

66330-359

6/3/2009

1 of 9



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

JUN 03 2009

Subject: Notification of Label Change per PR Notice 98-10
Acephate 80S Seed Treater
EPA Registration No. 66330-359

Dear Mr. Washburn:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated May 14, 2009 for the product Acephate 80S Seed Treater. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The Confidential Statement of Formula (CSF) and/or label submitted with the application has (have) been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-5967.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer L. Gaines".

Jennifer Gaines
Wildlife Biologist
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



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

2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

JUN 03 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Mr. Washburn:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated May 14, 2009 for:

EPA Registration No. 66330-354 Acephate 75 SP
EPA Registration No. 66330-358 Acephate 75 SP Homeowner
EPA Registration No. 66330-359 Acephate 80S Seed Treater
EPA Registration No. 66330-360 Acephate 97 EG

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. 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 703-305-5967.

Sincerely,

Jennifer Gaines
Wildlife Biologist
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98



EPA

United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other:

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 66330-359	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Acephate 80S Seed Treater	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(l), my product is similar to the product in the above position and labeling to: NOTIFICATION EPA Reg. No. _____ JUN 03 2009 _____ Product Name _____

Check if this is a new address

Section - II

- Amendment - Explain below.
- Resubmission in response to Agency letter dated _____
- Notification - Explain below.
- Final printed labels in response to Agency letter dated _____
- "Me Too" Application
- 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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1.0 gal., 2.5 gal, 5.0 gal		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 (Stamped)
2. Signature <i>Bill Washburn</i>	3. Title Regulatory Manager	
4. Typed Name Bill Washburn	5. Date 14 May 2009	



May 14, 2009

Ms. Venus Eagle
Product Management Team (1)
Insecticide Branch (7505P)
Registration Division
Office of Pesticide Programs
Document Processing Desk (NOTIF)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Subject: *Acephate 80S Seed Treater*
EPA Reg. No. 66330-359

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

Dear Ms. Eagle:

Please find the following enclosed:

- Application for Pesticide Registration (Other) dated 05/14/09.
- 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.

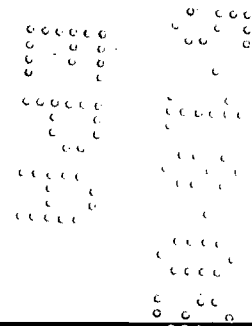
Also in this submission, we are using PR Notice 98-10 to update the name of the company, emergency telephone numbers and warranty. Arysta LifeScience North America Corporation was changed to Arysta LifeScience North America, LLC.

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

Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150, Cary, NC 27513 Phone 919-678-4900 Fax 919-678-2194
www.arystalifescience.com



NOTIFICATION

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JUN 03 2009

PR Notice 2007-4

ACEPHATE 80S SEED TREATER

A SYSTEMIC INSECTICIDE FOR TREATMENT OF COTTON SEEDS TO HELP REDUCE INJURY TO COTTON SEEDLINGS FROM THRIPS, COTTON APHIDS AND CUTWORMS

ACTIVE INGREDIENT	By Wt.
Acephate (O,S-Dimethyl acetylphosphoramidothioate)	80%
OTHER INGREDIENT	20%
TOTAL	100%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID	
Acephate is an organophosphate, cholinesterase inhibitor.	
IF SWALLOWED	<ul style="list-style-type: none"> • 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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.
NOTE TO PHYSICIAN	
Acephate is a cholinesterase inhibitor. If signs of cholinesterase inhibition appear, atropine is antidotal. 2-PAM may also be used in conjunction with atropine but should not be used alone.	
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
EMERGENCY NUMBERS:	
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	

EPA Reg. No. 66330-359

EPA Est. No. 51036-GA-1

NET CONTENTS: 2 lbs

DOES NOT CONTAIN DYE

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

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

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes, skin and clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber, nitrile rubber and Viton. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators and other handlers using engineering controls must wear:

- Long-sleeved shirt and long pants
- Socks and shoes
- Chemical-resistant gloves for all mixers and loaders and for applicators using hand held application equipment.

See Engineering Controls for additional requirements.

ENGINEERING CONTROLS

Water soluble packets when used correctly qualify as a closed mixing/loading system under the Worker Protection Standard for Agricultural Pesticides [40 CFR 170.340(d)(4)]. Mixers and loaders using water soluble packets must:

- wear the personal protective equipment required above for mixers/loaders, and
- be provided, must have immediately available and must use in an emergency, such as a broken package, spill, or equipment breakdown the following PPE: coveralls, chemical resistant footwear and a NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH-approved respirator with any N,R,P, or HE filter.

USER SAFETY RECOMMENDATIONS

Users should:

1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
2. Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
3. 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

This pesticide is toxic to birds.

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 contaminate water when cleaning equipment or disposing of equipment washwaters.

Exposed treated seed may be hazardous to birds and other wildlife. Dispose of all excess treated seed and seed packaging by burial away from bodies of water.

DIRECTIONS FOR USE

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

Not for use on agricultural establishments in hopper-box, slurry-box, or other seed-treatment applications at or immediately before planting.

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.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

GENERAL INSTRUCTIONS

Do not handle the packets with wet gloves or allow the packets to become wet prior to addition to the spray tank. If only one packet is used, close and reseal outer container to protect the remaining packets

To prepare spray solution, drop the unopened packet of the product into the spray tank containing at least one-half the desired total quantity of water. Continue to add water with the agitator running until the desired spray volume is reached. Depending on the water temperature and degree of agitation, the packet should completely dissolve in approximately 5 minutes.

USE PRECAUTION

When using formulations that do not contain dye, to comply with 21 CFR Chapter 1, Section 2.5, all seed treated with a pesticide must be colored to distinguish and prevent subsequent inadvertent use as a food for man or feed for animals.

ACEPHATE 80 SEED TREATER is a water-soluble systemic insecticide which helps to reduce injury to cotton seedlings by several insects.

Thrips and Cotton Aphids

ACEPHATE 80 SEED TREATER gives effective reduction of these pests up to three weeks after planting.

Black (Greasy) Cutworm

ACEPHATE 80 SEED TREATER gives effective reduction of Black (Greasy) Cutworm damage from planting through the 3 to 4 leaf stage of development. When planting seed into fields where large cutworms are present (5th instar and larger) economic damage may occur.

DIRECTIONS

COTTONSEED: Thrips, Cotton Aphids, Black (Greasy) Cutworm - Use one 2 lb. Water Soluble Packet to treat 500 lbs. of seed. Seed treatment may be made in a slurry tank or in sufficient water for thorough coverage with approved fungicides. The processing of treated seed for oil or use for food/feed is prohibited.

ACEPHATE 80 SEED TREATER dissolves quickly in water with a minimum of agitation.

Observe all precautions and limitations on labeling of all products used in mixtures.

ACEPHATE 80 SEED TREATER treated seeds sold or shipped as feed or foodstuffs may be considered adulterated under state and Federal laws. Seed commercially treated with ACEPHATE 80 SEED TREATER should be labeled as follows:

"TREATED SEED. DO NOT USE FOR FOOD, FEED OR OIL."

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in cool, dry place. Protect from excessive heat. Do not store or transport near feed or food. For help with any spill, leak, fire or exposure involving this material, call day or night 1-800-424-9300.

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. Offer for recycling, if available, or dispose of bag in a sanitary landfill, or by incineration if allowed by state and local authorities.

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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. 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.