



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Timothy M. Formella
Senior Registration Manager
United Phosphorus Inc.
Agent for Nisso TM LLC
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

AUG 06 2009

Subject: Label Notification for PRN 98-10, 2001-5, and 2007-4
1. Updated Warranty Statements

Dear Mr. Formella:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 98-10, 2001-5, and 2007-4 dated June 12, 2009 for:

- | | |
|----------------------------------|---------------------------|
| EPA Registration 73545-9 | Topsin M Technical |
| EPA Registration 73545-10 | Fanate 70WSB |
| EPA Registration 73545-13 | Topsin 4.5FL |
| EPA Registration 73545-16 | Topsin M WSB |

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 98-10, 2001-5, and 2007-4 and finds that the label changes requested falls within the scope of PR Notices 98-10, 2001-5, and 2007-4. The label has been 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 contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,


Rachel C. Holloman
for
Linda Arrington

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

2/6
OK

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	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 73545-9	2. EPA Product Manager Shaja Joyner	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Topsin M Technical	PM#	
5. Name and Address of Applicant (Include ZIP Code) Nisso TM LLC d/b/a United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406 <input 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. <u> NOTIFICATION </u> Product Name <u> AUG 0 6 2009 </u>

Section - II

<input type="checkbox"/> Amendment – Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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

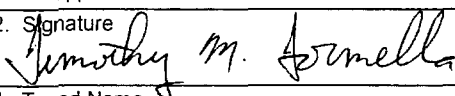
Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification 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:				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 If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other <u>fiberboard drum with plastic liner</u>		
*Certification must be submitted		2.0 lb 2			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 30 kg and 100 kg drums		5. Location of Label Directions <input checked="" 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"/> Other: _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> 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
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 (Stamped) ○○○○ ○○○○ ○○○○ ○○○○
2. Signature 	3. Title Senior Registration Manager	
4. Typed Name Timothy M. Formella	5. Date June 12, 2009	



United Phosphorus, Inc.

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

June 12, 2009

VIA: UPS

Document Processing Desk (NOTIF)
Linda Arrington
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: Notification Regarding PR Notices 2007-4 and 2001-5
Topsin M Technical EPA Reg. No. 73545-9
Fanate 70WSB EPA Reg. No. 73545-10
Topsin 4.5FL EPA Reg. No. 73545-13
Topsin M WSB EPA Reg. No. 73545-16

Dear Ms. Arrington:

United Phosphorus, Inc. as agent for Nisso TM LLC hereby notifies the Agency of our intent to revise the labels for a number of our registered pesticide products containing the active ingredient thiophanate-methyl.

These label notifications include revision of the Storage and Disposal text in order to comply with the requirements of PR Notice 2007-4 regarding Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment." In addition, per the Agency guidance in PR Notice 2001-5, the Fungicide Resistance Action Committee (FRAC) mode of action group code has been added to the first page of all the labels with the exception of Topsin M Technical (EPA Reg. No. 73545-9). The warranty statements on all these labels have also been modified.

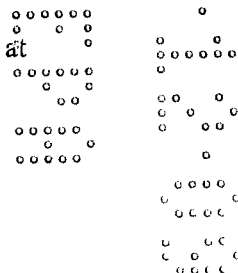
These changes are consistent with the notification provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46. Enclosed please find the following materials for each of the four products to support these registration notifications:

1. Completed Application for Pesticide Registration (EPA Form 8570-1)
2. A "red-lined" copy of the amended label showing the container disposal language additions
3. A clean copy version of the revised label
4. CD with the labels in electronic format (file names: 073545-00009.20090612.pdf, 073545-00010.20090612.pdf, 073545-00013.20090612.pdf, and 073545-00016.20090612.pdf)
5. Completed Certification with Respect to Label Integrity forms.

If you have any questions on this submission please call me at 610-491-2813 or email at tim.formella@uniphos.com.

Sincerely,

Timothy M. Formella
Senior Registration Manager



TOPSIN[®] M TECHNICAL FUNGICIDE

ACTIVE INGREDIENT: Thiophanate-methyl
 Dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)]-
 bis[carbamate]* 97.0%**
 OTHER INGREDIENTS: 3.0%**
 TOTAL 100.0%

TOPSIN is a registered trademark of Nippon Soda Company, Ltd., and is licensed to NISSO TM LLC, and is covered by one or more of the following U.S. Patents: 3,769,308; 3,856,847; 4,020,095; and 4,029,813.

* Also known as dimethyl 4,4' -o-phenylenebis[3-thioallophanate]
 ** Percent of TOPSIN M varies with each batch. Actual percent of TOPSIN M in this container is stenciled on the side of the container.

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

IF ON SKIN OR CLOTHING:

- 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:

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably 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. Contact the Rocky Mountain Poison Control Center at 1-866-767-5089 for emergency medical treatment information.

EPA Registration No. 73545-9

EPA Establishment No. 8033-JP-1

NET WEIGHT 220.5 Lbs/100 Kg

Batch/Lot # _____

Sold by
 United Phosphorus, Inc.
 630 Freedom Business Center, Suite 402
 King of Prussia, PA 19406

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS (AND DOMESTIC ANIMALS)

CAUTION

Harmful if absorbed through skin or inhaled. Avoid contact with eyes, skin, or clothing. Avoid breathing dust. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

FUNGICIDE FOR FORMULATING USE ONLY

DIRECTIONS FOR USE

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

Only for formulation into a fungicide for the following uses: almonds, apples, apricots, canola, cantaloupes, casaba, cherries, cucumbers, dry beans, garlic, grapes, green beans, melons, nectarines, onions, peaches, peanuts, pears, pecans, pistachios, plums, potatoes, pumpkins, soybeans, squash, strawberries, sugar beets, triticale, watermelons, wheat, ornamentals and turf. This product may also be used to formulate products for any additional use(s) not listed on this manufacturing use label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s). Manufacturer disclaims liability for claims or damages resulting from any use of a formulated product in a manner or on a crop not specifically listed on this label.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other 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 Regional Office of the EPA. Do not contaminate water when disposing of equipment washwaters.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a dry area. Do not store in a manner where cross-contamination with other pesticides, fertilizers, food or feed could occur. If spilled during storage or handling, sweep up spillage and dispose of in accordance with the Pesticide Disposal Instructions listed below.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then offer for recycling if available or dispose of liner in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner.

**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.

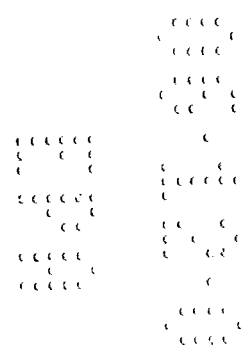
The Directions for Use of this product reflect the opinion of experts based on field use and tests, and must be followed carefully. It is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such 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. AND SELLER MAKE NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ON THIS LABEL.

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.

Revision 06/12/09



NOTIFICATION

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