

67702-15

2/26/2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Walter G. Talarek  
Product Registration  
W, Neudorff GmbH KG  
1008 Riva Ridge Drive  
Great Falls, VA 22066-1620

FEB 26 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10 and 2002-X)  
Request General Label Change  
EPA Reg. No. 67702-15  
Application Dated January 5, 2009

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Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2002-X dated 01/05/09 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and 2002-X and finds that the action(s) requested fall within the scope of PRN 98-10 and 2002-X. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

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

2008

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0080

Print Form



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

Application for Pesticide - Section I

|   |  |  |
|---|--|--|
| 1. Company/Product Number<br>67702-15   | 2. EPA Product Manager<br>Mary Waller  | 3. Proposed Classification<br><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name)<br>Sulfur/Pyrethrins Fungicide/Insecticide RTU  | PM#<br>21  |  |
| 5. Name and Address of Applicant (Include ZIP Code)<br>W. Neudorff GmbH KG<br>c/o Walter G. Talarek PC 1008 Riva Ridge Drive<br>Great Falls, VA 22066-1620<br><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:<br><b>NOTIFICATION</b><br>EPA Reg. No. _____<br>Product Name <b>FEB 26 2009</b> |  |

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 the addition of an asterisk and a qualifying phrase after distributor's brand name on the products's label per PR Notice 2002-X and other minor label revisions per PR Notice 98-10. See the enclosed letter to Ms. Mary Waller, PM 10, for a full explanation of the label changes and the certifications required by the PR Notices.

Section - III

|  |  |   |                                      |  |  |
|--|--|---|--------------------------------------|--|--|
| 1. Material This Product Will Be Packaged In:  |  |   |                                      | 2. Type of Container   |  |
| Child-Resistant Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No  | Unit Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |                                      | <input checked="" type="checkbox"/> Metal  |  |
| * Certification must be submitted  |  | If "Yes" Unit Packaging wgt.  | No. per container                    | <input type="checkbox"/> Plastic   |  |
|  |  | If "Yes" Package wgt  | No. per container                    | <input type="checkbox"/> Glass   |  |
| 3. Location of Net Contents Information<br><input checked="" type="checkbox"/> Label <input type="checkbox"/> Container  |  | 4. Size(s) Retail Container<br>8 oz   |                                      | 5. Location of Label Directions<br><input checked="" type="checkbox"/> On Label<br><input type="checkbox"/> On Labeling accompanying product |  |
| 6. Manner in Which Label is Affixed to Product<br><input checked="" type="checkbox"/> Lithograph<br><input type="checkbox"/> Paper glued<br><input type="checkbox"/> Stenciled |  |   | <input type="checkbox"/> Other _____ |  |  |

Section - IV

|  |  |                              |  |   |   |
|--|--|------------------------------|--|---|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)  |  |                              |  |   |   |
| Name<br>Walter G. Talarek  |  | Title<br>Authorized Agent    |  | Telephone No. (Include Area Code)<br>703-759-4837 |   |
| <b>Certification</b><br>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<br>(Stamped) |
| 2. Signature<br>   |  | 3. Title<br>Authorized Agent |  |   |   |
| 4. Typed Name<br>Walter G. Talarek   |  | 5. Date<br>January 5, 2009   |  |   |   |

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LAW OFFICES OF  
WALTER G. TALAREK, P.C.

1008 RIVA RIDGE DRIVE  
GREAT FALLS, VA 22066-1620

PHONE: 703-759-4837

FAX: 703-759-5548

E-MAIL: WTALAREK@VERIZON.NET

January 5, 2009

DELIVERED BY COURIER  
CONTAINS CONFIDENTIAL BUSINESS INFORMATION

Mary Waller, PM 21  
Registration Division  
c/o Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 S. Crystal Drive  
Arlington, VA 22202

Re: Sulfur/Pyrethrins Fungicide/Insecticide RTU  
EPA Reg. No. 67702-15  
Notification

Dear Ms. Waller:

Please find enclosed W. Neudorff GmbH KG's ("Neudorff's") application for a notification regarding the registration for Neudorff's Sulfur/Pyrethrins Fungicide/Insecticide RTU, EPA Reg. No. 67702-15. This notification makes the following changes to the product's label when the Scotts Company sells or distributes this product: adds an asterisk and a qualifying phrase to the product's label when The Scotts Company's "Ecosense" brand name is used. The Scotts Company is a supplemental distributor of this product.

One copy of the revised label is enclosed for your review. Also, one copy of the revised label with the proposed changes highlighted in yellow is enclosed for your convenience in reviewing this application.

The enclosed label incorporates the revisions made by the notification approved by EPA on April 24, 2007, and the revisions that were proposed by the notification dated October 24, 2008, and now pending with EPA.

This is a notification of label changes relative to PR Notice 2002-X and the addition of a container size and minor label changes per PR Notice 98-10. This notification is consistent with

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the guidance in PR Notices 2002-X, the provisions of PR Notice 98-10, and the requirements of EPA regulations at 40 CFR 156.10 and 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 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the guidance of PR Notices 2002-X, the provisions of PR Notice 98-10, and the requirements of 40 CFR 156.10 and 152.46, 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.

If you have any questions about this notification, please feel free to call me.

Sincerely yours,



Walter G. Talarek  
Authorized Agent

Enclosures

Handwritten notes and markings, including several columns of small characters resembling '))))' and other symbols.

# SULFUR/PYRETHRINS FUNGICIDE/INSECTICIDE RTU

**ACTIVE INGREDIENTS:**

Sulfur.....0.20%  
 Pyrethrins.....0.01%  
 OTHER INGREDIENTS:.....99.79%  
 TOTAL:.....100.00%

**NOTIFICATION**

FEB 26 2009

**KEEP OUT OF REACH OF CHILDREN**

## CAUTION

EPA REG. NO. 67702-15

EPA EST. 67702-DEU-1

| FIRST AID   |  |
|---|--|
| IF IN EYES  | -Hold eye open and rinse slowly and gently with water for 15-20 minutes.<br>-Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.<br>-Call a poison control center or doctor for treatment advice. |
| IF ON SKIN OR CLOTHING  | -Take off contaminated clothing.<br>-Rinse skin immediately with plenty of water for 15-20 minutes.<br>-Call a poison control center or doctor for treatment advice.   |
| Have the product container or label with you when calling a poison control center or doctor or going for treatment. For additional information on this pesticide product, you may call the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information. |  |

NET CONTENTS: 8 fl. oz., 16 fl. oz., 24 fl. oz., 32 fl. oz., 40 fl. oz. 1 gallon

### PRECAUTIONARY STATEMENTS

#### **HAZARD TO HUMANS AND DOMESTIC ANIMALS**

CAUTION. Causes moderate eye irritation. Avoid contact with eyes. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

#### **ENVIRONMENTAL HAZARDS**

To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.

#### **PHYSICAL OR CHEMICAL HAZARDS**

Combustible. Do not use or store near heat or open flame.

### DIRECTIONS FOR USE

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

Shake well before using. Do not dilute.

#### **FOR CONTROL OF FUNGAL DISEASES:**

Controls a wide range of fungal diseases including: blackspot, powdery mildew, rust, scab, blight, brown rot and leaf spot. Thoroughly spray all areas of the plant, especially new shoots. For best control apply as a protective spray early in the season before the diseases are noticed. Re-spray every 7 to 10 days or after rain. May be used up to day before harvest.

#### **FOR CONTROL OF INSECTS/MITES:**

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Controls a wide range of pests including: aphids, mites, spider mites, leafhoppers, caterpillars, whiteflies, spittlebugs, mealybugs, scale, thrips, psyllids, plant bugs, lacebugs, fruit flies and earwigs. Thoroughly spray all areas of the plant, especially new shoots and underside of leaves. Pests need to be contacted by the spray to be controlled.

| USE SITE – INDOOR, OUTDOOR AND GREENHOUSE   | PEST  | DISEASE   |
|---|---|---|
| FRUIT AND NUT TREES such as: almond, apple, cherry, citrus, filbert, nectarine, peach, pear, plum, prune, walnut  | aphids, mites, spider mites, leafhoppers, caterpillars, whiteflies, spittlebugs, mealybugs, scale, thrips, psyllids, plant bugs, fruit flies, earwigs         | scab, powdery mildew, rust, blight, brown rot       |
| VEGETABLE AND VINE PLANTS such as: beans, beets, blackberries, blueberries, broccoli, brussel sprouts, cabbage, carrots, cauliflower, corn, curcurbits (cucumber, melons, pumpkins and squash), currant, gooseberries, grapes, kale, onions, peas, peppers, potatoes, raspberries, strawberries, tomatoes | aphids, mites, spider mites, leafhoppers, caterpillars, whiteflies, spittlebugs, mealybugs, scale, thrips, psyllids, plant bugs, fruit flies, earwigs         | powdery mildew, rust, blight, leaf spots            |
| ORNAMENTALS such as: flowering plants and shrubs, woody ornamentals, roses, trees and houseplants   | aphids, mites, spider mites, leafhoppers, caterpillars, roseslugs, whiteflies, spittlebugs, mealybugs, scale, thrips, psyllids, plant bugs, lacebugs, earwigs | powdery mildew, rust, blight, blackspot, leaf spots |
| LAWNS   | aphids, mites, spider mites, leafhoppers, caterpillars, spittlebugs, thrips, chiggers, earwigs  | rust, leaf spot, blight, powdery mildew             |

For use only on home lawns and gardens. Not for use on agricultural establishments growing agricultural crops or commodities for resale.

**USE PRECAUTIONS:**

- Do not use if temperatures are expected to be over 90°F.
- Do not spray plants with SULFUR/PYRETHRINS FUNGICIDE/INSECTICIDE RTU within 21 days of an oil spray.
- Some varieties of grapes and cucurbits are sensitive to sulfur and some plant damage may occur.
- Use care or do not spray on sulfur sensitive plants. If not sure, test spray a few leaves 2 days before spraying the entire plant.
- Do not apply to strawberry fruit that will be used for canning.

**STORAGE AND DISPOSAL**

Store at room temperature and protect from freezing.

**CONTAINER DISPOSAL:**

If empty: Nonrefillable. Do not reuse or refill this container. Place in trash or offer for recycling if available.

**If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

#### BATCH CODE

**OPTIONAL STATEMENTS:** [These statements may or may not be used on the product's label.]

-3 IN 1

- Controls a wide range of fungal diseases and pests.
- Controls insects and diseases on listed fruit, vegetables and ornamentals
- Controls diseases, insects and mites
- Insecticide/Fungicide/Miticide
- Rose Fungicide, Insecticide and Miticide
- Protective rose spray
- Controls rose black spot
- Controls black spot, powdery mildew and rust
- Controls black spot, powdery mildew, rust, aphids and mites
- Controls a wide range of rose diseases
- Controls aphids and mites
- Controls rose and ornamental diseases
- Prevents leaf loss caused by black spot and rust
- Fungicide and Insecticide
- Contact killer for both insect and mite pests
- Controls Aphids, Mites, Caterpillars and other insect pests
- Kills Fungus, Insects & Mites
- Insect Killer
- Fungus Killer
- (Spider) Mite Killer
- For use on: roses, flowers, houseplants, ornamental trees and shrubs, fruits, nuts and vegetables
- For roses, vegetables & ornamentals.
- For use on plants- indoors & outdoors.
- For household home garden use.
- Use up to day before harvest
- Ideal for controlling rose diseases.
- Sulfur fungicides are widely regarded as providing effective control of several major diseases.
- SULFUR/PYRETHRINS FUNGICIDE/INSECTICIDE RTU can be used on inside plants.
- Proper plant nutrition, and removing dead or damaged leaves will also reduce disease and insect problems.
- Wet weather promotes plant diseases.
- SATISFACTION GUARANTEED.
- Can be used in vegetable gardens.
- Can be used on roses, vegetables, fruits and ornamentals.
- Read Entire Container Label Before Using This Product.
- Convenient. Easy-to-use. Requires no mixing.
- [When The Scotts Company uses the brand name Ecosense when selling or distributing this product, it must place an asterisk after the brand name and, in close proximity to the brand name, place the statement "not intended to imply environmental safety either alone or compared to other products".]

[The registrant may use one or both of these two optional statements, either]:

#### NOTICE TO BUYER

To the extent consistent with applicable law, seller warrants that this product conforms to the chemical description on this label and is reasonably fit for the purposes stated on this label only when used in accordance with directions under normal use conditions. This warranty does not extend to use of this product contrary to label directions, or under abnormal use conditions, or under conditions not reasonably foreseeable to seller. To the extent consistent with applicable law, seller makes no other warranties, either express or implied.

OR

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Buyer assumes all responsibility for safety and use not in accordance with directions.

Registrant: W. Neudorff GmbH KG, An der Mühle 3, D-31860 Emmerthal, Germany

**Optional Statements:**

[Supplemental distributors will use one of these two statements, either:]

-Sold under a license of "W. Neudorff GmbH KG, Germany"

OR

-Manufactured under a license of "W. Neudorff GmbH KG, Germany"

