

70506-10

01-13-2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Rebecca A. Clemmer
Regulatory Manager
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

JAN 13 2010

SUBJECT: Applications for Pesticide Notification – Changes per PR Notices 2001-5 and 2007-4

Cypermethrin Technical Insecticide	EPA Reg. No. 70506-10
UP-Cyde® Pro 2.0 EC Termiticide/Insecticide	EPA Reg. No. 70506-19
UP-Cyde® 2.5 EC Ag Insecticide	EPA Reg. No. 70506-20
Cypermethrin 2.5 EC Termiticide/Insecticide	EPA Reg. No. 70506-21
UP-Star® Gold Granular Insecticide	EPA Reg. No. 70506-73
UP-Star® GC Granular Insecticide	EPA Reg. No. 70506-74
UP-Star® Nursery Granular Insecticide	EPA Reg. No. 70506-75
UP-Star® One-G Granular Insecticide	EPA Reg. No. 70506-129

Applications Dated August 7, 2009

Dear Ms. Clemmer:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notices (PRNs) 2001-5 and 2007-4 for the above products. The Registration Division (RD) has conducted a review of these requests for their applicability under PRNs 2001-5 and 2007-4 and finds that the actions requested fall within the scope of these PRNs. The labels submitted with the applications are considered "acceptable", 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 call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

 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 70506-10		2. EPA Product Manager R. Gebken	
4. Company/Product (Name) United Phosphorus, Inc/Cypermethrin Technical Insecticide		3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted	
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406		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 _____	
<input type="checkbox"/> Check if this is a new address			
Section - II			
<input type="checkbox"/> Amendment – Explain below		<input type="checkbox"/> Final printed labels in response to	
<input type="checkbox"/> Resubmission in response to Agency letter dated _____		<input type="checkbox"/> Agency letter dated _____	
<input checked="" type="checkbox"/> Notification – Explain below		<input type="checkbox"/> "Me Too" Application	
		<input type="checkbox"/> Other – Explain below	
NOTIFICATION JAN 13 2010			
Explanation: Use additional page(s) if necessary. (For Section I and Section II.) Notification of label change per PR Notice 2007-4 and 2001-5 and company information updates. This notification is consistent with the guidance in PRN 2007-4 and 2001-5 and the requirements of EPA's regulations at 40CFR§§156.10, 156.140, 156.144, 156.146, 156.156. No other changes have been made to the labeling or the CSF 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 amended label is not consistent with the sections above, 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:			
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *Certification must be submitted	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. _____	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt _____	2. Type of Container <input checked="" type="checkbox"/> Metal <input 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 type="checkbox"/> Container		4. Size(s) Retail Container bulk	5. Location of label directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Label 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	
Section IV			
1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Rebecca A. Clemmer		Title Regulatory Manager	Telephone No. (Include Area Code) 610-491-2828
Certification 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 <div style="text-align: center;">(Stamped)</div>
2. Signature 		3. Title Regulatory Manager	
4. Typed Name Rebecca A. Clemmer		5. Date August 7, 2009	



United Phosphorus, Inc.

630 Freedom Business Center
Suite 402
King of Prussia, PA 19406
(610) 491-2828 (phone)
(610) 491-2810 (fax)

Rebecca A. Clemmer
Regulatory Manager

August 7, 2009

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

NOTIFICATION
JAN 13 2010

Re: Cypermethrin Products - Notifications

To Whom It May Concern:

United Phosphorus, Inc. is submitting revised labels to accomplish the following changes, all of which qualify as Notifications: add herbicide resistance category per PRN 2001-5; update container disposal wording per PRN 2007-4. In several cases there have also been updates to the emergency and company contact information, as well as the warranty.

Products:

Cypermethrin Technical Insecticide, EPA Reg. No. 70506-10
UP-Cyde Pro 2.0 EC Termiticide/Insecticide, EPA Reg. No. 70506-19
UP-Cyde 2.5 EC Ag Insecticide, EPA Reg. No. 70506-20
Cypermethrin 2.5 EC Termiticide/Insecticide, EPA Reg. No. 70506-21

In support, for each label enclosed please find:

- EPA form 8570-1
- Label copy marked to show changes
- Label integrity form
- A CD containing clean pdf copies of each label

Please contact me if you have any questions.

Very truly yours,

Rebecca A. Clemmer
rebecca.clemmer@uniphos.com

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CENTER PANEL

CYPERMETHRIN TECHNICAL INSECTICIDE

For Formulation Use Only

NOTIFICATION

EPA Reg. No. 70506-10

EPA Est. No. 41876-IY-1

JAN 13 2010

ACTIVE INGREDIENT:

Cypermethrin

(±)α-cyano-(3-phenoxyphenyl) methyl(±)-cis, trans-3-(2,2-dichloroethenyl)-

2,2-dimethylcyclopropanecarboxylate* 96.70%

OTHER INGREDIENTS 3.30%

TOTAL 100.00%

*Nominal Concentration; cis/trans ratio: 47/53 ± 10%

KEEP OUT OF REACH OF CHILDREN

WARNING

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING

May be fatal if swallowed. Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking or using tobacco. Prolonged or frequently repeated contact may cause allergic reaction in some individuals. Wear goggles or face shield as protection against splashes. Wear chemical resistant gloves to reduce skin contact.

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

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 a 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.
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.

FOR CHEMICAL EMERGENCY: spill, leak, fire, exposure, or accident, call
CHEMTREC 1-800-424-9300

United Phosphorus Inc.

Net Contents:

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LEFT AND RIGHT PANELS
ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, birds, and other wildlife. 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

PHYSICAL OR CHEMICAL HAZARDS

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.

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

Formulators using this product are responsible for obtaining EPA registration for their formulated product which may be labeled for the use patterns as found listed on this label.

Only for formulation into an insecticide for the following uses:

Indoors, Nonfood/feed areas only: Wood and wood structure protection (against termites, beetles, etc.) and general insect pest control in buildings, structures, transports and their immediate surroundings, including but not limited to: agricultural, industrial and commercial buildings, houses, apartment buildings, laboratories, buses, and the non-food/feed areas of stores, warehouses, vessels, railcars, trucks, trailers, aircraft (cargo areas only), schools, nursing homes, hospitals (non-patient areas), restaurants, hotels, food manufacturing, processing and servicing establishments, interiorscapes, and plantscapes in interior gardens.

- Do not use in warehouses where raw or cured tobacco is stored
- Do not use in warehouses while raw agricultural commodities for food or feed are stored
- Do not use in the food/feed areas of food/feed handling establishments, restaurants, or other areas where food/feed is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where foods are served such as dining rooms but excluding areas where food may be prepared or held. Non-food/feed areas of food/feed handling establishments where the product can be applied include garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, mop closets, and storage areas (after canning or bottling).

Terrestrial Outdoor, Non-food Uses: Ornamentals including non-bearing fruit and nut trees grown for ornamental purpose, evergreens, ornamental trees, shrubs, vines, ground covers, lawn and turfgrass grown around industrial and commercial buildings, private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, garages, sport fields and complexes, tennis courts, fence lines, storage sheds, barns, and their structures (fences, posts, slabs, crawlspaces, foundations, porches, window frames, eaves, patios, garages) and refuse dumps.

Greenhouse, Non-food Uses: Indoor and outdoor (shade house) grown floral and foliage plants

Domestic Indoor/Outdoor (non-commercial homeowner) Uses: Indoor and outdoor (shade house) grown floral and foliage plants (non-food uses).

Terrestrial Food:

Brassica vegetables, head and stem, including broccoli, chinese broccoli (gai lan, white flowering broccoli), brussels sprouts, cauliflower, cavato broccola, kohlrabi, cabbage, chinese cabbage (napa)

Brassica vegetables, leafy greens, including broccoli raab (rapini), chinese cabbage (bok choy), collards, kale, mizuna, mustard greens, mustard spinach, rape greens, chinese mustard cabbage (gai choy)
 Bulb vegetables (Allium spp) including garlic, great-headed garlic (elephant), green escalots, Japanese bunching onions, leeks, dry bulb and green onions, welch onions, dry bulb and green shallots, spring onion (scallions)
 Cotton
 Lettuce (head)
 Pecans

Domestic Outdoor – Wood or Wood Structure Protection Treatments

General Outdoor Insect Control (Non-food Uses)

Other Uses:

1. Uses for which U.S. EPA has accepted the required data and/or citations of data that the formulator has submitted in support of the registration.
2. Uses for experimental purposes that are in compliance with U.S. EPA requirements

STORAGE AND DISPOSAL

PROHIBITIONS

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited.

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

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.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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 back 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 or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning if available, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities. Do not cut or weld metal containers.

~~Triple rinse (or equivalent). Offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or dispose of by other procedures allowed by State and Local authorities. Do not cut or weld metal containers.~~

CONDITIONS OF SALE

AND LIMITATION OF WARRANTY AND LIABILITY

United Phosphorus, Inc. warrants that at the time of delivery, this product will conform to its chemical description on the label, that it is reasonably fit for the purposes referred to in the Directions for use, that it will pass without objection in the trade under the contract description, that the seller will convey title hereto, and that such product will be delivered free from any lawful security interest, lien or encumbrance.

To the extent allowed by applicable law, UNITED PHOSPHORUS, INC. MAKES 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. BUYER ACKNOWLEDGES THE USE OF ITS OWN INDEPENDENT SKILL AND

EXPERTISE IN THE SELECTION AND USE OF THE PRODUCT AND DOES NOT RELY ON ANY ORAL OR WRITTEN STATEMENTS OR REPRESENTATIONS.

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. United Phosphorus does not make nor authorizes any agent or representative to make, any other warranty, guarantee or representations, express or implied, concerning this product. Specifically, **"NO IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE IS MADE"**.

Critical and unforeseeable factors beyond United Phosphorus' control prevent it from eliminating all risks in connection with the use of this product. Such risks include, but are not 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 uses stated on the labeling and even though label directions are assumed by United Phosphorus as stated above, resulting from handling, storage and use of the product.

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

Rev. 11-028/7/09