



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Ms. Carrie Tackema  
Cheminova Inc.  
1700 Route 23, Suite 300  
Wayne, NJ 07470

JUL 11 2008

Subject: Label Notifications for Pesticide Registration Notice 2007-4

Dear Ms. Tackema,

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated May 2, 2008 (and corrected labels sent June 11, 2008) for the following products:

**Abamectin Technical**  
**Nufos 15G**  
**Diva Miticide/Insecticide**

**(EPA Registration Number 4787-51)**  
**(EPA Registration Number 67760-14)**  
**(EPA Registration Number 67760-72)**

The Registration Division (RD) has conducted its review of these requests for their applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4. The labels submitted with the applications have been stamped "Notification" and will be placed in our records, along with this letter.

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 call me directly at 703-305-6249 or Steve Schaible of my staff at 703-308-9362.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda", is written above the typed name.

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs

Please read instructions on reverse before completing form. Form Approved, OMB No. 2070-0060, Approval expires 05-31-98

<b>EPA</b> United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
--	--	-----------------------

**Application for Pesticide - Section I**

1. Company/Product Number <b>67760-72</b>	2. EPA Product Manager <b>J. Hebert</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>DIVA Miticide/Insecticide</b>	PM# <b>7</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Cheminova Inc.</b> <b>1700 Route 23, Suite 300</b> <b>Wayne, NJ 07470</b>	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. _____ <b>NOTIFICATION</b> Product Name _____ <b>JUL 11 2008</b>	
<input type="checkbox"/> Check if this is a new address		

**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
--	---

**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)

**Notification per PR Notice 2007-4**

This notification is consistent with the 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 Formulation for 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 the amended label 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.

**\*Contact: Carrie M. Tackema: [carrie.tackema@cheminova.com](mailto:carrie.tackema@cheminova.com) or fax: 973-305-1382**

**Section - III**

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No <b>*Certification must be submitted</b>	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes"                      No. per container Unit Packaging wgt.	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes"                      No. per container Package wgt.	2. Type of Container <input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container	4. Size(s) Retail Container <b>1 gallon - 55 gallon</b>		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 checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input checked="" 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 <b>Carrie M. Tackema</b>	Title <b>Regulatory Affairs Manager, North America</b>	Telephone No. (Include Area Code) <b>973-305-6600; X 229</b>
<b>Certification</b> 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 	3. Title <b>Regulatory Affairs Manager, North America</b>	
4. Typed Name <b>Carrie M. Tackema</b>	5. Date <b>May 2, 2008</b>	

310

## NOTIFICATION

JUL 11 2008

### **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. 67760-72

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](http://www.cheminova.us.com)

™DIVA is a trademark of Cheminova

<b>FIRST AID</b>	
<b>IF IN EYES:</b>	<ul style="list-style-type: none"> <li>-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.</li> <li>-Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF SWALLOWED:</b>	<ul style="list-style-type: none"> <li>-Call a poison control center or doctor immediately for treatment advice.</li> <li>-Do not give any liquid to the person.</li> <li>-Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>-Do not give anything by mouth to an unconscious person.</li> </ul>
<b>IF ON SKIN OR CLOTHING:</b>	<ul style="list-style-type: none"> <li>-Take off contaminated clothing.</li> <li>-Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>-Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF INHALED:</b>	<ul style="list-style-type: none"> <li>-Move person to fresh air.</li> <li>-If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>-Call a poison control center or doctor for further treatment advice.</li> </ul>
<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>	

<b>NOTE TO PHYSICIAN</b>
<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

6/10  
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: <sup>1</sup> European Red Mite Twospotted Spider Mite Carmine Spider Mite Southern Red Mite Spruce Spider Mite Tarsonemid Mite <sup>3</sup> : Cyclamen Broad Mites Eriophyid Mites: Rust Bud Mites	4	<sup>3</sup> For tarsonemid mites, repeat applications to newly developing tissue may be necessary to maintain control.
<i>Liriomyza</i> Leafminers <sup>2</sup>	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 <b>Resistance Management</b> section and the <b>Restrictions</b> section for additional information.		
<sup>1</sup> 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.		
<sup>2</sup> 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:

##### Nonrefillable containers equal to or less than 5 gallons:

Do not reuse or refill this container. Offer for recycling if available. Triple rinse container 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.

##### Nonrefillable containers greater than 5 gallons:



9/10

Do not reuse or refill this container. Offer for recycling if available. Triple rinse as follows: Empty the remaining contents into application equipment or mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank and store rinsate for later use or disposal. Repeat this procedure two more times.

#### **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**

DIVA is a trademark of Cheminova

Citation is a trademark of a Syngenta Group Company



Cheminova, Inc.  
Oak Hill Park  
1700 Route 23, Suite 300  
Wayne, New Jersey 07470

Phone: 973-305-6600  
Fax: 973-305-1382  
Customer service:  
1-800-548-6113

**Via Courier Delivery**

May 2, 2008

Mr. John Hebert  
Office of Pesticide Programs  
Document Processing Desk (AMEND)(7504P)  
U.S. Environmental Protection Agency  
One Potomac Yard  
Room S4900  
2777 S. Crystal Drive  
Arlington, VA 22202

RE: Notification(s) per PR Notice 2007-4:  
✓ Nufos 15G, EPA Reg. No. 67760-14;  
✓ Cheminova Abamectin Technical, EPA Reg. No. 4787-51; and  
✓ Diva Miticide/Insecticide, EPA Reg. No. 67760-72

Dear Mr. Herbert:

Cheminova, Inc. hereby submits Notifications per PR Notice 2007-4, labeling revisions required by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment."

Enclosed in support of this Notification are the following:

1. Application for Pesticide for each above-referenced product; and
2. Two (2) copies of proposed, final labeling for each above-referenced product.

If you should have any questions, please contact me directly at (973) 305-6600 Ext. 229 or by email at [carrie.tackema@cheminova.com](mailto:carrie.tackema@cheminova.com).

Sincerely,

Carrie M. Tackema  
Regulatory Affairs Manager, North America

Enclosure(s)

