

81927-51

03-21-2012

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MAR 21 2012

Michael Kellogg
Alligare, LLC
Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig Harbor, WA 98332

Subject: Notification per PR Notice 98-10: Add NY State Restriction
Alligare Fluridone RTU
EPA Reg. No. 81927-51
Application Dated: March 7, 2012

Dear Mr. Kellogg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice 98-10 for the subject product.

The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested falls within the scope of this notice. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please feel free to contact Maggie Rudick at (703) 347-0257 or rudick.maggie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Montague".

Kathryn Montague, Product Manager 23
Herbicide Branch
Registration Division (7505P)

for



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 81927-51	2. EPA Product Manager K. Montague	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Alligare, LLC / Alligare Fluridone RTU	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Alligare, LLC c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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

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

MAR 21 2012

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of minor label revisions per PR Notice 98-10 to facilitate registration in New York State. 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:

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 checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* 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
 Label Container

4. Size(s) Retail Container
1 qt., 1 gal., 2.5 gal.

5. Location of Label Directions
 On Label On Labeling accompanying product

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Michael Kellogg	Title Agent	Telephone No. (Include Area Code) 253-353-7369
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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
Agent

4. Typed Name
Michael Kellogg

5. Date
3/7/12

6. Date Application Received (Stamped)

PYXIS REGULATORY CONSULTING, INC.

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4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

March 7, 2012

COURIER DELIVERY

Kathryn Montague (PM 23)
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

RE: Alligare, LLC – Alligare Fluridone RTU (EPA Reg. No. 81927-51)
Notification of Minor Label Revisions per PRN 98-10 to Facilitate Registration in the State of New York

Dear Ms. Montague,

On behalf of Alligare, LLC please find the enclosed notification of minor label revisions to the Alligare Fluridone RTU (EPA Reg. No. 81927-51) labeling to facilitate registration in the State of New York. Changes made to the enclosed labeling include the following:

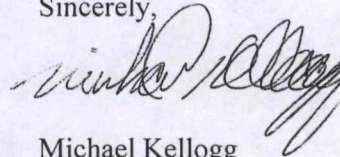
- 1) P. 2 – Revised the last bullet under the PRECAUTIONS AND RESTRICTIONS section to add “In New York State, swimming in treated waters is prohibited for a period of 24 hours following application of the product.”

In support of this notification submission, we submit the following documents:

1. Completed Application for Registration (EPA Form 8570-1)
2. One (1) copy of the Alligare Fluridone RTU labeling with changes tracked
3. One (1) copy of the Alligare Fluridone RTU labeling with changes incorporated
4. Certification with Respect to Label Integrity
5. One (1) copy of the Alligare Fluridone RTU label on CD
6. Letter of Authorization

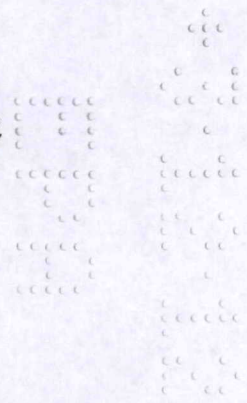
Please feel free to contact me by phone (253) 853-7369 or by email at Mike@PyxisRC.com if you have any questions or need any additional information.

Sincerely,



Michael Kellogg

Enclosures



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Alligare Fluridone RTU

For Ponds
Aquatic Weed Herbicide

READY-TO-USE

ACTIVE INGREDIENT:

Fluridone: 1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H)-pyridinone 3.79%

OTHER INGREDIENTS: 96.21%

TOTAL: 100.00%

One quart contains 0.08 pounds of fluridone.

KEEP OUT OF REACH OF CHILDREN CAUTION

PRECAUTIONARY STATEMENTS

ENVIRONMENTAL HAZARDS

Do not apply directly to water except as specified on this label. Do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Apply this product in calm weather when rain is not predicted for the next 24 hours to help ensure that the pesticide is not moved out of the treatment area. Trees and shrubs growing in water treated with Alligare Fluridone RTU may occasionally develop chlorosis.

Manufactured for:

Alligare, LLC
13 N. 8th Street
Opelika, AL 36801

EPA Reg. No. 81927-51

EPA Est. No.

NOTIFICATION
MAR 21 2012

Net Contents:

Net Contents:
1

[Text in brackets is either marketing claims or brackets act as a placeholder for graphics.]

[Controls Many Aquatic Weeds]

[[Controls] [Hydrilla] [Duckweed] [Lily] [Coontail] [Milfoil]]

[graphic of Hydrilla] [graphic of Duckweed] [graphic of Lily] [graphic of Coontail] [graphic of Milfoil]

[Alligare Fluridone RTU Controls the Entire Weed, Including the Roots]

PRODUCT INFORMATION

Alligare Fluridone RTU provides control of most species of aquatic weeds in ponds that have no outflow or limited outflow.

See below for a complete list of weeds controlled, and for a list of weeds partially controlled.

HOW ALLIGARE FLURIDONE RTU WORKS

The active ingredient of Alligare Fluridone RTU is fluridone which is absorbed quickly by aquatic plant species, while any surplus product is broken down by sunlight. Alligare Fluridone RTU is effective because it controls the weed in its entirety, including the roots. Aquatic plants treated with Alligare Fluridone RTU will wilt and/or turn white in 3 to 6 weeks following application.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

PRECAUTIONS AND RESTRICTIONS

• SHAKE WELL BEFORE USE

- Unless the pond is privately owned by the applicator, prior to application, consult with appropriate State or local water authorities. Local or State water authorities have authority over public water and permits may be required.
- Alligare Fluridone RTU must not be applied through any type of irrigation system.
- In a single growing season, total combined applications of Alligare Fluridone RTU must not exceed 3 quarts per acre foot.
- For 30 days following the last application of Alligare Fluridone RTU, do not use water treated with this product to irrigate crops, established turf or ornamental plants.
- Do not use water treated with Alligare Fluridone RTU to irrigate seedling crops, seedling grasses or any other new plantings for 60 days following the last application of the product.
- For detailed information on the use of treated water for irrigation, contact your Alligare, LLC representative.
- The effectiveness of Alligare Fluridone RTU may be reduced by further dilution of the product or any rapid movement of water. In order to be fully effective, Alligare Fluridone RTU must stay in contact with aquatic weeds for at least 45 days.
- There are no restrictions as to swimming, livestock/pet water consumption or fishing following application of Alligare Fluridone RTU except in New York State. In New York State, swimming in treated waters is prohibited for a period of 24 hours following application of the product.

APPLICATION INSTRUCTIONS

- Thoroughly shake the product before use.
- Apply Alligare Fluridone RTU when it is dry and sunny with little or no wind.
- Begin application when weeds are beginning to grow. Alligare Fluridone RTU is most effective if it is applied when weeds are actively growing.
- Apply Alligare Fluridone RTU to man-made or natural ponds that have limited or no outflow.
- Apply Alligare Fluridone RTU directly into the water either in one location or multiple locations. The product will mix throughout the pond.

- If there is an algae infestation, apply Alligare Fluridone RTU in conjunction with an EPA approved algaecide.

RATE OF APPLICATION

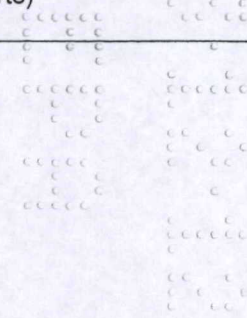
Apply Alligare Fluridone RTU in accordance with the following application schedules:

SCHEDULE 1: AQUATIC WEED CONTROL

Application	Application Day	Amount of Alligare Fluridone RTU for a 0.5 acre pond with 4 foot average pond depth Amounts in Quarts	Amount of Alligare Fluridone RTU for a 1 acre pond with 4 foot average pond depth Amounts in Quarts
1	Day 1	2	4
2	Day 21	1	2
3	Day 42	1	2

If you are applying Alligare Fluridone RTU into a pond that is a different size, or has a different average depth from the depths listed in Schedule 1, calculate the amount of product to apply using the following formula (round up the result to nearest 0.5 of a quart).

Application	Application Day	Formula
1	Day 1	<p>Pond area (in acres) x Pond average depth (in feet) = Quantity of Alligare Fluridone RTU to apply (in quarts)</p> <p>Example: 1.7 acre pond x 6.0 foot average depth = 10.2 (rounded up to 10.5 quarts)</p>
2	Day 21	<p>Pond area (in acres) x Pond average depth (in feet) x 0.5 = Quantity of Alligare Fluridone RTU to apply (in quarts)</p> <p>Example: 1.7 acre pond x 6.0 foot average depth x 0.5 = 5.1 (rounded up to 5.5 quarts)</p>
3	Day 42	<p>Pond area (in acres) x Pond average depth (in feet) x 0.5 = Quantity of Alligare Fluridone RTU to apply (in quarts)</p> <p>Example: 1.7 acre pond x 6.0 foot average depth x 0.5 = 5.1 (rounded up to 5.5 quarts)</p>



ALLIGARE FLURIDONE RTU WILL CONTROL THE FOLLOWING AQUATIC WEEDS:

- Bladderwort
- Coontail, common
- Duckweed, common
- Egeria or Brazilian Elodea
- Elodea, common
- Fanwort or Cabomba
- Hydrilla
- Naiad
- Paragrass
- Most Pondweeds
- Spatterdock
- Most Watermilfoils
- Water-lily

ALLIGARE FLURIDONE RTU WILL PARTIALLY CONTROL THE FOLLOWING AQUATIC WEEDS:

- Alligatorweed
- American eelgrass /Tapegrass
- American lotus
- Barnyardgrass
- Cattail
- Giant cutgrass
- Limnophila
- Parrotfeather
- Pondweed, Illinois
- Reed canarygrass
- Salvinia
- Smartweed
- Southern watergrass
- Spikerush
- Torpedogras
- Watermilfoil, variable-leaf
- Waterprimrose, creeping
- Waterpurslane
- Watermeal, common†

† for partial control of watermeal, see schedule 2 below.

SCHEDULE 2: APPLICATION RATES FOR THE PARTIAL CONTROL OF WATERMEAL*

Application	Application Day	Amount of Alligare Fluridone RTU for a 0.5 acre pond with 4 foot average pond depth Amounts in Quarts	Amount of Alligare Fluridone RTU for a 1 acre pond with 4 foot average pond depth Amounts in Quarts
1	Day 1	3	6
2	Day 21	1.5	3

Application	Application Day	Amount of Alligare Fluridone RTU for a 0.5 acre pond with 4 foot average pond depth Amounts in Quarts	Amount of Alligare Fluridone RTU for a 1 acre pond with 4 foot average pond depth Amounts in Quarts
3	Day 42	1.5	3

* The application rates in Schedule 2 controls all the aquatic weeds listed on the label except watermeal which is only partially controlled with the Schedule 2 application rates.

IMPORTANT: In a single growing season, total combined applications of Alligare Fluridone RTU must not exceed 3 quarts per acre foot. Refer to PRECAUTIONS AND RESTRICTIONS (above).

If you are applying Alligare Fluridone RTU into a pond that is a different size, or has a different average depth from those in Schedule 2, calculate the amount of product to apply using the following formula (round up the result to nearest 0.5 of a quart).

Application	Application Day	Formula
1	Day 1	Pond area (in acres) x Pond average depth (in feet) x 1.5 = Quantity of Alligare Fluridone RTU to apply (in quarts) Example: 1.7 acre pond x 6.0 foot average depth x 1.5 = 15.3 (rounded up to 15.5 quarts)
2	Day 21	Pond area (in acres) x Pond average depth (in feet) x 0.75 = Quantity of Alligare Fluridone RTU to apply (in quarts) Example: 1.7 acre pond x 6.0 foot average depth x 0.75 = 7.65 (rounded up to 8 quarts)
3	Day 42	Pond area (in acres) x Pond average depth (in feet) x 0.75 = Quantity of Alligare Fluridone RTU to apply (in quarts) Example: 1.7 acre pond x 6.0 foot average depth x 0.75 = 7.65 (rounded up to 8 quarts)

1 Acre foot of water =
1 acre surface area of water with an average depth of 1 foot.

Example 1: a pond with 1 acre of surface area with an average water depth of 6 feet
= 6 acre feet of water

Example 2: a pond with 4 acres of surface area with an average water depth of 6 feet
= 24 acre feet of water

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STORAGE AND DISPOSAL

Pesticide Handling and Storage: Keep container stored with nozzle in closed position. Store product in original container in a safe place away from direct sunlight. Keep from freezing.

Pesticide and Container Disposal: Nonrefillable container. Do not reuse or refill this container.

If Empty: Place in trash or offer for recycling if available.

If Partly Filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

CONDITION OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

To the extent consistent with applicable law, upon purchase or use of this product, purchaser and user agree to the following terms:

Warranty: Alligare, LLC (the Company) warrants that this product conforms to the chemical description on the label in all material respects and is reasonably fit for the purpose referred to in the directions for use, subject to the exceptions noted below, which are beyond the Company's control. To the extent consistent with applicable law, the Company makes no other representation or warranty, express or implied, concerning the product, including no implied warranty of merchantability or fitness for a particular purpose. To the extent consistent with applicable law, no such warranty shall be implied by law, and no agent or representative is authorized to make any such warranty on the Company's behalf.

Terms of Sale: The Company's directions for use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, and the manner of use or application (including failure to adhere to label directions), all of which are beyond the Company's control. To the extent consistent with applicable law, all such risks are assumed by the user.

Limitation of Liability: To the extent consistent with applicable law, the exclusive remedy against the Company for any cause of action relating to the handling or use of this product is a claim for damages, and in no event shall damages or any other recovery of any kind exceed the price of the product which caused the alleged loss, damage, injury or other claim. To the extent consistent with applicable law, under no circumstances shall the Company be liable for any special, indirect, incidental or consequential damages of any kind, including loss of profits or income. Some states do not allow the exclusion or limitation of incidental or consequential damages.

The Company and the seller offer this product, and the purchaser and user accept this product, subject to the foregoing warranty, terms of sale and limitation of liability, which may be varied or modified only by an agreement in writing signed on behalf of the Company by an authorized representative.

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