

70506-3

05/06/2009

1/8



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

MAY 06 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Timothy M. Formella
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

Subject: Notification to Revise Label Language

Dear Mr. Formella:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and PR Notice 98-10 dated April 8, 2009 for:

EPA Reg. No. 70506-1

EPA Reg. No. 70506-2

EPA Reg. No. 70506-3 ✓

EPA Reg. No. 70506-71

EPA Reg. No. 70506-76

Acephate 75 Insecticide

Acephate 90 Insecticide

Acephate Technical

Acephate 90SP Manufacturing Use Product

Acephate 90 DF Insecticide

Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and PR Notice 98-10 and finds that the label change(s) requested falls within the scope of PRN-2007-4 and PR Notice 98-10. The labels have been date-stamped "Notification" and will be placed in our records.

If you have any questions, at 703 305-5409 or electronically at daniel.dani@epa.gov

Sincerely,

A handwritten signature, likely "Dani Daniel", is written in ink above the typed name.

Dani Daniel
Registration Division (7505P)
Insecticide/Rodenticide Branch

NOTIFICATION

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 70506-3	2. EPA Product Manager Marilyn Mautz	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Acephate Technical	PM# 4	
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406 <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: EPA Reg. No. _____ 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 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 Formula 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.

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 checked="" type="checkbox"/> Yes <input 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	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other (laminated bag) <i>Fiber board drum</i>		
*Certification must be submitted					
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container Including but not limited to 2.0 oz gel per tube <div style="text-align: center; font-size: 1.5em;">50 kg</div>		5. Location of Label Directions <input 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 checked="" type="checkbox"/> Paper glued <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 Timothy M. Formella	Title Senior Registration Manager	Telephone No. (Include Area Code) 610-491-2813	
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) <div style="border: 1px solid black; padding: 5px; text-align: center;"> APR 8 2009 </div>	
2. Signature <i>Timothy M. Formella</i>		3. Title Senior Registration Manager	
4. Typed Name Timothy M. Formella		5. Date <i>April 8, 2009</i>	

Certification with Respect to Label Integrity

version: 9/11/02

I certify that the information (including, but not limited to, text, tables, and graphics) contained in the electronic file identified below by file name and submitted with this certification is the same information as that on the paper copies of these documents included with this submission.

PROPOSED LABEL		
EPA Registration #	Date Submitted to EPA	Electronic file name
70506-3	4/8/2009	070506-00003.20090408.pdf

I certify that the statements that I have made on this form are true, accurate, and complete. I acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

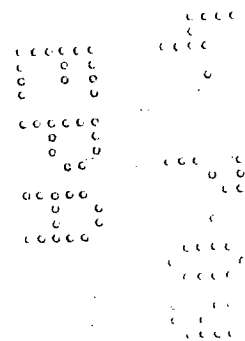
Timothy M. Formella
Signature

04/08/2009

Date

Timothy M. Formella
Name (typed)

Senior Registration Manager
Title





4/8
United Phosphorus, Inc.

630 Freedom Business Center, Suite 402
King of Prussia, PA 19406
(610) 491-2813 (phone)
(610) 491-2810 (fax)

April 8, 2009

VIA: UPS

Document Processing Desk (NOTIF)
Linda Arrington
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

RE: Notification Regarding PR Notices 2007-4 and 2001-5

Acephate Technical

Acephate 75 Insecticide

Acephate 90 Insecticide

Acephate 90SP Manufacturing Use Product

Acephate 90 DF Insecticide

EPA Reg. No. 70506-3

EPA Reg. No. 70506-1

EPA Reg. No. 70506-2

EPA Reg. No. 70506-71

EPA Reg. No. 70506-76

Dear Ms. Arrington:

United Phosphorus, Inc. hereby notifies the Agency of our intent to revise the labels for our registered pesticide products containing the active ingredient acephate.

These label notifications include revision of the Storage and Disposal text in order to comply with the requirements of PR Notice 2007-4 regarding Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment." In addition, the Insecticide Resistance Action Committee (IRAC) group code has been added to the first page of the labels for Acephate 75 Insecticide (EPA Reg. No. 70506-1), Acephate 90 Insecticide (EPA Reg. No. 70506-2), and Acephate 90 DF Insecticide (EPA Reg. No. 70506-76) per the Agency guidance in PR Notice 2001-5.

These changes are consistent with the notification provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46. Enclosed please find the following materials for each of the five products to support these registration notifications:

1. Completed Application for Pesticide Registration (EPA Form 8570-1)
2. A "red-lined" copy of the amended label showing the container disposal language additions
3. A clean copy version of the revised label
4. CD with the labels in electronic format (file names: 070506-00003.20090408.pdf, 070506-00001.20090408.pdf, 070506-00002.20090408.pdf, 070506-00071.20090408.pdf, and 070506-

$\frac{5}{8}$

- Timothy M. Formella
Senior Registration Manager

A collection of 15 small, stylized line drawings of various birds, including shorebirds, waterfowl, and songbirds, arranged in a grid-like fashion.

ACEPHATE TECHNICAL

For Formulation Use Only

ACTIVE INGREDIENT	By Wt.
Acephate (O,S-Dimethyl acetylphosphoramidothioate)	98.3%
OTHER INGREDIENTS	1.7%
TOTAL	100%

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
Contains an organophosphate that inhibits cholinesterase.	
If swallowed	<ul style="list-style-type: none">• Call poison control center or doctor immediately for treatment advice.• Do not induce vomiting unless told to do so by the poison control center or doctor.• Have person sip a glass of water if able to swallow.• 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.
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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the Rocky Mountain Poison Center at 1-866-673-6671 for emergency medical treatment.	
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.	

For chemical emergency: spill, leak, fire, exposure or accident, call CHEMTREC at
1-800-424-9300

Net Contents: _____ Pounds

Batch/Lot # _____

EPA Reg. No. 70506-3

EPA Est. No. 41876-IND-001

Manufactured for:
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes, skin, and clothing. Avoid breathing dust or vapors. When handling the product, wear chemical-resistant gloves, long-sleeved shirt and long pants. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and launder contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other bodies of waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or the Regional Office of the Environmental Protection Agency.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep pesticide in original container. Store in cool, dry place. Protect from excessive heat. Do not contaminate food or foodstuffs. Do not store near feed or food.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING:

Nonrefillable container. Do not reuse or refill this container.

Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then off for recycling if available or dispose of liner in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned stay out of smoke. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner.

DIRECTIONS FOR USE

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

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

This product is intended only for use in the formulation of other acephate insecticide products. This product may NOT be formulated into products intended for indoor residential uses. Products formulated using Acephate Technical will require registration with the Environmental Protection Agency.

Only for formulation into insecticide products intended for:

Pests - Indoors In: Industrial, Institutional and Commercial Buildings including Restaurants, Food Handling Establishments, Warehouses, Stores, Motels, Manufacturing Plants and Ships.

Terrestrial, Food Uses On: Beans and Lima Beans, Brussels Sprouts, Cauliflower, Celery, Cranberries, Cotton, Cottonseed, Head Lettuce, Macadamia Nuts, Peanuts, Peppermint, Peppers, Sweet Peppers, and Spearmint.

Terrestrial, Non-Food Uses On: Wasteland, Fire Ant Mounds, Shrubs, Trees, Douglas Fir (Christmas Trees), Flowering Crabapples, Dichondra, Turfgrass (limited to Golf Courses and Sod Farms except when applying by mound or spot treatment for Fire Ants), Daisies, Dahlias, Easter Lily, Gladioli, Gyposophila, Pachysandra, Peony, Roses, Sedum, Statice, Strawflower, Yarrow, Zinnia, Container Grown Nursery Stock (Arborvitae, Azalea, Camelia, Rhododendron, Roses, Viburnum, Yew) and Tobacco.

Greenhouse, Floral and Foliage Plants, Non-Food Use On: Orchids, Anthuriums, Cacti, Poinsettia, Roses, Carnations and Chrysanthemums.

Outdoor Uses On: Wasp Nests, Perimeter Treatments, Buildings, Window Frames, Shutters, Entryways, Screens, Eaves, Patios, Garages, Carports and Garbage Areas.

LIMITED WARRANTY

United Phosphorus, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for use under average conditions when used strictly in accordance with the directions on the labeling. To the extent consistent with applicable law, United Phosphorus, Inc. and its agents or representatives make no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label.

Critical and unforeseeable factors beyond United Phosphorus Inc.'s control prevent it from eliminating all risks in connection with the use of this product. Such risks include, but are limited to, damage to plants and crops to which product is applied, lack of complete control over the handling and application of this product, and damage caused by drift to other plants or crops. Such risks occur even though the product is reasonably fit under average conditions for the use stated on the labeling and even though label directions are followed. To the extent consistent with applicable law, buyer and user acknowledge and assume all risks and liability (except those assumed by United Phosphorus, Inc.) resulting from handling, storage and use of the product.

Precautions stated on the labeling must be followed to avoid hazardous exposure to the product.

rev 4/8/09