

79676-62

4/14/2008

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

**OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES**

Ms. Lizbeth A. Rea
Registration Manager
Gro-Pro, LLC
D/B/A Etigra
501 Cascade Pointe Lane, Suite 103
Cary, NC 27513

APR 14 2008

Dear Ms. Rea:

Subject: Additional Uses Label (Non-Water Soluble Package Product) and
Several Alternate Formulations for
Acephate E-AG WSP Insecticide
EPA Reg. No. 79676-62
Label and Alternate Formulations Submitted December 11, 2007;
Alternate Formulations Submitted November 8, 2008 and
Additional Supporting Documents Submitted January 16, 2008

The labeling amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, As Amended (FIFRA), is acceptable, provided that you submit one copy of your final printed label incorporating the following corrections and the revised Confidential Statement of Formula (CSF), corrected as cited below before you release the product for shipment.

It is understood that the attached stamped non-water soluble package label is in addition to the water soluble package (WSP) label currently registered for the subject product and does not replace the WSP label.

Label Comments

1. Clarify the front panel use statement so that it reads as cited below.

For Non-Water Soluble Packaging Use as a Hopper Box Seed
Treatment for Cotton and Peanut Seed and as an Ant Mound Treatment in Tobacco, Non-
Crop Areas and Turfgrass.

2. Add the chemical resistant materials for the PPE that appear on the

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registered label for the subject product; i.e. any water-proof material such as polyethylene or polyvinyl chloride (page 2). Add them at the end of the first sentence so that it reads as follows: Some materials that are chemical-resistant to this product are any water-proof material such as polyethylene or polyvinyl chloride.

3. Remove the text "for terrestrial uses" occurring in the first sentence of the Environmental Hazards section.

4. Remove the last sentence from the paragraph headed "General Use Information" ("Application of Acephate E75 WP Insecticide to maintain control should be repeated only as directed."). Any label instructions for repeat applications is not considered as general information. In addition, such instructions are considered as mandatory instructions and not as the advisory language which is used (should). Refer to PR Notice 2000-5 regarding advisory versus mandatory label language.

5. Revise the restrictions section (page 3) as cited below.

a. Remove the first and third sentences ("Application to trees, shrubs and potted plants by hand or hand-held application equipment is prohibited. For greenhouse use, use is limited to commercial greenhouses for use on tobacco (floatbed) and ornamental, floral and foliage plants." There are no claims or use directions for use on trees, shrubs, potted plants or greenhouse on the subject conventional package label.

b. Revise the last sentence to read as follows: For use on turf, use is limited to mound treatment for fire and harvester ant control.

6. Remove the reference to use of the product in a tank mix. Such use implies that the product may be applied as a spray solution. Use of the subject soluble powder product contained in the non-water soluble package may only be used as a dry application for the hopper box seed and ant mound treatments.

7. Revise the cotton seed hopper box treatment use (page 4) as cited below.

a. Remove the heading "Restrictions Applicable to all Uses on cotton." There is only the one cotton use that appears on the non-water soluble package product label.

b. Remove the following use precautions as they are not appropriate for the hopper box seed treatment use. Do not feed treated forage or gin trash to livestock. Do not allow animals to graze on treated areas.

c. Correct the text "to use of Acephate" in the sentence regarding use of an air planter to read as follows: "to use Acephate".

8. Correct the product name wherever it occurs throughout the label so

that it agrees with the name on the front panel (Acephate E 75 WP Insecticide) with the exception of the reference to Acephate E-AG 75 WSP Insecticide which occurs in the maximum seasonal rate application statements for the cotton and peanut hopper box seed treatments.

9. Correct the heading in the amount column of the ant mound treatment tables so that it is consistent with the specified units; i.e. the amount of product to be applied for the ant mound treatments is given on a per mound basis, while the heading specifies "per acre".

Confidential Statement of Formula (CSF) Comments

10. The alternate CSFs designated as numbers one and six are not acceptable. They will be acceptable provided the completed formulator's exemption statement (FES) for the source product is submitted along with the revised CSFs incorporating the item eleven corrections cited below. One of the sources (the second listed source) of the active ingredients reported on these CSFs is not listed on the January 16, 2008 FES received for the subject amendment.

11. The remaining alternate CSFs (alternates number two through five and seven through nine) are acceptable provided the revised CSFs, corrected as cited below are submitted before the product is released for shipment.

a. Correct the way of calculation of the upper and lower limits of the active ingredient for each of the CSFs. Please refer to 40 CFR 158.175 (B) 2. The calculation of the upper and lower certified limits for the active ingredient is based on the nominal concentration of the active ingredient, not the percentage used in the formulation. Since all the alternate CSFs have the same nominal, the upper and lower limits for the active ingredient will be the same for all the alternate CSFs.

b. Correct the product name on the CSFs (item three of the CSF) so that it agrees with that on the corresponding product label; i.e. the CSFs for the non-water soluble packaged product will then bear the product name for the non-water soluble package label (Acephate E-AG 75 WSP Insecticide).

A stamped copy of the label is enclosed for your records.

Sincerely,



Marilyn A. Mautz
Biologist
Insecticide-Rodenticide Branch
Registration Division (7504P)

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ACCEPTED
with COMMENTS
in EPA Letter Dated:
APR 14 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
As amended, for the pesticide
Registered under EPA Reg. No.
79676-62

Acephate E 75 WP Insecticide

FOR NON-WATER SOLUBLE PACKAGING USE AS A HOPPER BOX TREATMENT IN
COTTON, PEANUTS, TOBACCO AND AS AN ANT MOUND TREATMENT IN NON-CROP
AREAS AND TURFGRASS

ACTIVE INGREDIENT:	By Wt.
Acephate: (O,S-Dimethyl acetylphosphoramidothioate)	75.0%
OTHER INGREDIENTS:	25.0%
TOTAL:.....	100.0%

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUCION

FIRST AID	
Contains an organophosphate that inhibits cholinesterase.	
If swallowed:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
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 poison control center or doctor for treatment advice.
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.
If inhaled:	<ul style="list-style-type: none">• 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.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
Acephate is a cholinesterase inhibitor. If signs of cholinesterase inhibition appear, atropine is antidotal. 2-PAM may also be used in conjunction with atropine but should not be used alone.	

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

See inside label booklet for additional PRECAUTIONARY STATEMENTS

EPA Reg. No. 79676-62

EPA Est. No.

Manufactured for:
Etigra
501 Cascade Pointe Lane, Ste. 103
Cary, NC 27513
www.etigra.com

Acephate E 75 WP Insecticide contains
acephate, the active ingredient used in
Orthene®.

Net Weight:

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

Harmful if swallowed. Causes eye irritation. Avoid contact with eyes, skin, and clothing. Avoid breathing dust or spray mist. Wash hands thoroughly after handling. Do not allow children or pets to come into contact with treated areas until sprays have dried.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Socks and shoes
- Chemical-resistant gloves for all mixers and loaders.

In addition, mixers and loaders supporting hopper box seed treatments must wear:

- A NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH-approved respirator with any N, R, P, or HE filter.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. 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/PPE 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 toxic to birds. For terrestrial uses, 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 contaminate water when cleaning equipment or disposing of equipment washwaters.

Exposed treated seed may be hazardous to birds and other wildlife. Dispose of all excess treated seed and seed packaging by burial away from bodies of water.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are visiting the treatment area.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

READ THE ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

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 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 24 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
- Waterproof gloves
- Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides [40 CFR Part 170]. The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not enter or allow others to enter until dusts have settled.

CHEMIGATION

Do not apply this product through any type of irrigation system.

GENERAL USE INFORMATION

Acephate E 75 WP Insecticide is an insecticide for control of pests on selected agricultural crops and in certain non-crop areas. The active ingredient in Acephate E 75 WP Insecticide is acephate, a water-soluble insecticide readily absorbed by plant roots and foliage to give systemic control of feeding insects. Insect pests are generally controlled more effectively by Acephate E 75 WP Insecticide through ingestion than by contact. Application of Acephate E 75 WP Insecticide to maintain control should be repeated only as directed.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THE LABEL MAY RESULT IN POOR INSECT CONTROL, CROP INJURY, AND/OR ILLEGAL RESIDUES.

NOTE: This product is sold by weight and package is full when packed but, due to the product's nature, settling is likely to occur.

RESTRICTIONS

Applications to trees, shrubs and potted plants by hand or hand-held application equipment is prohibited.

Acephate E 75 WP Insecticide is not for indoor residential use.

For greenhouse, use, use is limited to commercial greenhouses for use on tobacco (floatbed), and ornamental, floral and foliage plants.

For use on turf, use is limited to sod farms and golf courses, except when applying to mound or spot treatment for fire ant and harvester ant control.

TANK MIXES: Tank mixing or use of this product with any other product which is not specifically and expressly authorized by the label shall be the exclusive risk of user, applicator, and/or application advisor.

Read and follow the entire label of each product to be used in tank mixes with this product.

COTTON

RESTRICTIONS APPLICABLE TO ALL USES ON COTTON:**Cotton Seed Hopper Box Treatment****(Not permitted for use in AZ, CA and The Black Lands of TX)**

PESTS CONTROLLED	AMOUNT OF Acephate E-AG 75 WSP Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Black (Greasy) Cutworm Cotton Aphids Thrips (including Western Flower Thrips)	3 to 4 oz.	<p>Add Acephate E-AG 75 WSP Insecticide to seed in the planter box to achieve an application rate of 3 to 4 ounces per acre.</p> <p>Plants grown from improperly treated seed may not exhibit insect control therefore it is necessary to obtain even coverage of seed. To obtain even coverage, fill planter box ½ full of seed, add ½ of the required amount of Acephate E-AG 75 WSP Insecticide and then mix thoroughly. Add remainder of seed and Acephate E-AG 75 WSP Insecticide to the hopper box and thoroughly mix.</p> <p>Premixing the seed and Acephate E-AG 75 WSP Insecticide in a separate container and then adding the treated seed to the hopper box will improve distribution of Acephate E-AG 75 WSP Insecticide on seed.</p> <p>It is not recommended to use of Acephate E-AG 75 WSP Insecticide with air planter since loss of product will result.</p>
USE PRECAUTIONS <ul style="list-style-type: none"> Do not feed treated forage or gin trash to livestock. Do not allow animals to graze on treated areas. Do not apply more than 5 1/3 lbs./A (4 lbs. a.i.) per season. This includes all uses of Acephate E-AG 75 WSP Insecticide on cotton. Do not use treated seed for food or feed purposes or process for oil. 		

PEANUTS

Planter Seed Hopper Box Treatment

PESTS CONTROLLED	AMOUNT OF Acephate E-AG 75 WSP Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Thrips	4 oz.	<p>Apply dry Acephate E-AG 75 WSP Insecticide at a rate of 4 oz./100 lbs. of peanut seed in the hopper box.</p> <p>Mixing Instructions: Follow these instructions for thorough and adequate seed coverage.</p> <ol style="list-style-type: none"> 1. Fill the hopper box to ½ full of seed. Spread 1/3 of the total amount of Acephate E-AG 75 WSP Insecticide evenly over the surface of the seed. 2. Fill the hopper box to 2/3 full of seed and spread 1/3 of the total amount of Acephate E-AG 75 WSP Insecticide evenly over the surface of the seed. 3. Fill the hopper box with the remaining seed and apply the remaining 1/3 total amount of Acephate E-AG 75 WSP Insecticide evenly over the surface of the seed. <p>Do not mix the seed and Acephate E-AG 75 WSP Insecticide by stirring or agitation since it will result in damage to the seed.</p>
USE PRECAUTIONS <ul style="list-style-type: none"> • Do not apply more than 5 1/3 lbs./A (4 lbs. a.i.) per season. This includes all uses of Acephate E-AG 75 WSP Insecticide on peanuts. • Do not apply more than 4 oz. per acre. • Do not use treated seed for food or feed purposes or process for oil. 		

TOBACCO

Tobacco Soil Application

PESTS CONTROLLED	AMOUNT OF Acephate E-AG 75 WSP Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Imported Fire Ants and Harvester Ants	1 to 2 teaspoons applied evenly over mound	For best ant control, apply Acephate E-AG 75 WSP Insecticide in the early morning or late afternoon when they are most active. Prolonged hot and dry conditions may render applications ineffective due to the ants being located deep within the nest.
USE PRECAUTIONS <ul style="list-style-type: none"> • A maximum of 13 mounds may be treated per acre. • Only one treatment per season is allowed. • Allow at least 3 days between final application and harvest. 		

**NON CROP AREAS (FIELD BORDERS, FENCEROWS, ROADSIDES, DITCHBANKS,
BORROW PITS)**

PESTS CONTROLLED	AMOUNT OF Acephate E-AG 75 WSP Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Imported Fire Ants and Harvester Ants	1 to 2 teaspoons applied evenly over mound	For best ant control, apply Acephate E-AG 75 WSP Insecticide in the early morning or late afternoon when they are most active. Prolonged hot and dry conditions may render applications ineffective due to the ants being located deep within the nest. Grass in treated area may be injured.
USE PRECAUTIONS <ul style="list-style-type: none"> • Only one treatment per season is allowed. • Treat a maximum of 13 mounds per acre. 		

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TURFGRASS (RESIDENTIAL, RECREATIONAL AND COMMERCIAL TURF)

PESTS CONTROLLED	AMOUNT OF Acephate E-AG 75 WSP Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Imported Fire Ants and Harvester Ants	1 to 2 teaspoons applied evenly over mound	For best ant control, apply Acephate E-AG 75 WSP Insecticide in the early morning or late afternoon when they are most active. Prolonged hot and dry conditions may render applications ineffective due to the ants being located deep within the nest. Grass in treated area may be injured.
USE PRECAUTIONS <ul style="list-style-type: none">Only one treatment per season is allowed.		

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container in a cool, dry location. Protect from excessive heat. Do not put concentrate or dilute into food or drink containers. Do not contaminate food or feedstuffs. Do not store or transport near feed or food.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Open dumping is prohibited.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONDITION 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 must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather, presence of other materials or other influencing factors in the use of the product, which are beyond the control of Etigra or Seller. To the extent consistent with applicable law, all such risks shall be assumed by Buyer and User and Buyer and User agree to hold Etigra and Seller harmless for any claims relating to such factors.

Etigra 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 Etigra, and Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ETIGRA 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, neither Etigra nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR**

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