

66330-39

11/17/2010

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



OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 17, 2010

Gary Orr
Arysta LifeScience North America LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

Dear Mr. Orr:

Subject: Acequinocyl IR-4 Tolerance Petition (PP# 9E7598) for new uses on: fruiting vegetable group 8, okra, edible podded bean, and hops
Acequinocyl Technical
EPA Reg. No. 66330-39
Decision Number: 417963
Kanemite 15 SC Miticide
EPA Reg. No. 66330-38
Decision Number: 417966

The subject amendments submitted in connection with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, for the subject products are acceptable as conditional registrations provided that you:

1. Submit one copy of your final printed label before you release the products for shipment.
2. Submit the data described below for 66330-39:

Health and Human Effects Data Requirements (HED):
(All of these requirements are in 40 CFR, part 158)

- **Immunotoxicity study, guideline 870.7800** due within 12 months of the date of this letter.
- **Acute neurotoxicity, guideline 870.6200** due within 12 months of the date of this letter.
- **Subchronic neurotoxicity, guideline 870.6200** due within 24 months of the date of this letter.
- **28-day inhalation, guideline 870.3465** due within 24 months of the date of this letter.

3. Submit the data described below for 66330-38:

Environmental Fate and Effects Data Requirements (EFED):

- **Avian acute oral LD₅₀ Mallard duck, guideline 71-1a** (as requested in February 5, 2004 memo from Agency), due within 12 months of the date of this letter

In addition to the above required data, refer to the tables in each of the EFED memos for all data requirements that will be needed for reregistration purposes.

4. Make the following label revisions for:

66330-39, Acequinocyl Technical:

- On page 1, under the product name revise the sentence that reads "...FOR USE ON ALMONDS, PISTACHIOS, POME FRUITS, CITRUS, STRAWBERRIES, GRAPES, TREE NUTS..." to read "...FOR USE ON PISTACHIOS, POME FRUITS, CITRUS, STRAWBERRIES, GRAPES, TREE NUTS (INCLUDING ALMONDS)..." for clarity.
- On page 1, under the product name revise the sentence that reads "...FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND GREENHOUSE GROWN)..." to read "...FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND COMMERCIAL GREENHOUSE GROWN)..."
- On page 1, under the product name revise the sentence that reads "ON ORNAMENTALS IN LANDSCAPES AROUND THE OUTSIDE OF THE PERIMETER OF RESIDENCES..." to read "ON ORNAMENTALS IN LANDSCAPES AROUND THE PERIMETER OF RESIDENCES..."

66330-38, Kanemite 15 SC Miticide:

- On page 1, under the product name revise the sentence that reads "...FOR USE ON ALMONDS, PISTACHIOS, POME FRUITS, CITRUS, STRAWBERRIES, GRAPES, TREE NUTS..." to read "...FOR USE ON PISTACHIOS, POME FRUITS, CITRUS, STRAWBERRIES, GRAPES, TREE NUTS (INCLUDING ALMONDS)..." for clarity.
- On page 1, under the product name revise the sentence that reads "...FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND GREENHOUSE GROWN)..." to read "...FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND COMMERCIAL GREENHOUSE GROWN)..."
- On page 1, under the product name revise the sentence that reads "ON ORNAMENTALS IN OUTDOOR LANDSCAPES AROUND THE OUTSIDE OF THE PERIMETER OF RESIDENCES..." to read "ON ORNAMENTALS IN OUTDOOR LANDSCAPES AROUND THE PERIMETER OF RESIDENCES..."
- On page 8, revise the sentence that reads: FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND GREENHOUSE GROWN)..." to read "...FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND COMMERCIAL GREENHOUSE GROWN)..."
- On page 11, in the "Landscape Ornamentals" box you may delete the restriction "The use of an adjuvant or surfactant is prohibited" that was inadvertently added.

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(s) are enclosed for your records. If you have any questions, please contact Autumn Metzger at (703) 305-5314 or Metzger.autumn@epa.gov.

Regards,



Venus Eagle (PM 01)
Insecticide-Rodenticide Branch
Registration Division (7505P)

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ACEQUINOCYL TECHNICAL AD040208
Add Fruiting Veggies (tom, peppers, okra), snap beans, & hops

ACEQUINOCYL TECHNICAL

FOR MANUFACTURING USE ONLY

FOR PRODUCTION OF END USE PESTICIDE PRODUCTS FOR USE ON ALMONDS, PISTACHIOS, POME FRUITS, CITRUS, STRAWBERRIES, GRAPES, TREE NUTS, FRUITING VEGETABLES (EXCEPT CUCURBITS) (FIELD GROWN AND GREENHOUSE GROWN), EDIBLE PODDED BEANS, HOPS, AND OKRA.

FOR THE PRODUCTION OF END USE PESTICIDES FOR USE ON ORNAMENTAL PLANTS IN NON-RESIDENTIAL INTERIORSCAPES, FIELD NURSERY PLANTINGS, CONTAINER NURSERIES, FOREST NURSERIES, RESIDENTIAL LANDSCAPES AND COMMERCIAL LANDSCAPES, COMMERCIAL GREENHOUSES, LATH AND SHADEHOUSES, ORNAMENTAL NURSERY CROPS; ORNAMENTALS IN LANDSCAPES AROUND THE OUTSIDE OF THE PERIMETER OF RESIDENCES, BUSINESSES, SCHOOLS AND PUBLIC PROPERTY;

INGREDIENTS	By wt.
Active Ingredient	
*Acequinocyl.....	96.8%
Other Ingredients.....	3.2%
Total.....	100.0%
*3-dodecyl-1, 4-dihydro-1, 4-dioxo-2-naphthyl-acetate.	

CAUTION

See back panel for additional precautionary statements

For Product Use Information Call 1-866-761-9397

Produced for:
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

NET WEIGHT: _____ POUNDS__

EPA Reg. No. 66330-39

EPA Est.. No. _____

ACCEPTED
With COMMENTS
In EPA Letter Dated:
NOV 17 2010
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:

66330-39

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FIRST AID	
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Call 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 do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p> <p style="text-align: center;">FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE: Call PROSAR at 1-866-303-6952 or 1-651-632-8946 if calling from outside of the U.S.</p> <p>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.</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 your 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.

6097

ACEQUINOCYL TECHNICAL AD040208
Add Fruiting Veggies (tom, peppers, okra), snap beans, & hops

This product is for manufacturing use only for the production of end-use pesticide products for pest control on ornamentals in non-residential interiorscapes, field nursery plantings, container nurseries, forest nurseries, residential landscapes and commercial landscapes, commercial greenhouses, lath and shade houses, on floral, foliage and ornamental nursery crops; on ornamentals in landscapes around the outside of the perimeter of residences, businesses, public property and schools;

For manufacturing use only for the production of end-use pesticide products for pest control in almonds, pistachios, pome fruits, citrus, grapes, tree nuts, pistachios, strawberries, tomatos, peppers, okra, snap beans, and hops.

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

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: Non-refillable container. Do not reuse or refill this container. Offer for recycling if available. 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).

Triple Rinse or Pressure rinse container (or equivalent) promptly after emptying. Empty the contents into manufacturing equipment. Collect rinsate for later use or disposal.

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.

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Warranty and Disclaimer Statement

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. Such risks may arise from weather conditions, soil factors, off-target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Arysta LifeScience North America, LLC ("Arysta"), and can cause crop injury, injury to non-target crops or plants, ineffectiveness of the product, or other unintended consequences. All such risks shall be assumed by the user or buyer.

Arysta warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions. This warranty does not extend to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to Arysta, and is subject to the inherent risks described above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA, MANUFACTURER AND SELLER DISCLAIM AND SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE, HANDLING, APPLICATION, STORAGE, OR DISPOSAL OF THIS PRODUCT OR FOR DAMAGES IN THE NATURE OF PENALTIES, AND THE USER AND BUYER WAIVE ANY RIGHT THAT THEY MAY HAVE TO SUCH DAMAGES. NO AGENT, REPRESENTATIVE OR EMPLOYEE OF ARYSTA IS AUTHORIZED TO MAKE ANY WARRANTY, GUARANTEE OR REPRESENTATION BEYOND THOSE CONTAINED HEREIN OR TO MODIFY THE WARRANTIES CONTAINED HEREIN. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE TOTAL LIABILITY OF ARYSTA, MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT ARYSTA'S ELECTION, THE REPLACEMENT OF THE PRODUCT.