

67760-72

01/23/2007

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg.

Number:

67760-72

Date of issuance:

Jan 23, 2007

NOTICE OF PESTICIDE:☒ Registration☐ Reregistration

(under FIFRA, as amended)

Term of Issuance: conditional

Name of Pesticide Product:

Diva Insecticide/Miticide

Name and Address of Registrant (include ZIP Code):

Kari Mavian
Cheminova, Inc.
1700 Route 23, Suite 300
Wayne, NJ 07470

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) and (B) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data.
2. Per the indicated EPA Guidelines, submit the following within 18 months measured from the effective date of this registration.
 - a. one year storage stability (830.6317)
 - b. corrosion characteristics (830.6320)
3. Make the following label changes before you release the product for shipment:
 - a. Revise the EPA Registration Number to read, "EPA Reg. No. 67760-72."
4. Submit two copies of the revised final printed label for the record.

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 constitutes acceptance of these conditions. A stamped copy of the label stamped "accepted with comments" is enclosed for your records.

Signature of Approving Official:

Thomas C. Harris
Biologist
Insecticide Rodenticide Branch
Registration Division (7505P)

Date:

JAN 23 2007

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DIVA™
Miticide/Insecticide

For control of leafminers and mites and suppression of aphids, whiteflies, and thrips on
ornamental plants.
Recommended for Agricultural/Commercial Use

ACTIVE INGREDIENT:

Abamectin	1.9%
Other Ingredients:	98.1%
Total:	100.0%

EPA Reg. No. 67760-**TE**

EPA EST NO.: 39578-TX-1

KEEP OUT OF REACH OF CHILDREN
WARNING **AVISO**

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

**IN CASE OF A MEDICAL EMERGENCY INVOLVING THIS PRODUCT, CALL TOLL FREE,
DAY OR NIGHT, 1-866-303-6950**

See additional precautionary statements directions for use inside booklet.

Notice: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty
and Liability before buying or using this product. If the terms are not acceptable, return the
product at once, unopened, and the purchase price will be refunded.

Manufactured For
CHEMINOVA INC.
1700 Route 23
Suite 300
Wayne, NJ 07470
www.cheminova.us.com

ACCEPTED
with COMMENTS
in EPA Letter Dated:
1/23/2007
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
As amended, for the pesticide
Registered under EPA Reg. No.
67760-72

™DIVA is a trademark of Cheminova

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 SWALLOWED:	<ul style="list-style-type: none"> -Call a poison control center or doctor immediately for treatment advice. -Do not give any liquid to the person. -Do not induce vomiting unless told to do so by a poison control center or doctor. -Do not give anything by mouth to an unconscious person.
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 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.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-866-303-6950 for emergency medical treatment information.</p>	

NOTE TO PHYSICIAN
<p>Early signs of intoxication include dilation of pupils, muscular incoordination, and muscular tremors. Toxicity following accidental ingestion of this product can be minimized by early administration of chemical adsorbents (e.g., activated charcoal).</p> <p>If toxicity from exposure has progressed to cause severe vomiting, the extent of resultant fluid and electrolyte imbalance should be gauged. Appropriate supportive parental fluid replacement therapy should be given, along with other required supportive measures (such as maintenance of blood pressure levels and proper respiratory functionality) as indicated by clinical signs, symptoms, and measurements.</p> <p>In severe cases, observations should continue for at least several days until clinical condition is stable and normal. Since abamectin is believed to enhance GABA activity in animals, it is probably wise to avoid drugs that enhance GABA activity (barbiturates, benzodiazepines, valproic acid) in patients with potentially toxic abamectin exposure.</p>

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
WARNING/AVISO**

Causes substantial but temporary eye injury. Do not get in eyes. Harmful if absorbed through skin or if swallowed. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category E on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

- Long sleeved shirt and long pants.
- Socks and shoes.
- Chemical resistant gloves (such as barrier laminate, nitrile rubber, neoprene rubber, viton).
- Protective eyewear.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

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.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and wildlife. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from target areas. Do not contaminate water when disposing of equipment wash water or rinsate.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

PHYSICAL OR CHEMICAL HAZARDS

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

ATTENTION

This product contains a chemical (N-methyl pyrrolidone) known to the state of California to cause birth defects or other reproductive harm.

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.

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 worker 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 over short-sleeved shirt and short pants
- Chemical-resistant gloves – EPA chemical-resistance category E (e.g., barrier laminate, nitrile rubber, neoprene rubber, viton)
- Chemical resistant shoes and socks
- Protective eyewear

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not reenter treated areas until sprays have dried.

FAILURE TO FOLLOW DIRECTIONS AND PRECAUTIONS ON THIS LABEL MAY RESULT IN CROP INJURY, POOR INSECT CONTROL, AND/OR ILLEGAL RESIDUES.

GENERAL INFORMATION

DIVA miticide/insecticide is an emulsifiable concentrate containing 0.15 lb. abamectin/gallon, which, when mixed with water according to the directions for use will control leafminers and mites and suppress whiteflies, thrips and aphids on ornamentals.

ORNAMENTALS

Mix with sufficient water and apply as a foliar spray to obtain uniform coverage. For mites, apply when mites first appear and repeat as necessary to maintain control. For leafminers, apply as needed and repeat at 7-day intervals or as necessary to maintain control.

For suppression of aphids, thrips and whiteflies apply when young, immature stages of these pests are first observed and repeat every 7 days for 2 or 3 weeks. After which time, rotate to other products that have different modes of action than **DIVA** for at least 2-3 weeks. Refer to the **Resistance Management** section for additional comments on rotation. Aphids, thrips, and whiteflies are killed by direct contact with the **DIVA** spray.

Residual control of pests may be enhanced with the addition of a horticultural spray oil at 0.5 to 1.0% of the spray volume on field-grown woody ornamentals, landscape plants, and Christmas

trees. Repeat application as necessary, but no sooner than 7 days to maintain control. Some plants are sensitive to oils and so without prior experience the user should spray a small number of plants and observe plants for 2 weeks before spraying the remaining plants. Excessive cold or warm temperatures may increase the chance of plant damage following application with oils. Carefully read and follow directions on the oil label and do not exceed maximum rates listed on either label.

Resistance Management

Treatment may not be effective against these pests if **DIVA** tolerant strains develop. Therefore, when applying **DIVA** to plants that are hosts of labeled pests with multiple generations per crop or year, resistance management strategies must be used. Such strategies may include, but are not limited to, rotation of products with different modes of action, avoid treatment of successive generations with the same product, use of labeled rates at specified spray intervals, non-chemical alternatives such as beneficial arthropods, rotation of susceptible to non-susceptible plants, and various cultural practices. For additional information on the implementation of these or other resistance management strategies, consult with your State Cooperative Extension Service.

To manage susceptibility in *Liriomyza* leafminer species, apply a maximum of three applications of **DIVA** and then rotate to Citation® for a maximum of three applications, before rotating back to **DIVA** or using another product. The rotation between these two products with different modes of action should be based on the generation time of *Liriomyza* specie to avoid applying **DIVA** to successive generations.

Restrictions

Do not use **DIVA** for suppression of aphids, whiteflies, and thrips on roses, chrysanthemums, and gerbera. These ornamentals are primary hosts of mites and *Liriomyza* leafminers for which **DIVA** applications should be targeted. Additional applications of **DIVA** to suppress aphids, thrips, and whiteflies on these plants will increase the selection pressure on mites and *Liriomyza* leafminers which may result in greater tolerance to **DIVA** among these pests.

Do not apply this product through any type of irrigation system.

Not for aerial application.

Do not use in citrus nurseries.

DIVA has been evaluated for phytotoxicity on a wide range of ornamental plants. However, since all combinations or sequences of pesticide sprays including surfactants and adjuvants have not been tested, it is recommended that a small area be sprayed first to make certain that no phytotoxicity occurs. Phytotoxicity has been observed following the use of **DIVA** on certain species of ferns (e.g., *Adiantum* spp.) and Shasta Daisy (*L. eucanthemum* spp.). It is therefore recommended that **DIVA** not be used on ferns or Shasta Daisy.

CROP USE DIRECTIONS

Shadehouse, Greenhouse, Field-Grown Ornamentals, Foliage Plants, Christmas Trees, and Other Woody Ornamentals

Pests	fl. oz./100 gal.	Comments
Mites: ¹ European Red Mite Twospotted Spider Mite Carmine Spider Mite Southern Red Mite Spruce Spider Mite Tarsonemid Mite ³ : Cyclamen Broad Mites Eriophyid Mites: Rust Bud Mites	4	³ For tarsonemid mites, repeat applications to newly developing tissue may be necessary to maintain control.
<i>Liriomyza</i> Leafminers ²	8	Repeat at 7-day intervals or as necessary to maintain control.
Boxwood Leafminer	8	For control of mining larvae, make the application when adults are beginning to lay eggs in the new foliage.
Aphids Thrips Whiteflies	8	For suppression of pest populations, young immatures must be contacted by the spray.
General Information Per Application: Do not apply less than 8 fl. oz. or more than 16 fl. oz./A. Use sufficient water to obtain uniform plant coverage. Refer to the Resistance Management section and the Restrictions section for additional information.		
¹ Apply, for example, in 200-400 gals. of water/A. In volumes of water below 200 gals., use a minimum of 8 fl. oz./A. If more than 400 gals. of water/A are required for good plant coverage, apply a maximum rate of 16 fl. oz./A. For example, if 650 gals. of water are required, use 2.5 fl. oz./100 gals. ² Apply, for example, in 100-200 gals. of water/A. In water volumes below 100 gals., use a minimum of 8 fl. oz./A. If more than 200 gals. of water per acre are required for good plant coverage, apply the maximum rate of 16 fl. oz./A. For example, if 400 gals. of water are required, use 4 fl. oz./100 gals.		

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.

Storage

Store in a tightly closed container in a cool, dry place.

Pesticide Disposal

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Pesticide spray mixture or rinsate that cannot be used should be disposed of in a landfill approved for pesticides. Improper disposal of excess pesticide spray mixture or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal

Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures allowed by State or local authorities.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of liability before using this product.

If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following warranty disclaimer, inherent risks of use and limitation of remedies.

WARRANTY DISCLAIMER

Cheminova warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CHEMINOVA MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Cheminova or the seller. All such risks shall be assumed by the Buyer.

LIMITATION OF REMEDIES

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Cheminova's election, one of the following:

- 1) Refund of purchase price paid by buyer or user for product bought, or
- 2) Replacement of amount of product used.

Cheminova shall not be liable for losses or damages resulting from handling or use of this product unless Cheminova is promptly notified of such loss or damage in writing. In no case shall Cheminova be liable for consequential or incidental damages or losses. The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Cheminova or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

Trademarks

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