

70506-71

5/6/2009

1 of 6



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, appearing to be "Dani Daniel", is written in ink over a horizontal line.

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

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
 70506-71

2. EPA Product Manager
 Marilyn Mautz

3. Proposed Classification

4. Company/Product (Name)
 Acephate 90SP Manufacturing Use Product

PM#
 4

☒ None ☐ 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 _____

☐ Check if this is a new address

Section - II

☐ Amendment - Explain below.

☐ Final printed labels in response to Agency letter dated _____

☐ Resubmission in response to Agency letter dated _____

☐ "Me Too" Application

☒ Notification - Explain below.

☐ 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:

Child-Resistant Packaging

☐ Yes*
☒ No

Unit Packaging

☒ Yes
☐ No

Water Soluble Packaging

☒ Yes
☐ No

2. Type of Container

☐ Metal
☐ Plastic

☐ Glass

☒ Paper *Fiberboard drum*
☒ Other (laminated bag)

***Certification must be submitted**

If "Yes"
 Unit Packaging wgt. *40 kg*

No. per container

If "Yes"
 Package wgt.

No. per container

3. Location of Net Contents Information

☒ Label ☐ Container

4. Size(s) Retail Container

Including but not limited to 2.0 oz gel per tube

5. Location of Label Directions

☐ On Label
☒ On labeling accompanying product

6. Manner in Which Label is Affixed to Product

☐ Lithograph

☐ Other _____

☒ Paper glued

☐ Stenciled

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

Certification

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

2. Signature

Timothy M. Formella

3. Title

Senior Registration Manager

4. Typed Name

Timothy M. Formella

5. Date

April 8, 2009

6. Date Application Received
 (Stamped)

NOTIFICATION

MAY 06 2009

ACEPHATE 90SP MANUFACTURING USE PRODUCT

For Formulation or Repackaging Use Only

ACTIVE INGREDIENT	By Wt.
Acephate (O,S-Dimethyl acetylphosphoramidothioate).....	90.0%
OTHER INGREDIENTS	10.0%
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.• 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 information.	
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 1-800-424-9300**

EPA Reg. No. 70506-71

Manufactured for:
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406
1-800-438-6071
www.upi-usa.com

EPA Est. No.

Net Contents: 50 lb
Batch/Lot #

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Causes eye irritation. Avoid contact with eyes, skin and clothing. Avoid breathing dust. Wash hands thoroughly after handling.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

When handling this product, wear chemical resistant gloves, long-sleeved shirt and long pants, shoes and socks. Remove and launder contaminated clothing before use.

ENVIRONMENTAL HAZARDS

This product 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 bag into application equipment. Then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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 repackaging or in the formulation of other acephate insecticide products. This product may NOT be formulated into products intended for indoor residential uses. Products repackaged or formulated using Acephate 90SP MUP will require registration with the Environmental Protection Agency.

Only for repackaging or 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.

**IMPORTANT INFORMATION
READ BEFORE USING PRODUCT**

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

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.

The Directions for Use of this product should be followed carefully. The Directions for Use of this product reflect the opinion of experts based on field use and tests. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of United Phosphorus, Inc. or Seller. Handling, storage, and use of the product by Buyer or User are beyond the control of United Phosphorus, Inc. and Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold United Phosphorus, Inc. and Seller harmless for any claims relating to such factors.

United Phosphorus, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or United Phosphorus, Inc., and Buyer and User assume the risk of any such use. **UNITED PHOSPHORUS, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

To the extent allowed by law, United Phosphorus, Inc. or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF UNITED PHOSPHORUS, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE, AT THE ELECTION OF UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT, OR COMPENSATION LIMITED TO DAMAGES NOT EXCEEDING THE FAIR MARKET PURCHASE PRICE, AND SHALL NOT INCLUDE INCIDENTAL OR CONSEQUENTIAL DAMAGES.**

United Phosphorus, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by the duly authorized representative of United Phosphorus, Inc..