

70907-1

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3-19-98

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Jacket file 10A5
70907-1

MAR 19 1998

Certified Mail -- G31998mme

Lawrence A. Miller
President and CEO
Gharda USA, Inc.
115 Obtuse Hill
Brookfield, CT 06804

Subject: Compliance with Residential Risk Reduction Plan and Deletion of Popcorn
Chlorpyrifos Technical, EPA Reg. No. 70907-1
Your Submission Dated November 26, 1997

Dear Mr. Miller:

The revised labeling for the subject product, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable, provided you incorporate the Agency's comment listed below.

1. In the Directions for Use section, the sentence which reads "Chlorpyrifos technical may not be used to formulate agricultural products intended for use in California and Arizona," must be removed. The Agency does not deem it appropriate to have this type of restriction on an enforceable section of a federal label, thereby making the formulation of this product into a product intended for use within California a misuse under FIFRA.

While the Agency has no objection to statements in other portions of the label that merely inform distributors and applicators of state registration status, the Agency does not intend to approve federally enforceable use restrictions on labels based solely on the fact that a product has not obtained a specific state registration.

Use directions should be reserved for directions necessary to use the product effectively and in a manner consistent with FIFRA and the implementing regulations. The proposed restriction does not further these purposes.

However, the Agency would accept a statement in the disclaimer section or other portion of the label indicating the product was not registered in a specific state and state law may, therefore, prohibit distribution, sale, or

CONCURRENCES						
SYMBOL	7505C					
SURNAME	MME					
DATE	4-7-98					

use of the product in that state. We recommend use of the following or similar language to accomplish this.

This product is not registered in California or Arizona. California and Arizona law prohibits sale, distribution, and use within the State of any product not registered by the State.

As the enclosed label has been stamped "accepted with comments," you may incorporate the sample language shown above into final, printed labeling without obtaining further review by the Agency. If, however, you elect to pursue language which is similar to the above wording but is not identical, you must first obtain our review and concurrence. To do so, submit a copy of the wording you propose directly to my attention.

A stamped copy of the label is enclosed for your files. For your information, I also noted initial treatment instructions in the Note to Physician on this label include "...maintenance of patient's airway..." Earlier files on chlorpyrifos products show that the initial wording in this section was "...maintenance of a *patent* airway..." referring to an open and unobstructed airway. You may wish to revise this language in future labeling so that the guidance given to a physician is clearer.

Please submit one copy of your final, printed labeling to me prior to releasing the product for shipment. The Federal Register Notice of 3/18/98, announcing deletion of popcorn as a use from this label, allows for a 90-day time period during which you may continue selling product under previously approved labeling. I understand, however, that you have already removed the popcorn use site from your label.

During earlier conversations, you agreed to submit revised final, printed labeling which incorporates amendments relating to the residential risk reduction plan within six months from receiving this letter. That time frame will be acceptable for responding to the comment in this letter.

If you have questions regarding this letter or the registration of this product, please contact me on (703) 308-9399 or electronically at Exton.Margery@EPAMail.EPA.gov.

Sincerely,

Margery M. Exton
Chemical Manager
Insecticide-Rodenticide Branch
Registration Division (7505C)

enclosure: (1) Stamped Label

CHLORPYRIFOS TECHNICAL

AN INSECTICIDE FOR FORMULATING USE ONLY

ACTIVE INGREDIENT:

Chlorpyrifos

(O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 99.3%

INERT INGREDIENTS..... 0.7%

100.0%

READ ALL DIRECTIONS BEFORE USING

KEEP OUT OF REACH OF CHILDREN

WARNING

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Call a physician or Poison Control Center immediately. Immediately give several glasses of water and induce vomiting by placing finger on the back of the victim's tongue. Give fluids until vomitus is clear. Do not induce vomiting or give anything by mouth to an unconscious or convulsing person.

IF INHALED: Remove victim to fresh air. Get medical attention if respiratory irritation occurs. Apply artificial respiration if indicated.

IF ON THE SKIN: In case of contact, remove contaminated clothing and immediately wash skin with soap and water. Avoid abrading the skin..

IF IN EYES: Flush eyes with plenty of water. Hold eyelids apart to insure rinsing of the entire surface of the eyes. Call a physician immediately.

NOTE TO PHYSICIAN

Chlorpyrifos is a cholinesterase inhibitor. Initial treatment measures include removal of secretions, maintenance of patient's airway and, if necessary, artificial respiration. When cyanosis is relieved, atropine may be administered in large therapeutic doses, repeated as necessary to the point of tolerance. If symptoms warrant further treatment, protopam chloride (pralidoxime chloride, 2-PAM chloride) has shown utility as adjunctive therapy. Never use morphine. Continued absorption of the poison may occur, resulting in a fatal relapse after initial improvement in condition. Close supervision of the patient is indicated for at least 48 to 72 hours.

SEE ADDITIONAL PRECAUTIONARY STATEMENTS ON SIDE PANEL.

Gharda USA, Inc.
115 Obtuse Hill
Brookfield, CT 06804

ACCEPTED
with COMMENTS
In EPA Letter Dated

MAR 19 1998

*Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
70907-1*

EPA Reg. No. 70907-1
EPA Est. No. 33658-IND-3
Net Wt. _____

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING

May be fatal if swallowed. Do not take internally. Harmful if absorbed through the skin. Avoid breathing vapors or spray mist. Handle concentrate in a ventilated area. Causes eye irritation. Do not get into eyes. Avoid contact with skin. Wash thoroughly with soap and water after handling. Do not wear contaminated clothing. Keep away from food, feedstuffs and water supplies.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and wildlife. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or public waters unless this product is specifically identified and addressed in a NPDES permit. Do not discharge effluent containing this product into sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

DIRECTIONS FOR USE

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING.

FOR MANUFACTURING USE ONLY

CHLORPYRIFOS TECHNICAL may be used only for formulation into other manufacturing use products or end use products for uses accepted by the United States Environmental Protection Agency. Because of their properties and intended uses, insecticidal formulations containing CHLORPYRIFOS TECHNICAL will require precautionary labeling different from that given. Formulators should develop their own use and precautionary labeling based on the properties and intended use of their own finished formulations, and are responsible for obtaining EPA registrations of these products.

CHLORPYRIFOS TECHNICAL MAY NOT BE USED TO FORMULATE AGRICULTURAL PRODUCTS INTENDED FOR USE IN CALIFORNIA AND ARIZONA, OR FOR FORMULATION INTO NON-AGRICULTURAL PRODUCTS INTENDED FOR USE IN CALIFORNIA.

CHLORPYRIFOS TECHNICAL MAY BE FORMULATED ONLY INTO END USE PRODUCTS WITH THE FOLLOWING USES ON THE LABEL:

Agricultural uses - Alfalfa, Asparagus, Christmas Tree Plantations, Citrus Fruits, Corn (field, sweet and seed corn), Cotton, Cranberries, Figs, Grapes, Mint, Onions (dry bulb), Peanuts, Sorghum, Soybeans, Sunflowers, Sugar Beets, Strawberries, Sweet Potatoes, Tobacco, Tree Fruit (apples, pears, cherries, plums/prunes, peaches and nectarines), Tree Nuts (almonds, filberts, pecans, and walnuts), Vegetables (cauliflower, broccoli, brussels sprouts, cabbage, collards, kale, kohlrabi, turnips, radishes, and rutabagas), Wheat...

Non-Agricultural uses - Termiticides, Wood treatment, Outdoor pests (building surfaces, lawns, ornamental & recreational turf grass), Ornamentals (flowers, shrubs, vines, shade & flowering trees, and evergreens).

ANY USE TO FORMULATE MANUFACTURING-USE OR END-USE PRODUCTS INTENDED FOR INDOOR, GREENHOUSE, NURSERY GROWN ORNAMENTALS, PAINT ADDITIVE, PET CARE, ANIMAL HEALTH, OR FOR MOSQUITO CONTROL IS STRICTLY PROHIBITED.

ALL MANUFACTURING-USE PRODUCTS PRODUCED FROM THIS PRODUCT MUST BEAR A STATEMENT PROHIBITING FORMULATION OF SUCH PRODUCTS FOR THE USES IDENTIFIED ABOVE.

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool, dry area away from heat or open flame. Protect from moisture. Avoid contamination with water, acids, or alkalis. Keep container closed. Store in original container in locked storage area.

IN CASE OF A SPILL: Isolate the spill. Hold this package, other cargo and vehicles involved. Immediately telephone (24-hour service) for emergency assistance: 1-800-535-5053.

PESTICIDE DISPOSAL: Rinse spray equipment. Any pesticide, spray mixture, or rinse water that cannot be used according to label instructions or chemically reprocessed should be disposed of in a landfill approved for pesticides.

CONTAINER DISPOSAL: Triple rinse (or equivalent), perforate rinsed containers and offer for disposal in a landfill approved for pesticide containers. Do not reuse containers. Do not cut or weld container.

GENERAL: Consult Federal, State, or local disposal authorities for approved alternative procedures.

NOTICE OF WARRANTY AND DISCLAIMER

Seller warrants that at the time of delivery the product in this container conforms to its chemical description contained hereon and is reasonably fit for its intended purpose only when used in accordance with proper manufacturing practices and procedures and under normal conditions of use. This is the only warranty made on this product. Seller expressly disclaims any implied warranties of merchantability or fitness for any particular purpose and, except as set forth above, any other express or implied warranties. Any damages arising from breach of warranty or negligence shall be limited to direct damages not exceeding the purchase price paid for this product by Buyer, and shall not include incidental or consequential damages such as, but not limited to, loss of profits or values. 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 weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Seller. In no case shall Seller be liable for the consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. 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.

