

79676-62

2/12/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

FEB 12 2009

Lizbeth Rea
Etigra
501 Cascade Pointe Lane, Suite 103
Cary, NC 27513

Subject: **Notification:** Alternate Brand Name to be "Acephate E 75 Insecticide"
Acephate E-AG 75 WSP Insecticide
EPA Reg. No. 79676-62
Decision Number: 386369

Dear Ms. Rea:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 4-15-08 for the product EPA Reg No. 79676-62. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The Confidential Statement of Formula (CSF) and/or label submitted with the application has (have) been stamped "Notification" and will be placed in our records.

If you have any questions, please call me @ 703-305-5314.

Sincerely,

A handwritten signature in black ink, appearing to read "Autumn Metzger", written over a horizontal line.

Autumn Metzger
Biologist
Insecticide-Rodenticide Branch
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number
NOTIFICATION
FEB 12 2009

Application for Pesticide - Section I

1. Company/Product Number 79676-62	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Etigra/Acephate E-AG 75 WSP Insecticide	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Etigra 501 Cascade Pointe Lane, Suite 103 Cary, NC 27513 <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. _____ Product Name _____	

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 an alternate brand name per PRN 98-10. This notification is consistent with the provisions of PRN 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PRN 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
* Certification must be submitted				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input 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"/> 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 Lizbeth Rea		Title Registration Manager		Telephone No. (Include Area Code) 919/655-0701	
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.					6. Date Application Received (Stamped)
2. Signature 		3. Title Registration Manager			
4. Typed Name Lizbeth Rea		5. Date 4/15/2008			



April 15, 2008

COURIER DELIVERY

Venus Eagle (PM 1)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

*Transferred
to IRB
2/10/09
MK*

RE: Etigra—Acephate E-AG 75 WSP Insecticide (EPA Reg. No. 79676-62)
Alternate Brand Name per PRN 98-10

Dear Ms. Eagle,

Enclosed with this letter are the following documents in support of our request to add Acephate E 75 Insecticide as an alternate brand name to the Acephate E-AG 75 WSP Insecticide registration under PR Notice 98-10.

- Completed Application for Registration (EPA Form 8570-1)
- One (1) copy of the Acephate E-AG 75 WSP Insecticide labeling with the name, Acephate E 75 Insecticide tracked.
- One (1) copy of the Acephate E-AG 75 WSP Insecticide labeling with the name, Acephate E 75 Insecticide incorporated.

The alternate name is the only change made to the label. No other changes to the label were made.

Please contact me at 919/655-0701 if you have questions and/or comments.

Sincerely,

Lizbeth Rea
Registration Manager

Acephate E 75 Insecticide

NOTIFICATION

FEB 12 2009

FOR NON-WATER SOLUBLE PACKAGING USE AS A HOPPER BOX TREATMENT FOR COTTON AND PEANUT SEED AND AS AN ANT MOUND TREATMENT IN TOBACCO, 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

PRECAUTION

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 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 any water-proof material such as polyethylene or polyvinyl chloride. 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. 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.

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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 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 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 Insecticide through ingestion than by contact.

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

Acephate E 75 Insecticide is not for indoor residential use.

For use on turf, use is limited to mound treatment for fire and harvester ant control.

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 75 Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Black (Greasy) Cutworm Cotton Aphids Thrips (including Western Flower Thrips)	3 to 4 oz.	<p>Add Acephate E 75 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 75 Insecticide and then mix thoroughly. Add remainder of seed and Acephate E 75 Insecticide to the hopper box and thoroughly mix.</p> <p>Premixing the seed and Acephate E 75 Insecticide in a separate container and then adding the treated seed to the hopper box will improve distribution of Acephate E 75 Insecticide on seed.</p> <p>It is not recommended to use Acephate E 75 Insecticide with air planter since loss of product will result.</p>
<p>USE PRECAUTIONS</p> <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 75 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 75 Insecticide PER ACRE	APPLICATION INSTRUCTIONS
Thrips	4 oz.	<p>Apply dry Acephate E 75 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 75 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 75 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 75 Insecticide evenly over the surface of the seed. <p>Do not mix the seed and Acephate E 75 Insecticide by stirring or agitation since it will result in damage to the seed.</p>
<p>USE PRECAUTIONS</p> <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 75 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. 		

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TOBACCO

Tobacco Soil Application

PESTS CONTROLLED	AMOUNT OF Acephate E 75 Insecticide PER MOUND	APPLICATION INSTRUCTIONS
Imported Fire Ants and Harvester Ants	1 to 2 teaspoons applied evenly over mound	For best ant control, apply Acephate E 75 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 75 Insecticide PER MOUND	APPLICATION INSTRUCTIONS
Imported Fire Ants and Harvester Ants	1 to 2 teaspoons applied evenly over mound	For best ant control, apply Acephate E 75 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 75 Insecticide PER MOUND	APPLICATION INSTRUCTIONS
Imported Fire Ants and Harvester Ants	1 to 2 teaspoons applied evenly over mound	For best ant control, apply Acephate E 75 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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BUYER, AND THE EXCLUSIVE LIABILITY OF ETIGRA 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 ETIGRA OR SELLER, THE REPLACEMENT OF THE PRODUCT.

Etigra and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of Etigra.

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