

73545-12

12/15/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

DEC 15 2009

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

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 2001-5

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 2001-5 dated October 16, 2009 for:

EPA Registration 73545-12 Topsin M 5D

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 2001-5, and finds that the label change(s) requested falls within the scope of PRN 2007-4 and 2001-5. 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 call me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

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

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**EPA**

United States
Environmental Protection Agency
Washington, DC 20460

- ☐ Registration
☐ Amendment
☒ Other:

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 73545-12	2. EPA Product Manager Shaja Joyner	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Topsin M 5D	PM# 1	
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		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 _____
<input type="checkbox"/> 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

NOTIFICATION**DEC 15 2009****Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)

Notification of label change per PR Notices 2007-4 and 2001-5. This notification is consistent with the guidance in PR Notices 2007-4 and 2001-5, 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 <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	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other _____
*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 10 lb paper bags	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 checked="" 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
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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.

2. Signature 	3. Title Senior Registration Manager	6. Date Application Received (Stamped)
4. Typed Name Timothy M. Formella	5. Date Oct. 16, 2009	

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United Phosphorus, Inc.

630 Freedom Business Center, Suite 402

King of Prussia, PA 19406

(610) 491-2813 (phone)

(610) 491-2810 (fax)

October 16, 2009

VIA: United Parcel Service

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 5D EPA Reg. No. 73545-12

Topsin M 5G EPA Reg. No. 73545-14

Topsin M 85WDG EPA Reg. No. 73545-15

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 these labels. The warranty statements on two of these labels (73545-14 and 73545-15) 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 revisions being made
3. A clean copy version of the revised label
4. CD with the labels in electronic format (file names: 073545-00012.20091016.pdf, 073545-00014.20091016.pdf, and 073545-00015.20091016.pdf)
5. Completed Certification with Respect to Label Integrity form.

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

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GROUP 1 FUNGICIDE

TOPSIN[®] M 5D
Potato Seed-Piece Treatment
Thiophanate-Methyl Fungicide

NOTIFICATION
DEC 15 2009

ACTIVE INGREDIENT:

Thiophanate-methyl (dimethyl[1,2-phenylene]-
bis(iminocarbonothioyl)]bis[carbamate])* 5.0%
OTHER INGREDIENTS: 95.0%
TOTAL: 100.0%

*Also known as dimethyl 4,4'-o-phenylenebis[3-thioallophanate]
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.

KEEP OUT OF REACH OF CHILDREN
CAUTION

FIRST AID
If inhaled:

- 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.

If in eyes:

- 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:

- 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.

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 1-866-673-6671 for emergency medical treatment information.

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

EPA Reg. No. 73545-12

EPA Est. No. _____

NET WEIGHT: _____ lbs (_____ kgs)

Batch/Lot No. _____

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

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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION**

May be harmful if inhaled or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing of dust. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Loaders, applicators, and other handlers must wear:

- Long-sleeved shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves

See engineering controls for additional requirements.

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.

ENGINEERING CONTROLS

Planters/operators planting potato seed that has been treated with dust must be in an enclosed cab.

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users should 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

Do not apply directly to water, or areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment wash water.

If treated seed pieces are spilled outdoors or in areas accessible to birds or endangered species, promptly clean up and dispose of properly to prevent ingestion. Dispose of all excess treated seed by burying seed pieces away from bodies of water.

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DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not use this product at higher than the recommended rate.

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), 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 into treated areas during the restricted entry interval (REI) of 48 hours.

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 over long-sleeved shirt and long pants,
- Chemical-resistant gloves made of any waterproof material,
- Chemical-resistant footwear plus socks,
- Chemical-resistant headgear for overhead exposures.

GENERAL INFORMATION

For the suppression of potato seed piece decay caused by *Fusarium* and *Rhizoctonia* spp., use ½ pound of Topsin M 5D per 100 pounds of cut seed pieces. Apply so that the cut seed pieces are thoroughly covered with dust by the use of a convenient container or dust attachment over the belt.

Thoroughly clean and sanitize cutting machines, knives, trays, tables, barrels, equipment, trucks, and planters before cutting and planting seed pieces.

Do not use treated seed pieces for food, feed or fodder. Apply only in areas with adequate ventilation or dust collection and control equipment installed. Do not substitute fans for ventilation in areas where application is made to cut potatoes.

Use with an EPA-approved dye that imparts an unnatural color to the seed. Treated seed must be labeled as follows: These seed pieces have been treated with Topsin M 5D potato seed piece treatment fungicide containing thiophanate-methyl. Do not use treated seed pieces for food or fodder.

NOTE: This pesticide is to be sold ONLY in this original, unbroken package.

NOTE: Topsin M 5D is a systemic fungicide having a specific mode of action. Topsin M 5D has been subject to development of resistant strains of fungi. Development of resistance cannot be predicted. Therefore, United Phosphorus, Inc. cannot assume liability for crop damage resulting from resistant strains of fungi. Consult with your local extension potato specialist for guidance and ways to control any possible resistant strains of fungi that may occur.

NOTICE

This pesticide will not control bacterial diseases or other diseases not claimed on this label. Consult your local extension potato specialist for variety and treatment information, and for recommendations specific to your area on how to minimize the potential expression of seed piece decay and potato diseases.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in the original container 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 used 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 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.

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.

