

70506-75

7.6.2007

1/9



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUL 6 2007

Mr. Timothy M. Formella
Senior Registration Manager
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

RE: Notification to Remove "For Commercial Use Only" Language
EPA Reg. No.: 70506-75
Date of Submission: June 13, 2007

Dear Mr. Formella:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated June 13, 2007, for the product UP-Star Nursery Granular Insecticide. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards, of my staff at 703-308-5479.

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

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input checked="" type="checkbox"/>	Amendment
<input type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 70506-75	2. EPA Product Manager George LaRocca	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) UP-Star Nursery Granular Insecticide	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406 <input checked="" 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 _____	NOTIFICATION JUL - 6 2007
<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 to remove "for Commercial Use Only" language. This notification is consistent with the provisions of PR-Notice 98-10 and EPA regulations at 40CFR 152.46, and 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 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement 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 type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> Text <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	Other (Specify) _____	
		If "Yes" Package wgt	No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		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 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
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.		5. Date Application Received (Stamped)
2. Signature <i>Timothy M. Formella</i>	3. Title Senior Registration Manager	
4. Typed Name Timothy M. Formella	5. Date June 13, 2007	

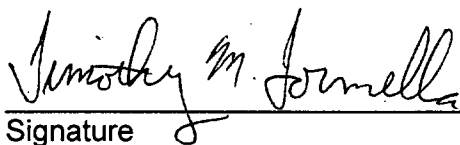
Certification with Respect to Label Integrity

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
70506-75	6/13/2007	070506-00075.20070613.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.



 Signature

06/13/2007

 Date

Timothy M. Formella

 Name (typed)

Senior Registration Manager

 Title

4/9

NOTIFICATION

JUL - 6 2007

UP-Star Nursery Granular Insecticide

For Agricultural Use Only

For use as a quarantine treatment against imported fire ants and for balled and containerized nursery stocks

Active Ingredient:	By Wt.
Bifenthrin*	0.2%
Inert Ingredients:	99.8%
TOTAL	100.0%

*Cis isomers 97% minimum, trans isomers 3% maximum

KEEP OUT OF REACH OF CHILDREN

CAUTION

See other panels for additional precautionary information or see back panel pamphlet for additional precautionary information and complete directions for use.

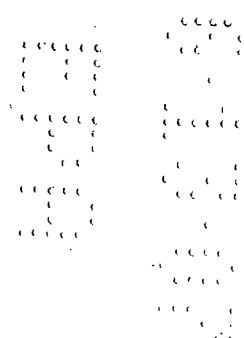
FIRST AID	
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
NOTE TO PHYSICIAN	
This product is a pyrethroid. If large amounts have been ingested, milk, cream, and other digestible fats and oils may increase absorption and so should be avoided.	
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency medical assistance, call the Rocky Mountain Poison Center at 1-866-767-5089.	

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

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

EPA Reg. No. 70506-75
EPA Est. No.

Net Contents:



PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

CAUTION

Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes and socks

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.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water or 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 treated areas. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

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), notification to workers, 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 to treated areas during the restricted entry interval (REI) of 12 hours.

Exception: if the product is soil-injected or soil incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

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
 Waterproof gloves
 Shoes plus socks

STORAGE AND DISPOSAL

Prohibitions: Do not contaminate water, food, or feed by storage or disposal.

Pesticide Storage: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use close tightly.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills.

To Confine Spill: Cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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: Paper and plastic bags: Completely empty bag into application equipment. Then 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.

SITE	USE PATTERN
Ornamentals – trees, shrubs, plants, flowers, conifers, Christmas trees Non-bearing fruit and nut trees and bushes	Soil incorporation into potting media.
Herbs Angelica; balm; basil; borage; burnet; chamomile; catnip; chervil; chive; chive, Chinese; clary; coriander (leaf); costmary; cilantro (leaf); curry (leaf); dillweed; horehound; hyssop; lavender; lemongrass; lovage (leaf); marigold; marjoram; nasturtium; parsley; pennyroyal; rosemary; rue; sage; savory, summer and winter; sweet bay; tansy; tarragon; thyme; wintergreen; woodruff; and wormwood	Soil incorporation into potting media. Minimum preshipment interval is 70 days.

Application Directions for Potting Media: Measure the dry weight of a unit volume of the mix to determine its bulk density. Based on the length of control required, thoroughly mix the appropriate quantity (see chart below) of UP-Star Nursery Granular Insecticide using equipment which will provide uniform distribution in the potting media. For more even distribution, consider premixing UP-Star Nursery Granular with an appropriate amount of sand (1:10).

UP-Star Nursery Granular is approved under the USDA Plant Protection Imported Fire Ant Quarantine Certification program when used in accordance with USDA guidelines. Use the recommended application rates given in the table below to obtain the length of control required for certification.

Pest	USDA IFA Certification Period (mo)	App. Rate (ppm)	Potting Media Bulk Density* (lbs. UP-Star Nursery Granular per Cubic Yard)				
			200	300	400	500	600
Imported Fire Ant	0-6	10	1.0	1.5	2.0	2.5	3.0
	7-12	12	1.2	1.8	2.4	3.0	3.6
	13-24	15	1.5	2.25	3.0	3.75	4.5
	continuous	25	2.5	3.75	5.0	6.25	7.5

Comments: Using the chart as a guide, incorporate the appropriate amount of UP-Star Nursery Granular Insecticide into one cubic yard of potting media based on the known bulk density.

For General Use on Ornamental Plants outside the scope of USDA guidelines

Use the higher rates for extended residual control.

Pest	App. Rate (ppm)	Potting Media Bulk Density* (lbs. UP-Star Nursery Granular per Cubic Yard)				
		200	300	400	500	600
Fungus Gnat Larvae	5	0.5	0.75	1.0	1.25	1.5
Mealybugs	10	1.0	1.5	2.0	2.5	3.0
Black Vine Weevil	10	1.0	1.5	2.0	2.5	3.0
Root Weevil larvae	15	1.5	2.25	3.0	3.75	4.5
White Grubs**	25	2.5	3.75	5.0	6.25	7.5
Imported Fire Ants						

Comments: Using the chart as a guide, incorporate the appropriate amount of UP-Star Nursery Granular Insecticide into one cubic yard of potting media based on the known bulk density.

*lbs UP-Star Nursery Granular Insecticide per cubic yard
 = $\frac{\text{bulk density of potting media} \times \text{ppm}}{2000}$

(bulk density = laboratory determined dry weight of a unit volume of potting media)

** including Japanese Beetle, oriental beetle, European chafer larvae

Dealers Should Sell In Original Packages Only

**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 reflect the opinion of experts based on field use and tests, and must be followed carefully. It is impossible to eliminate all risks 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.

To the extent consistent with applicable law, 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. To the extent consistent with applicable law, 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 consistent with applicable 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 and **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 THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

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.

Rev. 6/13/07



9/9
United Phosphorus, Inc.

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

June 13, 2007

VIA: UNITED PARCEL SERVICE

Document Processing Desk (NOTIF)
Sherada Hobgood
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: UP-Star Nursery Granular Insecticide (EPA Reg. No. 70506-75)
Notification per PR Notice 98-10

Dear Ms. Hobgood:

United Phosphorus, Inc. herein submits a registration amendment for UP-Star Nursery Granular Insecticide (EPA Reg. No. 70506-75) consistent with the notification provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46.

This notification reflects the removal of the phrasing "for Commercial Use Only" from the front panel of the label. Per the US EPA Pesticide Labeling Consistency "For Use Only By" Issue Paper, dated October 24, 2006 (see copy enclosed) this language is not enforceable and it is not appropriate to include on the label of a non-restricted use product any language limiting use to certified applicators. Therefore, UPI wishes to remove this phrasing from the UP-Star Nursery Granular label.

Enclosed please find the following materials to support this registration notification:

1. A completed Application for Pesticide Registration (EPA Form 8570-1)
2. Two (2) copies of the revised label, one with the revisions red-lined
3. A CD containing the label in electronic format (file number: 070506-00075.20070613.pdf)
4. A completed Certification with Respect to Label Integrity form for the electronic copy of the label
5. A copy of the EPA labeling issue paper on this topic dated October 24, 2006

If you have any questions concerning the information provided please call me at 610-491-2813 or email me at tim.formella@uniphos.com.

Sincerely,

A handwritten signature in black ink that reads "Timothy M. Formella".

Timothy M. Formella
Senior Registration Manager