

66330-284

02/27/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Bill Washburn
Regulatory Manager
Arysta LifeScience North America LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

FEB 27 2009

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4 and 98-10

1. **Update of company name**
2. **Added emergency telephone number(s)**
3. **Updated warranty statement**

Dear Mr. Washburn:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 and 98-10 dated January 26, 2009 for:

EPA Registration 66330-218
EPA Registration 66330-251
EPA Registration 66330-277
EPA Registration 66330-284

Linuron 4L
Ethephon 65% MUP
Dicamba DMA 2# AG
Ethephon 3.9% H&G

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 2007-4 and 98-10 and finds that the label changes requested falls within the scope of PR Notices 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

 EPA	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 66330-284	2. EPA Product Manager TONY KISH	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) ETHEPHON 3.9% H&G	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513 <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. _____ NOTIFICATION Product Name _____ FEB 27 2009

Section - II

<input type="checkbox"/> Amendment – Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below
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Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if the amendment is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Notification of label change per PR Notice 98-10. 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 USC Sec 1001 to willfully make any false statement 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 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:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
*Certification must be submitted			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container <p style="text-align: center;">1.0 gal., 2.5 gal, 5.0 gal</p>	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name <p style="text-align: center;">Bill Washburn</p>	Title <p style="text-align: center;">Regulatory Manager</p>	Telephone No. (include Area Code) <p style="text-align: center;">901-432-5118</p>
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 <p style="text-align: center;">(Stamped)</p>
2. Signature <p style="text-align: center;"><i>Bill Washburn</i></p>	3. Title <p style="text-align: center;">Regulatory Manager</p>	
4. Typed Name <p style="text-align: center;">Bill Washburn</p>	5. Date <p style="text-align: center;">01/26/09</p>	



January 26, 2009

Mr. Tony Kish, PM 22
Document Processing Desk (NOTIF)
Office of Pesticide Programs – 7504P
U.S. Environmental Protection Agency
One Potomac Yard, Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

b/c

**Subject: ETHEPHON 3.9% H&G
 EPA Reg. No. 66330-284**

***Notification of Label Change per PR Notice 2007-4
and PR Notice 98-10***

Dear Mr. Kish:

Please find the following enclosed:

- Application for Pesticide Registration (Other) dated 01/26/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if the amendment is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

✓ Also in this submission, we are using PR Notice 98-10 to update the name of the company, emergency telephone numbers and warranty. Arysta LifeScience North America Corporation was changed to Arysta LifeScience North America, LLC.

Please acknowledge acceptance of this notification by stamping the extra copy of this letter and returning in the enclosed self-addressed stamped envelope. Should you have any questions or comments, please do not hesitate to contact me at 901-432-5118 or by e-mail at bill.washburn@arystalifescience.com

Sincerely,

Bill Washburn
Regulatory Manager

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MICRO FLO ETHEPHON 3.9% H&G

For use only on plants grown for aesthetic purposes or climatic modification and being grown at home or in ornamental gardens or parks, or on golf courses or lawns and grounds.

For use on ornamentals for removal of nuisance fruit from trees and shrubs, for earlier ripening of home garden tomatoes, for the removal of dwarf mistletoe shoots in ornamental conifers, and for removal of leafy mistletoe shoots in ornamental deciduous trees.

ACTIVE INGREDIENT:

Ethephon: [(2-chloroethyl) phosphonic acid]* 3.9%

INERT INGREDIENTS: 96.1%

TOTAL: 100.0%

*This product contains 0.33 lbs. ethephon per gallon

KEEP OUT OF REACH OF CHILDREN

NOTIFICATION

FEB 27 2009

CAUTION

FIRST AID	
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 ON SKIN:	<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.
HOT LINE	
Have the product container or label with you when calling a poison center or doctor, or going for treatment. You may also contact 1-800-832-4357 for emergency medical treatment information.	
NOTE TO PHYSICIAN: Treat symptomatically. Consideration should be given to the possibility that overexposure to materials other than this product may have occurred. No specific antidote is available. Probable mucosal damage may contraindicate the use of gastric lavage.	
EMERGENCY TELEPHONE NUMBERS: Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE CALL: 1-866-303-6952	
FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300	

See Additional Precautions on Side (Back) Panel

NET CONTENTS: _____
AD 080504

EPA Reg. No. 66330-284
EPA Est. No. 51036-GA-001

Manufactured For:
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

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

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Remove and wash contaminated clothing before reuse. Wear long-sleeved shirt and long pants, socks and shoes, and chemical resistant gloves made of any waterproof material (such as nitrile, butyl, and/or barrier laminate).

USER SAFETY RECOMMENDATIONS

Users should:

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Do not allow people or pets to touch treated plants until the sprays have dried.

ENVIRONMENTAL HAZARDS

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 contaminate water when disposing of equipment washwaters.

Avoid spray drift to nearby plants as this product may cause temporary modifications in plant growth. Do not contaminate water used for irrigation or domestic purposes.

Prolonged exposure to spray deposits can damage acrylic plastics, certain paints and metals. Remove automobiles and other vehicles from the treatment area prior to application to prevent spray deposits from falling on vehicles and potentially damaging finishes. Rinse acrylic plastic materials and painted surfaces exposed to inadvertent spray deposits using soap and water within an hour after exposure.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read entire label before using this product. Do not apply this product in a way that will contact workers or other persons, either directly or through drift.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container secure from children and domestic animals. In case of spill, absorb liquid with inert absorbent such as cat litter. Rinse contaminated area with water.

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. Do not reuse or refill this container. Triple rinse container (or equivalent) 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 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, if available, or puncture and dispose of in a sanitary landfill, or incineration or if allowed by state and local authorities, by open burning. If container is burned, stay out smoke.

GENERAL INFORMATION

Apply ETHEPHON 3.9% H&G spray solution within 4 hours after mixing. Mix only the amount of spray you plan to use immediately. Do NOT save unused diluted spray solutions, as they will not be as effective as fresh solutions.

Temporary growth inhibition resulting from shortened internodes may be observed.

HOME GARDEN TOMATO PRODUCTION USE

ETHEPHON 3.9% H&G can be used as an overall, foliar spray to concentrate and accelerate tomato ripening. Apply ETHEPHON 3.9% H&G at the end of the growing season to hasten ripening of mature green tomatoes and allow harvesting of fruit before frost. ETHEPHON 3.9% H&G spray will be most effective on healthy plants. Harvest fruit at proper maturity, generally 14 to 21 days after treatment. Some defoliation or yellowing of foliage following treatment will be observed.

Do not harvest tomatoes for processing treated with ETHEPHON 3.9% H&G sooner than 14 days after the last application.

AMOUNTS TO USE: When treating several plants, mix 1 teaspoon of ETHEPHON 3.9% H&G in 3 fluid ounces (6 tablespoons) of water. When treating a larger number of plants, mix 1 3/4 fluid ounces (3 1/2 tablespoons) of ETHEPHON 3.9% H&G in 1 quart of water. Apply with a clean hand sprayer. Thoroughly wet all leaves and fruit.

FRUIT ELIMINATION

A foliar spray of ETHEPHON 3.9% H&G will reduce or eliminate undesirable fruit ornamental trees and shrubs such as:

Apple, Crabapple, Carob, Cottonwood, Elm, Flowering pear, Horse Chestnut (Buckeye), Maple, Oak, Olive, Pine, Sour Orange, Sweetgum, and Sycamore. Applications must be made before fruit set for best results.

When applied to plants, ETHEPHON 3.9% H&G readily enters the plant and breaks down to ethylene, a naturally occurring plant hormone. Ethylene production within the plant is stimulated by stress. For this reason it is important that plants being treated are not under stress from drought, high temperature, disease or other environmental stress conditions. Treating stressed plants can cause severe injury to the plant such as defoliation or leaf scorching. Injury from ETHEPHON 3.9% H&G usually does not kill the plant, but can render it unsightly.

Applications should be made at the flower bud to full bloom stage, prior to fruit set in spray volumes sufficient to wet, but not to runoff. Failure to wet bud/blooms thoroughly will cause incomplete fruit elimination. Spraying too much (until runoff) may cause some defoliation or other plant injury. Sprays applied too early or too late will be less effective and result in incomplete fruit elimination. The activity of ETHEPHON 3.9% H&G is linked to plant growth activity and is therefore slower acting when temperatures are low (60F) or very high (95F). Trees or shrubs should not be under stress when treated such as from drought, insect or diseases.

For most species, mix 3/4 to 1 quart of ETHEPHON 3.9% H&G in 10 gallons of water (750 to 1,000 ppm) and apply to thoroughly wet buds and blooms but not to runoff. Amount of spray used will depend on tree size. Use the higher rate when temperatures are cool. Fruit elimination may not be satisfactory on small, red fruited varieties of crabapples. Some temporary leaf yellowing and leaf drop of older leaves may occur after treatment.

For sensitive species such as Carob: Mix 1/2 quart ETHEPHON 3.9% H&G in 10 gallons of water (500 ppm) and apply to thoroughly wet buds and blooms but not to runoff. Amount of spray used will depend on tree size. Some temporary leaf yellowing and drop of older leaves may occur after treatment.

ETHEPHON 3.9% H&G has not been tested on all varieties of trees or shrubs which may have undesirable fruit. If it is necessary treat plant species not listed above, a small portion of the plant using the lower rate of application to determine the effectiveness of the product and to evaluate plant injury.

NOTE: These recommendations are not intended to be used in commercial fruit production as a thinning agent.

DWARF MISTLETOE REMOVAL:

Use ETHEPHON 3.9% H&G as a foliar spray on ornamental conifers for removal of dwarf mistletoe shoots and seeds. Applications made in conjunction with silvicultural mistletoe management will prevent spread of the mistletoe parasite to other parts of the tree and to other trees. Mix 1 quart of ETHEPHON 3.9% H&G in 4 gallons of water (2700 ppm) and spray to "wet". When treating mistletoe in Douglas Fir, mix 1 pint of ETHEPHON 3.9% H&G in 4 gallons of water (1350 ppm). Application of higher rates on Douglas Fir may result in excessive needle drop. Use of a non-ionic surfactant at recommended rates may increase effectiveness. Treat any mistletoe regrowth before seed dispersal occurs. Mature needle drop that normally occurs in the fall may be hastened by the use of ETHEPHON 3.9% H&G.

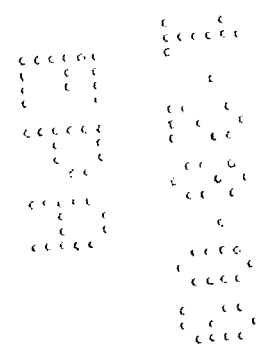
LEAFY MISTLETOE REMOVAL:

Use ETHEPHON 3.9% H&G as a foliar spray on deciduous trees for removal of leafy mistletoe shoots and seeds. Make applications after fall leaf drop through midwinter. Mix 2 quarts of ETHEPHON 3.9% H&G in 4 gallons of water (5400 ppm). For effective removal all mistletoe shoots must be sprayed to "wet". Use of a non-ionic surfactant at recommended rates may increase effectiveness. Large mistletoe infections and mistletoe found in mesquite may be difficult to control with a single application and re-treatment may be necessary. Should regrowth of mistletoe occur, retreat prior to mistletoe seed dispersal during the labeled application window.

HOME SPRAY GUIDE
Read Detailed Instructions in This Pamphlet First

APPLICATION	USE SITE	AMOUNT OF ETHEPHON 3.9%	AMOUNT OF WATER
Ripening	Tomato, Fall Season	1.75 fl. oz.	1 Quart
Fruit Elimination	Carob	1.5 fl. oz.	1 gal.
	Other Species	2.5 - 3.0 fl. oz.	1 gal.
Mistletoe Removal	Dwarf	8 fl. oz.	1 gal.
	Leafy	16 fl. oz.	1 gal.

Note: 1.0 fluid ounce = 2 tablespoons = 6 teaspoons



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. To the extent consistent with applicable law, 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.

NOTIFICATION
FEB 27 2009