

80990-1

2.26.2009

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

FEB 26 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Jeanette A. Covert
Authorized Representative for AgroSource, Inc.
c/o Product & Regulatory Associates, LLC
P. O. Box 1683
Voorhees, NJ 08043-9998

SUBJECT: Application for Pesticide Notification – Revised Warranty Statement
Fireline™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline
EPA Reg. No. 80990-1
Application Dated November 18, 2008

Dear Ms. Covert:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in cursive script that reads "Rachel C. Haloman".

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

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United States
Environmental Protection Agency
 Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number AgroSource Inc./80990-1	2. EPA Product Manager Mary Walker	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Fireline 17WP Fungicide/Bactericide Agricultural Oxytetracycline	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) AgroSource Inc. c/o Product & Regulatory Associates, LLC P.O. Box 1683 Voorhees, NJ 08043 <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. FEB 26 2009 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 to submit revised warranty statements as described in the cover letter. This notification is consistent with the provisions of PR Notice 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 PR Notice 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 of 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		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container	<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"/>			
6. Manner in Which Label is Affixed to Product <input checked="" 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 Jeanette A. Covert	Title Authorized Representative for AgroSource	Telephone No. (Include Area Code) 856.751.3432
<p align="center">Certification</p> <p>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.</p>		6. Date Application Received (Stamped)
2. Signature <i>Jeanette A. Covert</i>	3. Title Authorized Representative for AgroSource, Inc.	
4. Typed Name Jeanette A. Covert	5. Date 11/18/08	

Product & Regulatory

Associates, L.L.C.

November 18, 2008

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

Subject: Fireline™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline
EPA Reg. No.80990-1
Notifications

Dear Ms. Hobgood:

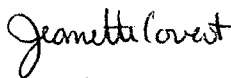
As its authorized representative, AgroSource, Inc. wishes to revise the subject label to update the warranty statement to be consistent with company standards. This notification is consistent with PR Notice 98-10.

To complete this notification application, enclosed please find:

- Application for Pesticide: Notification (EPA Form 8750-1)
- One copy of the revised labeling dated 10-22-08
- One CD e-label file name 080990-00001.20081022.NotificationWarranty.pdf

I trust that this information will assist the Agency in its efforts to complete this notification. If you have any question in regard to this mater, feel free to contact me at (856) 751-3432 or jacouvert@comcast.net.

Sincerely,



Jeanette Covert
Product & Regulatory Associates, LLC
Authorized Representative of AgroSource Inc.

P.O. Box 1683
Telephone 856 424-1528

Voorhees, NJ 08043-9998
FAX 856 424-1073

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FIRELINE™ 17 WP

Fungicide/Bactericide Agricultural Oxytetracycline

GROUP	41	FUNGICIDE
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- For control of Fire Blight on pear and apple and Bacterial Spot on peach and nectarine.

Active Ingredient:

Oxytetracycline Hydrochloride*	18.30%
Related Compounds	0.17%
Other Ingredients:	<u>81.53%</u>
	100.00%

NOTIFICATION

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* Equivalent to 17% oxytetracycline

KEEP OUT OF REACH OF CHILDREN

CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

See Side/Back Panel for Additional Precautionary Statements, First Aid and Directions for Use

EPA Reg. No. 80990-1
EPA Est. No. 39578-TX-1

Product Number 1001

AgroSource, Inc.
P. O. Box 1341
Mountainside, New Jersey 07092-0341

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 undamaged, and the purchase price will be refunded.

NET CONTENTS: 2 pounds

© 2008 AgroSource, Inc.

October 22, 2008
Notification Warranty

FIRST AID

Call a poison control center or doctor 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.
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.

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 InfoTrac at 1-800-535-5053 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

CAUTION: Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with eyes or clothing. Do not breathe spray mist. Prolonged or frequently repeated exposure may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse. This material is not to be used for medical, veterinary or human purposes.

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 resistant category selection chart.

Applicators and other handlers must wear:

- long-sleeved shirt
- long pants
- chemical-resistant gloves made of any waterproof material
- shoes plus socks
- NIOSH approved respirator with any N, R, P or HE filter

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Control Statements:

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.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Environmental Hazards

Do not apply directly to water, 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 washwater.

DIRECTIONS FOR USE

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

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 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 12 hours.

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, wear:

- Coveralls over long-sleeved shirt and long pants.
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks
- Protective eyewear

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

This product contains the antibiotic oxytetracycline. To reduce the development of drug-resistant bacteria and maintain the effectiveness of this and other antibacterial products, this product should be used only to treat or prevent infections that are proven or strongly suspected to be caused by bacteria.

This material is not to be used for medical or veterinary purposes.

Resistance Management Statements: FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline contains a Group 41 (Fungicide/Bactericide). Fungal isolates/bacterial strains with acquired resistance to Group 41 may eventually dominate the fungal/bacterial population if Group 41 fungicides/bactericides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of those species by FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline or other Group 41 products.

To delay fungicide/bactericide resistance consider:

- Avoiding the consecutive use of FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline or other target site of action Group 41 fungicides/bactericides that have a similar target site of action, on the same pathogens.
- Using tank-mixtures or premixes with fungicide/bactericides from different target site of action Groups as long as the involved products are all registered for the same use and are both effective at the tank mix or prepack rate on the pathogen(s) of concern. Do not use any product that has a prohibition on tank mixing and follow the more restrictive use directions.
- Basing fungicide/bactericide use on a comprehensive IPM program.
- Monitoring treated fungal/bacterial populations for loss of field efficacy.

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FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline

- Contacting your local extension specialist, certified crop advisors, and/or manufacturer for fungicide/bactericide resistance management and/or IPM recommendations for specific crops and resistant pathogens.

Treatment of Apples, Pears, Peaches & Nectarines:

MIXING: To avoid possible pesticide contamination, use only clean metal or plastic containers in preparing all solutions.

MIXING INSTRUCTIONS			
Concentration Desired	Quantity FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline Per Volume of Water		
ppm*	50 gals.	100 gals.	500 gals.
150	6.0 oz.	12.0 oz.	3 ¾ lbs.
200	8.0 oz.	16.0 oz.	5 lbs.

*ppm = parts per million

Crop	Disease	Recommended Concentration or Rate	Use Directions
Apples	Fire Blight	200 ppm	Begin applications at the start of bloom at a dosage of 50 to 150 gallons of spray solution per acre. The recommended method of application is by airblast sprayer. Repeat spray applications at 3 to 6 day intervals until the end of bloom. One additional application is permitted after the end of bloom. Do not apply more than a total of 6 applications per year. Do not apply more than 150 gallons of spray solution per acre per application or more than 1.5 lb of Fireline™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline per acre per application. Do not apply within 60 days of harvest. Use of FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline may cause phytotoxicity to the fruit and/or foliage of sensitive varieties of apples.
Pears	Fire Blight	200 ppm	Begin spray application at 10% bloom at a rate of 50-100 gals. of solution per acre. Repeat applications at 4 to 6 day intervals. This may involve up to 8-10 applications. Do not apply within 60 days of harvest. Use of FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline may cause phytotoxicity to the fruit and/or foliage of sensitive varieties of pears, especially Asian varieties.
Peaches & Nectarines	Bacterial Spot	150 ppm	Begin application with shuck split using a rate of 3 gallons per tree (240 gals. spray solution per acre based on 80 trees per acre). Apply spray solution to point of runoff. Gallons of spray per acre may be increased for larger trees. Do not exceed 500 gals. of spray solution per acre. Use pressure sprayer capable of delivering the spray at least 250 lbs. pressure per square inch through a hand-held single nozzle gun, or 150 lbs. pressure per square inch using a wind-blast sprayer. For best results with airblast sprayer, do not exceed 3 miles per hour ground speed or 100 miles per hour spray velocity.

FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline

		<p>Note: The spray application schedules are based on a definite biological growth period for peaches, the shuck split. Shuck split stage for peaches varies North to South by state, in individual states and by varieties. Applications are weekly after shuck split stage. This may involve up to 8 or 9 applications. Do not apply within 3 weeks of harvest.</p>
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Additional information regarding use of FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline may be obtained from your local Agricultural Extension Agent or State Experimental Station.

Use of FIRELINE™ 17 WP Fungicide/Bactericide Agricultural Oxytetracycline may cause phytotoxicity to the fruit and/or foliage of sensitive varieties of pears, apples, peaches and nectarines.

STORAGE AND DISPOSAL

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

Pesticide Storage: Keep tightly closed and sealed. Product is moisture, temperature and light sensitive. Product is hygroscopic so protect from moisture. Store in a cool (<77°F, 25°C), dry place away from heat and open flames with minimum exposure to the atmosphere. Avoid extremes in temperature.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Nonrefillable Container. Do not reuse or refill this container. Completely empty bag into application equipment, then offer bag for recycling if available or dispose of in a sanitary landfill, by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

EMERGENCY TELEPHONE NUMBER:
InfoTrac: 1-800-535-5053

Conditions of Sale and Limitation of Warranty and Liability

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. 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, resistant strains or other influencing factors in the use of the product, which are beyond the control of AgroSource, Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold AgroSource, Inc. and Seller harmless for any claims relating to such factors. AgroSource, Inc. 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 the product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or AgroSource, Inc., and Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, AGROSOURCE, INC. MAKES NO OTHER WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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Fireline is trademark of AgroSource, Inc.

Active ingredient made in China. Formulated and packaged in USA by AgroSource, Inc.

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NOTIFICATION
FEB 26 2009