

83028-8

10-05-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OCT 05 2009

Rusty Millar, Mgr. Regulatory Affairs  
NCA Biotech, Inc.  
3406 Pomona Blvd.  
Pomona, CA 91768

Subject: Gibberellin A4+7 Technical  
EPA Reg. No: 83028-8  
Application for label changes via Notification dated September 21, 2009

Dear Mr. Millar:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under PRN 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PRN 98-10 and it has been determined that the action(s) requested falls within the scope of PRN 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

Questions concerning this action should be directed to John Fournier at (703) 308-0169 or email at [fournier.john@epa.gov](mailto:fournier.john@epa.gov).

Sincerely,

*Linda Hollis*

Linda Hollis, Chief  
Biochemical Pesticides Branch  
Biopesticides and Pollution Prevention Division (7511P)

CONCURRENCES

SYMBOL								
SURNAME								
DATE								



United States  
Environmental Protection Agency  
Washington, DC 20460

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

OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number NCA Biotech 83028-8	2. EPA Product Manager Linda Hollis	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) NCA Biotech Gibberellin A4+7 Technical	PM# 91	
5. Name and Address of Applicant (Include ZIP Code)  NCA Biotech, 3406 Pomona Blvd., Pomona, CA 91768  <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 checked="" 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 type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

Updated label per PRN 2007-4

### Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt. 2.2 lbs	No. per container 1	<input checked="" type="checkbox"/> Paper	<input type="checkbox"/> Glass
		If "Yes" Package wgt	No. per container	<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2.2 lbs		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
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 Rusty Millar	Title Mgr	Telephone No. (Include Area Code) 909.348.5133
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 <i>Rusty Millar</i>	3. Title Mgr	
4. Typed Name Rusty Millar	5. Date August 11, 2009	



# NCA Biotech, INC.

3/8

September 21, 2009

Ms. Linda Hollis, Chief PM 91  
BPPD (7511P), Room S4900  
US Environmental Protection Agency  
One Potomac Yard  
2777 S Crystal Drive  
Arlington, VA 22202

Subject: Happy Gro, EPA Reg. No. 83028-8, Container Disposal per PRN 2007-4, Notification under PRN 98-10

Dear Ms. Hollis:

On August 11 we submitted an amendment to the container disposal language required per PR Notice 2007-4. At that time we mistakenly removed previously approved container disposal language. The label is being resubmitted restoring this language. Changes are highlighted in red for your convenience. Please advise us when the label is approved. If you have any questions, please contact me. Thank you.

Sincerely,

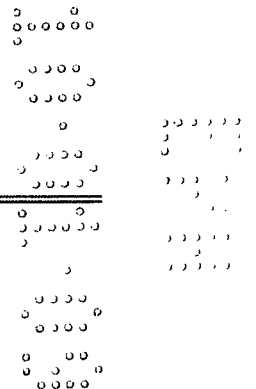
Rusty Millar  
Mgr. Regulatory Affairs

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3406 POMONA BLVD · POMONA · CA 91768

Tel.: 909.348.5133 · Fax: 909.348.5135

Email: [info@ncabiotech.com](mailto:info@ncabiotech.com)

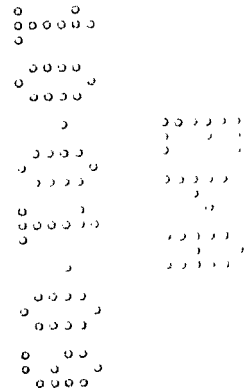


Notification of label change per PRN 2007-4. This notification is consistent with the guidance in PRN 2007-4 and the requirements of EPA's regulations at 40 CFR SS 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR SS 156.10, 156.140, 156.144, 156.146, and 156.156, 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.



Rusty Millar  
Mgr Regulatory Affairs  
LT Biosyn, Inc.

Date September 8, 2009





# NCA Biotech, INC.

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August 11 2009

Ms. Linda Hollis, Chief PM 91  
BPPD (7511P), Room S4900  
US Environmental Protection Agency  
One Potomac Yard  
2777 S Crystal Drive  
Arlington, VA 22202

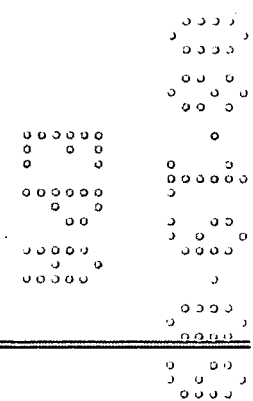
Subject: Gibberellin A4+7 Technical, EPA Reg. No. 83028-8 Container Disposal per PRN 2007-4

Dear Ms. Hollis:

This submission pertains to the amendments to the container disposal language required per PR Notice 2007-4. Per this notice an application form and four copies of the label are included with this submission. Changes are highlighted in red for your convenience. Please return a stamped copy of the label for our files. If you have any questions, please contact me. Thank you.

Sincerely,

Rusty Millar  
Mgr. Regulatory Affairs



3406 POMONA BLVD · POMONA · CA 91768

Tel.: 909.348.5133 · Fax: 909.348.5135

Email: info@ncabiotech.com

# Gibberellin A<sub>4+7</sub> Technical (FOR MANUFACTURING USE ONLY)

**ACTIVE INGREDIENT:**

Gibberellic Acid (GA<sub>4</sub> + GA<sub>7</sub>) ..... 92.0%

**OTHER INGREDIENTS:** ..... 8.0%

**TOTAL:** ..... 100.0%

EPA Reg. No. 83028-8

EPA Est. No. 72639-CHN-1

## KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>If on skin or clothing:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For general product information, call NCA Biotech, Inc. at (909) 348-5133 between the hours of 9 a.m. – 4 p.m. Pacific Time.	

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

Harmful if inhaled. Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

### ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

**Manufactured for:**  
NCA Biotech, Inc.  
3406 Pomona Blvd.  
Pomona, CA 91768

### NOTIFICATION

Date Reviewed: 10/5/09  
Reviewed By: John Fournier, BPB

**NET WEIGHT**  
2.2 Lbs. (1 Kg.)  
Batch No. ....

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**DIRECTIONS FOR USE**

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

Instructions For Formulation: This product is for reformulating into products intended as plant growth regulators on ornamental plants and food crops and only for those uses which are duly registered with the USEPA. Formulators using this product are responsible for obtaining their own registrations.

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Keep containers tightly closed when not in use.

**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:** Non refillable container. Do not reuse or refill this container. Completely empty bag into manufacturing equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**LIMITED WARRANTY AND DISCLAIMER**

The manufacturer warrants that this product conforms to the chemical description on the label; that this product is reasonably fit for the purposes set forth as stated under the Directions for Use when it is used in accordance with such Directions; and that the statements under the Directions, the warnings and other statements on this label, are based upon responsible experts' evaluation of reasonable tests of effectiveness, of toxicity to laboratory animals and to plants, and of residues on food crops and upon reports of field experience. Tests have not been made on all varieties or in all states or under all conditions. THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE, ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OF DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION TO REPLACEMENT OF, OR THE REPAYMENT OF THE PURCHASE PRICE FOR, THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR INCONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

To the extent consistent with applicable law, purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States. Seller's guarantee shall be limited to the terms set out on the label and subject thereto, the buyer assumes the risk to persons or property arising from the use or handling of this product on that condition.

**DISCLAIMER AND INDEMNITY FOR FORMULATORS' USES**

The manufacturer expressly disclaims all liability for claims and actions (whether based on contract, strict liability, or breach of warranty) arising out of, resulting from or connected with a formulation containing this product when used for any purpose other than those uses set forth under the Directions

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for Use heading. The manufacturer has not developed scientific data to support, nor has it explicitly or implicitly approved, any uses other than those listed under the Directions for Use heading above.

To the extent consistent with applicable law, any formulator or buyer who uses this product in formulations for any other than those stated under the Directions for Use heading above, assumes all liability for claims and actions arising out of, connected with or resulting from such use and agrees by so using this product to indemnify and hold harmless the manufacturer from such claims and actions.

This disclaimer and indemnity is in addition to, not in lieu of, the below disclaimer and limitations.

Revised Sept 21, 2009

3