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4/2/2008

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

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Ms. M. 'Sam' Bondurant  
Regulatory Manager  
Arysta LifeScience North America Corporation  
15401 Weston Parkway, Suite 150  
Cary, NC 27513

APR 2 - 2008

Dear Ms. Bondurant:

Subject: Additional Uses: Tree Nuts and Grapes  
Acequinocyl Technical  
EPA Reg. No. 66330-39  
Label Submitted January 12, 2007  
PP Nos. 6F7040 and 7F7176

The labeling amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, As Amended (FIFRA), is acceptable, as a conditional registration provided that you:

1. Submit one copy of your final printed label incorporating the following corrections before you release the product for shipment.
  - a. Clarify the use statement located on the front panel and on page 3 by making the revisions cited below.
    - Change “\_\_ pesticides for use in \_\_” to “\_\_ pesticides for use on ornamental plants in \_\_”.
    - Change “interiorscapes” to “non-residential interiorscapes”
    - Change “greenhouses” to “commercial greenhouses”.

b. Add the restrictions cited below as the third paragraph under the Directions for Use on page 3.

Not for formulation into end-use products intended for indoor residential use including residential greenhouses.

c. Update the Storage and Disposal statements as they appear on the label accepted in the Agency's letter of January 30, 2008, corrected as specified in our letter of that date.

d. Add the text "to the extent consistent with applicable law" to the beginning of the second sentence in item number 2 in the Conditions of Sale section (page 4).

2. Submit the data described below within one year of the date of this Notice: Format the requested data as an addendum to the original MRID number as specified in PR Notice 86-5. Refer to the enclosed Tier II Drinking Water Assessment for Acequinocyl dated June 27, 2007.

a. Analytical Method for the determination of acequinocyl applied to soil (MRID 46182601).

Submit your amended method with the changes made by the independent lab and recognize in the amendment the possibility that method users may opt to monitor for the protonated ion rather than the molecular ion.

b. Analytical method for the determination of acequinocyl in water and soil (MRID 46182602)

-Submit an addendum to your original method consisting of the modifications made by the independent lab validation and provide the missing validation data for your method to the Agency.

-Submit new calibration data from the independent lab validation.

c. Residue Analytical Method (860.1340)

Submit revised copies of Morse Methods Meth-133 (revision # 3), Meth-135, and Meth-139 (revision #2), incorporating comments from the Analytical Chemistry Laboratory referenced in the September 6, 2007 human health risk assessment for PPs 6F7040 and 7F7176 and detailed in the enclosed copy of the May 23, 2006 D. Soderberg memo.

3. Submit documentation of membership in the FIFRA Endangered Species Task Force within 6 months of the date of this Notice.

4. Submit an analytical reference standard for acequinocyl-OH to the EPA National Pesticide Standards Repository to the attention of either Theresa Cole or Frederic Siegelman at the following address before you release the product for shipment:

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USEPA  
National Pesticide Standards Repository/Analytical Chemistry Branch/OPP  
701 Mapes Road  
Fort George G. Meade, MD 20755-5350

(Note that the mail will be returned if the extended zip code is not used.)

5. Submit production information (pounds or gallons produced) for the fiscal year in which the subject new label amendment is conditionally registered, in accordance with FIFRA Section 29. The fiscal year begins October 1 and ends September 30. Submit the production information to the Agency no later than November 15 following the end of the preceding year to the attention of the Registration Support Branch Section 29 Report at the address cited below.

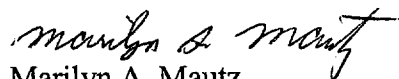
Document Processing Desk  
Office of Pesticide Programs (7504P)  
United States Environmental Protection Agency  
Ariel Rios Bldg.  
1200 Pennsylvania Avenue, N. W.  
Washington, D. C. 20460-0001

The confined rotational crop data (860.1850) has been received and is currently under review as is your response to the chronic mysid data requirement (72-4b).

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product bearing the amended label constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

Sincerely,



Marilyn A. Mautz  
Biologist  
Insecticide-Rodenticide Branch  
Registration Division (7504P)

Enclosures: Stamped label  
Tier II Drinking Water Assessment for Acequinocyl dated June 27, 2007  
May 23, 2006 D. Soderberg memo



<b>FIRST AID</b>	
<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 by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<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 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 the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p>	
<p><b>FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE:</b>            Call PROSAR at 1-866-303-6952 or            1-651-632-8946 if calling from outside of the U.S.</p>	

**PRECAUTIONARY STATEMENTS**

**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**CAUTION.** Harmful if inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

When handling this product, wear long-sleeved shirt and long pants, socks, shoes and waterproof gloves.

### ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to aquatic invertebrates such as Eastern oysters and mysid shrimp. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollution Discharge Elimination System (NDPES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer system without previously notifying the local sewage treatment plant authority. For guidance, contact you local State Water Board or regional office of the EPA.

### DIRECTIONS FOR USE

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

This product is for manufacturing use only for the production of end-use pesticide products for pest control in interiorscapes, field nursery plantings, container nurseries, forest nurseries, residential landscapes and commercial landscapes, greenhouses, lath and shade houses, pome fruit, citrus, grapes, tree nuts, pistachios and strawberries.

### STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in a dry place away from excessive heat. Do not store near food or feed. Store in original container only.

**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:** Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then dispose of liner in a sanitary landfill (or incinerate if allowed by State and local authorities). If drum is contaminated and cannot be reused, dispose of in the same manner.

**FOR 24-HOUR CHEMICAL EMERGENCY:** Spill, leak, fire, exposure or accident, call CHEMTREC 1-800-424-9300 or 1-703-527-3887 if calling from outside of the U.S.

### CONDITIONS OF SALE

1. Arysta LifeScience North America Corporation ("Arysta") 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 for Use under normal conditions of use.
2. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal use conditions, or under conditions not reasonably foreseeable to Arysta. **ARYSTA DISCLAIMS ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, SELLER SHALL NOT BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM OR IN CONNECTION WITH THE MANUFACTURE, SALE, DELIVERY, USE, HANDLING OR STORAGE OF THIS PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, SELLER'S LIABILITY SHALL BE LIMITED TO THE REFUND OF THE PURCHASE PRICE. ARYSTA DOES NOT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE ANY OTHER WARRANTY, GUARANTEE OR REPRESENTATION CONCERNING THIS PRODUCT.**
3. Critical and unforeseeable factors beyond Arysta's control prevent Arysta from eliminating all risks in connection with the use of this product. Such risks include, but are not limited to, damage to plants and crops to which the product is applied, lack of complete control, and damage caused by drift to other plants or crops. Such risks occur even though the product is reasonably fit for the use stated on the label and even though label directions are followed. Except as stated in 1 above, to the extent permitted by law, by purchasing, accepting and using this product, the buyer and user acknowledge and assume all risks and liabilities resulting from handling, storage, and use of this product.