

The Registration Division (RD) has conducted a review of this request for applicability under 2007-4 and 98-10 and finds that the label change(s) requested falls within the scope of 2007-4 and 98-10. The label has been date-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, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs





August 6, 2008

Document Processing Desk (NOTIF)  
Registration Division (7504P)  
OPP, USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave, NW  
Washington DC 20460

Re: Apollo® 42% Ovicide/Miticide, EPA Reg. No. 66222-65  
Notification per PRN 98-10 and 2007-4

To Whom It May Concern:

We are notifying the Agency of several label updates as allowed in PR Notices 98-10 and 2007-4. The changes are summarized below:

- Added "Manufactured for" in front of the company name (allowed per PRN 98-10 §II(N)(2))
- Added a voluntary marketing statement about use of an adjuvant (allowed per PRN 98-10, §II(N)(3))
- Updated the Warranty Statement that is now consistent with EPA's guidance document dated 10-17-06) (allowed per PRN 98-10 §II(J))
- Added Emergency Responder phone numbers in First Aid and/or Storage & Disposal sections (allowed per PRN 2006-01 §II(E))
- Updated container disposal instructions per PRN 2007-4

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

- Application for Pesticide Registration (EPA Form 8570-1)
- One copy of final printed labeling

Please contact me at 919-256-9342 or by email at [chitchcock@manainc.com](mailto:chitchcock@manainc.com) if you have any questions regarding this submission or would like a copy of the annotated label showing the changes for your files.

Sincerely,

Christie Hitchcock  
Registration Specialist

Enclosures

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# Apollo® 42% OVICIDE/MITICIDE

**A Suspension Concentrate (SC) Formulation for Mite Control on Pears, Apricots, Cherries, Grapes, Peaches, Nectarines, Persimmons, Almonds, and Walnuts for use in California Only**

<b>ACTIVE INGREDIENT:</b>	<b>% BY WT</b>
<b>Clofentezine:</b> 3,6-bis (2-chlorophenyl)-1,2,4,5-tetrazine*	42.0%
<b>OTHER INGREDIENTS:</b>	58.0%
	<b>TOTAL 100.0%</b>

\*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. 66222-65

**NET CONTENTS: \_\_\_ OUNCES**

EPA Est. No. [REDACTED]

FIRST AID	
<b>IF ON SKIN OR CLOTHING:</b>	<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>
<b>IF IN EYES:</b>	<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>
<b>IF SWALLOWED:</b>	<ul style="list-style-type: none"> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
<b>IF INHALED:</b>	<ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
<p>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.</p>	

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

Causes mild eye irritation. Avoid contact with eyes, skin, or clothing. Harmful if swallowed or absorbed through the skin.

#### 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 PPE requirements may be reduced or modified as specified in the WPS.

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**USER SAFETY RECOMMENDATIONS**

**Users should:**

- Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

**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 orchard. Do not contaminate water when disposing of equipment washwaters or rinsate.

**IMPORTANT**-Read the entire Directions for Use and Limitation of Warranty and Liability 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

**USE PRECAUTIONS**

**IMPORTANT:** Do not make more than 1 application of APOLLO 42% per season.

Do not graze livestock in treated areas or harvest cover crop for livestock feed.

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

Do not apply by air.

**GENERAL INFORMATION**

APOLLO 42% is a specific miticide, which acts as an ovicide. APOLLO 42% is not disruptive to beneficial insects and mites. It has good residual activity on European red mites, McDaniel spider mites, Pacific spider mites, two-spotted spider mites, Eriophyes and Yellow spider mites when applied according to label directions.

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.

**For Use on Pears, Apricots, Cherries, Grapes, Peaches, Nectarines, Persimmons, Almonds, and Walnuts**

Because APOLLO 42% acts primarily against the egg, apply APOLLO 42% at the first sign of mite activity. If the mite population is approaching damaging levels on the target crops or if pear rust mite is present, combine Apollo 42% Ovicide/Miticide with an appropriate adulticide.

**RECOMMENDATIONS FOR USE**

**TARGET SPECIES**

**COMMON NAME**

European red mite  
McDaniel spider mite  
Pacific spider mite

**SCIENTIFIC NAME**

*Panonychus ulmi*  
*Tetranychus mcdanieli*  
*Tetranychus pacificus*

**COMMON NAME**

Two-spotted spider mite  
Yellow spider mite

**SCIENTIFIC NAME**

*Tetranychus urticae*  
*Eotetranychus carpini borealis*

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**RATE & TIMING OF APPLICATION**

Crop	Rate/Acre	Timing	PHI*
Pears, Grapes	4-8 oz	First sign of mites	21 days
Apricots, Cherries	2-8 oz.**	First sign of mites	21 days
Peaches, Nectarines	2-8 oz.**	First sign of mites	10 days
Persimmons	2-8 oz.**	First sign of mites	140 days
Almonds	2-8 oz.**	First sign of mites	14 days
Walnuts	2-8 oz.**	First sign of mites	30 days

\*PHI = Pre-Harvest Interval, the **latest** timing for an application prior to harvest.

\*\*Applications with rates below 4 ounces of APOLLO 42% per acre are recommended **only** in association with established IPM programs and **only** when adequate beneficial insects/mites are prevalent.

Factors which warrant higher rates (4 to 8 ounces) of APOLLO 42% per acre include:

1. For control of Pacific spider mites.
2. For control of McDaniel spider mites.
3. Earliest seasonal timings for blocks with high overwintering European red mite egg populations.
4. When mite predator populations are low.
5. To ensure adequate coverage of full size standard trees and/or trees with heavy leaf densities.

**APPLICATION METHOD**

APOLLO 42% Ovicide/Miticide may be applied by ground using either dilute or concentrate spray equipment. **Do not apply by air.**

**Pears**

50 to 400 gallons per acre: Apply 4 to 8 ounces of APOLLO 42% per acre. Use sufficient volume of water to obtain complete coverage, but not less than 50 gallons per acre.

For applications above 400 gallons per acre, use 1 to 2 ounces of APOLLO 42% per 100 gallons of spray. Do not apply less than 4 ounces of APOLLO 42% per acre.

**Grapes**

At least 50 gallons per acre: Apply 4 to 8 ounces of APOLLO 42% per acre.

**Apricots, Cherries, Persimmons, Peaches, and Nectarines**

50 to 400 gallons per acre: Apply 2 to 8 ounces of APOLLO 42% per acre.

**Almonds and Walnuts**

50 to 400 gallons per acre: Apply 2 to 8 ounces of APOLLO 42% per acre. Use at least 4 ounces of APOLLO 42% south of California Highway No. 152.

A tank mix of APOLLO 42% with an adulticide may be warranted when adult mites are present. Do not use the tank mix under conditions where the adulticide alone is not recommended. Before use, read the adulticide label for additional information and precautions.

**MANAGING MITE RESISTANCE**

Repeated use of miticides with a similar mode of action may lead to buildup of resistant strains of mites. For good resistance management practices, Makhteshim-Agan recommends that the ovicide APOLLO 42% Ovicide/Miticide be applied only once per season. If additional miticide applications are needed, use a miticide with a different mode of action.

**STORAGE AND DISPOSAL**

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

**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.

Apollo® is a registered trademark of Irvita Plant Protection N.V.

Viton® is a registered trademark of DuPont Company

Apollo 42% (66222-65) (EPA app 6-1-05)(CA app 10-24-05)(notif to EPA 08-06-08)