

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

August 9, 2007

CWE Properties Ltd. LLC
c/o Ag-Chem Consulting
12208 Quinque Lane
Clifton, VA 20124

Attention: Dr. Mathew Brooks

Subject CFT Lugumine Fish Toxicant™
EPA Reg. No. 75338-2
Your application of July 5, 2007

Purpose This submission requests revisions to the precautionary statements, under sec 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to delete the requirement for handlers of **diluted** product to use Personal Protective Equipment (PPE).

Review

- We have reviewed the request to delete the PPE requirement for handlers of the diluted product, which is diluted 10-fold.
- We have also allowed a similar change to another Rotenone product.
- We have found the changes acceptable.

III. Labeling The labeling submitted with the above letter, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is acceptable, provided you submit one (1) copy of final printed labeling to us, before you ship your product.

Existing stocks Stocks of product with existing labels may be used for eighteen (18) months.

Consequence for non-compliance If this condition is not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Questions If you have questions about this letter, please contact me at 703-305-5407 (phone); 703-305-6596 (fax); or peacock.dan@epa.gov (E-Mail).

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Attachment 1. Stamped Label
2. Minimum Type Size Requirements for Final Printed Labels

File Location Dan Peacock, Flash Drive, 2gb, P:\Documents\Word, WP, Excel, etc\Rotenone\75338-2, rev pre st, 8-9-2007.doc

3 8 9

RESTRICTED USE PESTICIDE
Due to aquatic toxicity
For retail sale to, and use only by, Certified Applicators or persons under their direct supervision
and only for those uses covered by the Certified Applicator's certification.

CFT Legumine™

Fish Toxicant

ACCEPTED
with COMMENTS
in EPA Letter Dated:

For Control of Fish in Lakes, Ponds, Reservoirs, and Streams **AUG - 9 2007**

ACTIVE INGREDIENTS:

Rotenone
Other Associated Resins 5.0% **75 338-2**

OTHER INGREDIENTS¹ 90.0%

¹ Contains Petroleum Distillates
Total 100.0%

CFT Legumine is a trademark of CWE Properties Ltd., LLC

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

KEEP OUT OF REACH OF CHILDREN WARNING

FIRST AID

Have product container or label with you when obtaining treatment advice.

If swallowed	<ul style="list-style-type: none"> • Call a physician, Poison Control Center, or the National Pesticide Information Center at 1-800-858-7378 immediately for treatment advice. • Do not give any liquid to the person. • Do not anything to an unconscious person • Do not induce vomiting unless told to do so by the poison control center or doctor.
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 physician, Poison Control Center, or the National Pesticide Information Center at 1-800-858-7378 immediately for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a physician, Poison Control Center, or the National Pesticide Information Center at 1-800-858-7378 immediately for treatment advice.
If in eyes	<ul style="list-style-type: none"> • 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 physician, Poison Control Center, or the National Pesticide Information Center at 1-800-858-7378 immediately for treatment advice.

Note to Physician: Contains Petroleum Distillates. Vomiting may cause aspiration pneumonia. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378.

EPA Reg. No. 75338-2

EPA Est. No. 655-GA-1

Manufactured for CWE Properties Ltd., LLC, P.O. Box 336277, Greeley CO 80633

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

May be fatal if inhaled or swallowed. Causes moderate eye irritation. Harmful if absorbed through skin. Do not breathe spray mist. Do not get in eyes, on skin, or on clothing. Wear goggles or safety glasses.

When handling undiluted product, wear either a respirator with an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix 14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P, or HE prefilter.

Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco. Remove contaminated clothing and wash before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish. Fish kills are expected at recommended rates. Consult your State Fish and Game Agency before applying this product to public waters to determine if a permit is needed for such an application. Do not contaminate untreated water when disposing of equipment washwaters.

CHEMICAL AND PHYSICAL HAZARDS

FLAMMABLE: KEEP AWAY FROM HEAT AND OPEN FLAME. FLASH POINT MINIMUM 45°F (7°C).

For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378.

STORAGE AND DISPOSAL

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

STORAGE: Store only in original containers, in a dry place inaccessible to children and pets. This product will not solidify nor show any separation at temperatures down to 40°F and is stable for a minimum of one year when stored in sealed drums at 70°F.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. 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 DISPOSAL: Triple rinse or equivalent. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. CFT Legumine is registered for use by or under permit from, and after consultation with State and Federal Fish and Wildlife Agencies.

GENERAL INFORMATION

This product is a specially formulated product containing rotenone to be used in fisheries management for the eradication of fish from lakes, ponds, reservoirs and streams.

Since such factors as pH, temperature, depth and turbidity will change effectiveness, use this product only at locations, rates, and times authorized and approved by appropriate State and Federal Fish and Wildlife Agencies. Rates must be within the range specified on the label.

Properly dispose of unused product. Do not use dead fish for food or feed.

Do not use water treated with rotenone to irrigate crops or release within ½ mile upstream of a potable water or irrigation water intake in a standing body of water such as a lake, pond or reservoir.

Re-entry Statement: Do not allow swimming in rotenone-treated water until the application has been completed and all pesticide has been thoroughly mixed into the water according to labeling instructions.

FOR USE IN PONDS, LAKES, AND RESERVOIRS

The actual application rates and concentrations of rotenone needed to control fish will vary widely, depending on the type of use (e.g., selective treatment, normal pond use, etc.) and the factors listed above. The table below is a general guide for the proper rates and concentrations.

This product disperses readily in water both laterally and vertically, and will penetrate below the thermocline in thermally stratified bodies of water.

Computation of Acre-Feet: An acre-foot is a unit of volume of a body of water having the area of one acre and the depth of one foot. To determine acre-feet in a given body of water, make a series of transects across the body of water taking depths with a measured pole or weighted line. Add the soundings and divide by the number made to determine the average depth. Multiply this average depth by the total surface area in order to determine the acre-feet to be treated. If number of surface acres is unknown, contact your local Soil Conservation Service, which can determine this from aerial photographs.

Amount of CFT Legumine Needed for Specific Uses: To determine the approximate number of gallons needed, find your "Type of Use" in the first column of the table below and then divide the corresponding numbers in the fourth column, "Number of Acre-Feet Covered by One Gallon" into the number of acre-feet in your body of water.

Type of Use	Parts per Million		Number of Acre-Feet Covered by One Gallon
	CFT Legumine	Active Rotenone	
Selective Treatment	0.10 to 0.13	0.005 to 0.007	30 to 24
Normal Pond Use	0.5 to 1.0	0.025 to 0.050	6.0 to 3.0
Remove Bullheads or Carp	1.0 to 2.0	0.050 to 0.100	3.0 to 1.5
Remove Bullheads or Carp in Rich Organic Ponds	2.0 to 4.0	0.100	1.5 to 0.75
Preimpoundment Treatment Above Dam	3.0 to 5.0	0.150 to 0.250	1.0 to 0.60

*Adapted from Kinney, Edward. 1965. Rotenone in Fish Pond Management. USDI Washington, DC Leaflet FL-576

Pre-Mixing and Method of Application: Pre-mix with water at a rate of one gallon of CFT Legumine to 10 gallons of water. Uniformly apply over water surface or bubble through underwater lines.

Detoxification: Water treated with this product will detoxify under natural conditions within one week to one month depending upon temperatures, alkalinity, etc. Rapid detoxification can be accomplished by adding chlorine or potassium permanganate to the water at the same rate as CFT Legumine in parts per million, plus enough additional to meet the chlorine demand of the untreated water.

Removal of Taste and Odor: Waters treated with this product do not retain a detectable taste or odor for more than a few days to a maximum of one month. Taste and odor can be removed immediately by treatment with activated charcoal at a rate of 30 ppm for each 1 ppm of CFT Legumine remaining. (Note: As this product detoxifies, less charcoal is required.)

Restocking After Treatment: Wait 2 to 4 weeks after treatment. Place a sample of fish to be stocked in wire cages in the coolest part of the treated waters. If the fish are not killed within 24 hours, the water may be restocked.

USE IN STREAMS IMMEDIATELY ABOVE LAKES, PONDS, AND RESERVOIRS

The purpose of treating streams immediately above lakes, ponds and reservoirs is to improve the effectiveness of lake, pond and reservoir treatments by preventing target fish from moving into the stream corridors, and not to control fish in streams per se. The term "immediately" means the first available site above the lake, pond or reservoir where treatment is practical, while still creating a sufficient barrier to prevent migration of target fish into the stream corridor.

In order to completely clear a fresh water aquatic habitat of target fish, the entire system above or between fish barriers must be treated. See the use directions for streams and rivers on this label for proper application instructions.

In order to treat a stream immediately above a lake, pond or reservoir you must: (a) Select the concentration of active rotenone, (b) Compute the flow rate of the stream, (c) Calculate the application rate, (d) Select an exposure time, (e) Estimate the amount of product needed, (f) Follow the method of application.

To prevent movement of fish from the pond, lake, or reservoir, the stream treatment should begin before and continue throughout treatment of the pond, lake or reservoir until mixing has occurred.

1. Concentration of Active Rotenone

Select the concentration of active rotenone based on the type of use from those listed on the table. Example: If you select "normal pond use" you could select a concentration of 0.025 parts per million.

2. Computation of Flow Rate for Stream

Select a cross section of the stream where the banks and bottom are relatively smooth and free of obstacles. Divide the surface width into 3 equal sections and determine the water depth and surface velocity at the center of each section. In slowly moving streams, determine the velocity by dropping a float attached to 5 feet of loose monofilament fishing line. Measure the time required for the float to move 5 feet. For fast-moving streams, use a longer distance. Take at least three readings at each point. To calculate the flow rate from the information obtained above, use the following formula:

$$F = \frac{W_s \times D \times L \times C}{T}$$

Where F = flow rate (cubic feet/second), W_s = surface width (feet), D = mean depth (feet), L = mean distance traveled by float (feet), C = constant (0.8 for rough bottoms and 0.9 for smooth bottoms), T = mean time for float (sec.).

3. Calculation of Application Rate

In order to calculate the application rate (expressed as gallons/second), convert the rate in the table (expressed as gallons/acre-feet) to gallons per cubic feet and multiply by the flow rate (expressed as cubic feet/second). Depending on the size of the stream and the type of equipment, the rate could be expressed in other units, such as ounces/hour, or cc/minute.

The application rate for the stream is calculated as follows:

$$R_s = R_p \times C \times F$$

Where R_s = application rate for stream (gallons/second), R_p = application rate for pond (gallons/acre-feet), $C = 1$ acre-foot/43560 cubic feet and F = flow rate of the stream (cubic feet/second).

4. Exposure Time

The exposure time would be the period of time (expressed in hours or minutes) during which CFT Legumine is applied to the stream in order to prevent target fish from escaping from the pond into the stream corridor.

5. Amount of Product

Calculate the amount of product for a stream by multiplying the application rate for streams by the exposure time.

$$A = R_s \times H$$

Where A = the amount of product for the stream application, R_s = application rate for stream (gallons/second) and H = the exposure time expressed in seconds.

FOR USE IN STREAMS AND RIVERS

Only state or Federal Fish and Wildlife personnel or professional fisheries biologists under the authorization of state or Federal Fish and Wildlife agencies are permitted to make applications of CFT Legumine for control of fish in streams and rivers. Informal consultation with Fish and Wildlife personnel regarding the potential occurrence of endangered species in areas to be treated should take place. Applicators must reference the Stream and River use Monograph before making any application to streams or rivers.

CFT LEGUMINE STREAM AND RIVER USE MONOGRAPH

USE IN STREAMS AND RIVERS

The following use directions are to provide guidance on how to make applications of CFT Legumine to streams and rivers. The unique nature of every application site could require minor adjustments to the method and rate of application. Should these unique conditions require major deviation from the use directions, a Special Local Need 24(c) registration should be obtained from the state.

Before applications of CFT Legumine can be made to streams and rivers, authorization must be obtained from state or federal Fish and Wildlife agencies. Since local environmental conditions will vary, consult with the state Fish and Wildlife agency to ensure the method and rate of application are appropriate for that site.

Contact the local water department to determine if any water intakes are within one mile downstream of the section of stream, river, or canal to be treated. If so, coordinate the application with the water department to make sure the intakes are closed during treatment and detoxification.

Application Rates and Concentration of Rotenone

Slow Moving Rivers: In slow moving rivers and streams with little or no water exchange, use instructions for ponds, lakes and reservoirs.

Flowing Streams and Rivers: Apply rotenone as a drip for 4 to 8 hours to the flowing portion of the stream. Multiple application sites are used along the length of the treated stream, spaced

approximately ½ to 2 miles apart depending on the water flow travel time between sites. Multiple sites are used because rotenone is diluted and detoxified with distance. Application sites are spaced at no more than 2 hours or at no less than 1-hour travel time intervals. This assures that the treated stream remains lethal to fish for a minimum of 2 hours. A non-toxic dye such as Rhodamine-WTR or fluorescein can be used to determine travel times. Cages containing live fish placed immediately upstream of the downstream application sites can be used as sentinels to assure that lethal conditions exist between sites.

Apply rotenone at each application site at a concentration of 0.25 to 1.0 part per million of CFT Legumine. The amount of CFT Legumine needed at each site is dependent on stream flow (see Computation of Flow Rate for Stream).

Application of Undiluted Material

CFT Legumine can drain directly into the center of the stream at a rate 0.85 to 3.4 cc per minute for each cubic foot per second of stream flow. Flow of undiluted CFT Legumine into the stream should be checked at least hourly. This is equivalent to from 0.5 to 2.0 ppm of this product, or from 0.025 to 0.100 ppm rotenone. Backwater, stagnant, and spring areas of streams should be sprayed by hand with a 10% v/v solution of CFT Legumine in water to assure a complete coverage.

Calculation of Application Rate:

$$X = F (1.699 B)$$

X = cc per minute of CFT Legumine applied to the stream, F = the flow rate (cu.ft/sec.) see Computation of Flow Rate for Stream section of the label, B = parts per million desired concentration of CFT Legumine

Total Amount of Product Needed for Treatment: Streams should be treated for 4 to 8 hours in order to clear the treated section of stream of fish. To determine the total amount of CFT Legumine required, use the following equation:

$$Y = X (0.0158 C)$$

Y = gallons of CFT Legumine required for the stream treatment, X = cc per minute of CFT Legumine applied to the stream, C = time in hours of the stream treatment.

Application of Diluted Material

Alternatively, for stream flows up to 25 cubic feet per second, continuous drip of diluted CFT Legumine at 80 cc per minute can be used. Flow of diluted CFT Legumine into the stream should be checked at least hourly. Use a 5 gallon reservoir over a 4 hour period, a 7.5 gallon reservoir over a 6 hour period, or a 10 gallon reservoir over an 8 hour period. The volume of the reservoir can be determined from the equation:

$$R = H \times 1.25$$

Where R = the volume of the reservoir in gallons, H = the duration of the application in hours.

The volume of CFT Legumine diluted with water in the reservoir is determined from the equation:

$$X = Y(102 F)H$$

Where X = the cc of CFT Legumine diluted in the reservoir, Y = parts per million desired concentration of CFT Legumine, F = the flow rate (cubic feet/second), H = the duration of the application (hours).

For flows over 25 cubic feet per second, additional reservoirs can be used concurrently. Backwater, stagnant and spring areas of streams should be sprayed by hand with a 10% v/v solution of CFT Legumine in water to assure a complete coverage.

Detoxification

To limit effects downstream, detoxification with potassium permanganate can be used at the downstream limit of the treated area. Within 1/2 to 2 miles of the furthest downstream CFT Legumine application site, the rotenone can be detoxified with a potassium permanganate solution at a resultant stream concentration of 2 to 4 parts per million, depending on rotenone concentration and permanganate demand of the water. A 2.5% (10 pounds potassium permanganate to 50 gallons of water) permanganate solution is dripped in at a continuous rate using the equation:

$$X = Y(70 F)$$

Where X = cc of 2.5% permanganate solution per minute, Y = ppm of desired permanganate concentration, F = cubic feet per second of stream flow.

Flow of permanganate should be checked at least hourly. Live fish in cages placed immediately above the permanganate application site will show signs of stress signaling the need for beginning detoxification. Detoxification can be terminated when replenished fish survive and show no signs of stress for at least four hours.

Detoxification of rotenone by permanganate requires between 15 to 30 minutes contact time (travel time). Cages containing live fish can be placed at these downstream intervals to judge the effectiveness of detoxification. At water temperatures less than 50°F detoxification may be retarded, requiring a longer contact time.

WARRANTY STATEMENT

Our recommendations for the use of this product are based upon tests believed to be reliable. The use of this product being beyond the control of the manufacturer, no guarantee, expressed or implied, is made as to the effects of such or the results to be obtained if not used in accordance with directions or established safe practice. To the extent consistent with applicable law, the buyer must assume all responsibility, including injury or damage, resulting from its misuse as such, or in combination with other materials.