

66330-347

03/06/2009

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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

MAR 6 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 February 4, 2009 for:

EPA Registration 66330-301
EPA Registration 66330-239
EPA Registration ~~66330-347~~
EPA Registration 66330-294
EPA Registration 66330-293

Thiophanate Methyl 70W WSB
CAPTEC 4L
PONNAX Plant Regulator
Thiophanate Methyl 50W
Thiophanate Methyl 4.5L

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.

 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 66330-347	2. EPA Product Manager TONY KISH	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) PONNAX® PLANT REGULATOR	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: <div style="text-align: center;">NOTIFICATION</div> EPA Reg. No. _____ <div style="text-align: right; margin-right: 100px;">MAR 6 2009</div> 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 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 Bill Washburn	Title Regulatory Manager	Telephone No. (Include Area Code) 901-432-5118
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 <div style="text-align: center;">(Stamped)</div>
2. Signature 	3. Title Regulatory Manager	
4. Typed Name Bill Washburn	5. Date 02/04/09	



February 4, 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

**Subject: PONNAX® PLANT REGULATOR
EPA Reg. No. 66330-347**

***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 02/04/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

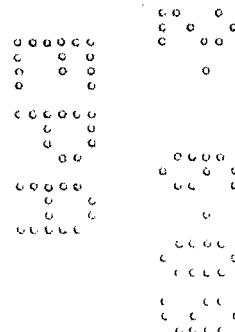
Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of 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.

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



4/10

NOTIFICATION
MAR 6 2009

PONNAX® Plant Regulator

ACTIVE INGREDIENT*:

Mepiquat-chloride: N,N-dimethylpiperidinium chloride.....23.6%

Other Ingredients:.....76.4%

Total.....100.0%

* Equivalent to 2.0 pounds per gallon

EPA Reg. No. 66330-347
AD 051800

EPA Est. No. 51036-GA-001

KEEP OUT OF REACH OF CHILDREN CAUTION

See Inside Booklet for complete Precautionary Statements, Directions For Use, and Conditions of Sale & Warranty

FIRST AID	
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 do so by 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 by mouth, if possible. Call a poison control center or doctor for treatment advice.
IF ON SKIN OR CLOTHING:	Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call 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 the eyes. Call a poison control center or doctor for treatment advice.
HOT LINE NUMBERS	
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	

NET CONTENTS: _____

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 swallowed or absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Harmful if inhaled. Avoid breathing spray mist.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical Resistant Gloves
- Shoes plus socks

Follow the manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Control 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.

USER SAFETY RECOMMENDATIONS

Users Should:

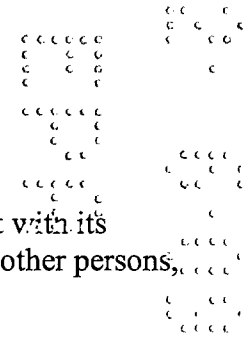
- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, areas where surface water is present, or intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

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.

All applicable directions, restrictions, precautions, and Conditions of Sale and Warranty are to be followed. This labeling must be in the user's possession during application.

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 workers 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 Nitrile, Butyl, Neoprene, and/or Barrier Laminate).
- Shoes plus socks

STORAGE AND DISPOSAL

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

Storage: Do not store below 32° F or above 100° F. Store in a dry place away from heat or open flame.

Pesticide Disposal: Pesticide wastes are toxic. Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mix, or rinsate is a violation of federal law. If these wastes cannot be disposed of according to label instructions, contact the state agency responsible for pesticide regulation or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal: Plastic Containers: 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 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, if available, 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.

Steps to be taken in case material is released or spilled:

Wear the personal protective equipment specified on the label or the Material Safety Data Sheet. Recover the material for re-use according to label whenever possible. Cover the liquid with an absorbent material (such as pet litter). Sweep up and place in an

appropriate container for disposal. Remove and wash clothing and personal protective equipment prior to re-use. Keep the spill out of all sewers and open bodies of water.

I. General Information

Ponnax plant regulator is a foliar-applied plant regulator for use on Concord and Niagara grapes only. Ponnax can modify the grape plant by regulating its growth and development. Ponnax may cause one or more of the following effects: reduction of intermodal length, reduction of can length, darker green leaf color, and increased berry set (more berries/cluster). Some of these effects can translate to improved yield potential.

Cleaning Spray Equipment

Clean application equipment thoroughly by using a strong detergent or commercial sprayer cleaner according to manufacture's directions and then triple rinsing the equipment before and after applying this product.

II. Application Instructions

Application Timing

Ponnax should be applied between the beginning of flowering and initial fruit set, but optimum results are achieved at mid-bloom (50% bloom).

Application Rate

Apply Ponnax at a rate of 10-16 fluid ounces (0.67-1 pint) per acre. A nonionic surfactant at a rate of 0.1% v/v should be included.

Method of Application

Although Ponnax plant regulator is systemic, good coverage and contact with blooms is required for optimal performance. Spray volumes of 30-150 gallons per acre may be used.

III. General Mixing Information

Additives and/or other pesticides may be mixed in the spray tank with Ponnax using the information in this section.

Tank Mix Partners/Components

Other products registered for use in grapes may be tank mixed with Ponnax according to the specific tank mixing instructions in this label and respective product labels. Read and follow the applicable Restrictions and Limitations and Directions For Use on all products involved in tank mixing. The most restrictive labeling applies to tank mixes. Separate applications should be made if all target pests are not at the labeled growth stage for treatment at the same time.

Physical incompatibility, reduced pest control, or crop injury may result from mixing Ponnax with other pesticides (fungicides, insecticides, or miticides), additives, or fertilizers. Arysta does not recommend using tank mixes other than those listed on Arysta labeling. Local agricultural authorities may be a source of information when using other than Arysta recommended tank mixes.

Compatibility Test for Mix Components

Before mixing additives and/or other pesticides, always perform a compatibility jar test.

For 20 gallons per acre spray volume, use 3.3 cups (800 ml) of water. For other spray volumes, adjust rates accordingly. Only use water from the intended source at the source temperature. Add components in the sequence indicated in the Mixing Order using 2 teaspoons for each pound or 1 teaspoon for each point of recommended label rate per acre. Always cap the jar and invert 10 cycles between component additions. When the components have all been added to the jar, let the solution stand for 15 minutes. Evaluate the solution for uniformity and stability. The spray solution should not have free oil on the surface, nor fine particles that precipitate to the bottom, nor thick (clabbered) texture. If the spray solution is not compatible, repeat the compatibility test with the addition of a compatibility agent. If the solution is then compatible, use the compatibility agent as directed on its label. If the solution is still incompatible, do not mix the ingredients in the same tank.

Mixing Order

When mixing additives and/or other pesticides in a spray tank, add the products to be used in the following sequence.

- 1) **Water.** Begin by agitating a thoroughly clean sprayer tank three-quarters full of clean water.
- 2) **Agitation.** Maintain constant agitation throughout mixing and application.
- 3) **Products in PVA bags.** Place any product contained in water-soluble PVA bags into the mixing tank. Wait until all water-soluble PVA bags have fully dissolved and the product is evenly mixed in the spray tank before continuing.
- 4) **Water-dispersible products** (such as dry flowables, wettable powders, suspension concentrates, or suspo-emulsions). If an inductor is used, rinse it thoroughly after the component has been added.
- 5) **Water-Soluble products** (such as Ponnax and nonionic surfactants). If an inductor is used, rinse it thoroughly after the component has been added.
- 6) **Emulsifiable concentrates.** If an inductor is used, rinse it thoroughly after the component has been added.
- 7) **Water-soluble additives.** If an inductor is used, rinse it thoroughly after the component has been added.

IV. Restrictions and Limitations

- Do not apply Ponnax plant regulator on species other than Concord or Niagara grapes.
- **Maximum seasonal use rate:** Do not apply more than a total of **1 pint of Ponnax** (0.25 pounds a.i.) per acre, per season.
- **Restricted Entry Interval (RED): 12 hours**
- Do not apply Ponnax to vines under stress conditions; e.g., drought stressed, temperature stresses, disease or insect stressed, nutrient stressed, winter injury, etc., since such treatment may further reduce vegetative growth.
- Do not apply Ponnax after the end of the flowering or bloom period.
- **Rainfast Period:** Ponnax is rainfast 6 hours after application.
- Do not graze animals on cover crops grown among sprayed vines.

- Do not apply this product by aerial application nor through any kind of irrigation system.

Table 1. Crop-Specific Restrictions and Limitations ¹

Crop	Maximum Rate Per Acre Per Application	Maximum Rate Per Acre Per Season	Livestock Grazing or Feeding	Aircraft Application
Grape	1 Pint	1 Pint	No	No

Crops

This product can be used on the following crops:

Grape

Look inside for complete **Restrictions and Limitations** and **Application Instructions**

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, EXPRESSED 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,

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MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT ARYSTA'S ELECTION, THE REPLACEMENT OF THE PRODUCT.

Ponnax is a registered trademark of Arysta Lifescience

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