

70506-75

02/16/2010

1/8



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Rebecca A. Clemme
United Phosphorus, Inc.
630 Freedom Business Center
Suite 402
King of Prussia, PA 19406

FEB 16 2010

Subject: Label Notification(s) for Pesticide Registration 2007-4

Dear: Ms. Clemme:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated for January 06, 2010

EPA Registration Number: 70506-75 UP-Star Nursery Granular

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

Please re 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 non-refillable 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 contact Melody Banks on 703 305-5413.

Sincerely,

Richard Gebken
Product Manager 11
Insecticide Branch
Registration Division (7505P)

Please read instructions on reverse before completing form

Form Approved, OMB No. 2070-0060, Approval expires 5-31-98

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

Application for Pesticide - Section I

1. Company/Product Number 70506-75 4. Company/Product (Name) United Phosphorus, Inc/UP-Star Nursery Granular Insecticide 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	2. EPA Product Manager R. Gebken PM # 13	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted 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"/> 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
--	---

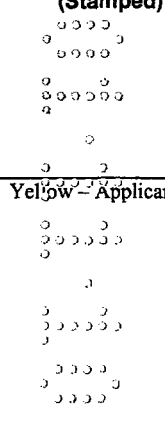
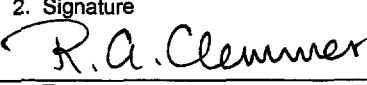
NOTIFICATION
FEB 16 2010

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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 50 lb		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 type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input checked="" type="checkbox"/> Other : printed bag		

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					6. Date Application Received <div style="text-align: center;">(Stamped)</div> 
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					
2. Signature 		3. Title Regulatory Manager			
4. Typed Name Rebecca A. Clemmer		5. Date August 7, 2009			

3/8



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

Jan. 6, 2010

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

Re: Notifications - **RESUBMISSION**
UP-Star Nursery Granular (EPA Reg. No. 70506-75)

To Whom It May Concern:

NOTE: this label is being resubmitted per Agency request

United Phosphorus, Inc. is submitting a revised label to accomplish the following changes, all of which qualify as Notifications: add resistance category per PRN 2001-5; update container disposal wording per PRN 2007-4.

In support, enclosed please find:

- EPA form 8570-1
- Label copy marked to show changes

Please contact me if you have any questions.

Very truly yours,

R.A. Clemmer

Rebecca A. Clemmer
rebecca.clemmer@uniphos.com

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

4/8

GROUP 3A INSECTICIDE

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%

NOTIFICATION

FEB 16 2010

*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 1-866-767-5089/673-6671.	

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 exist, 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:

6/8

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: **Nonrefillable container. Do not reuse or refill this container.** ~~Completely empty bag into application equipment. Paper and plastic bags: 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.

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.