

83070-3

08-27-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 27 2009

Mr. Joseph W. Burley PhD
Advan, LLC
2520 Meridian Parkway
Suite 525
Durham, NC 27713

Subject: Revised Label Container Disposal Statement

Dear Mr. Burley:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 7, 2009 for:

EPA Registration 83070-3

Enforce 1.47 FL

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 finds that the label change(s) requested falls within the scope of PRN 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, contact me at 703 305-5409 or electronically at daniel.dani@epa.gov

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Registration Division (7505P)
Insecticide/Rodenticide Branch

NOTIFICATION

Please read instructions on reverse before completing form. Form Approved. OMB No. 2070-0060. Approval Expires 05-31-98.



United States
Environmental Protection Agency
Washington, DC 20460

 Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 83070-3	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product Name Enforce 1.47 FL	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Advan, LLC 2520 Meridian Parkway, Suite 525 Durham, NC 27713	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 _____	

Check if this is a new address

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 label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 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 §§ 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.

Section - III

1. Material This Product Will Be Packaged In:

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	2. Type of Container <input type="checkbox"/> Metal <input 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" Unit Packaging wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container

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

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

Section - IV

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

Name Joseph W. Burley	Title Regulatory Manager	Telephone No. (Include Area Code) (919) 226-1297
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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 Regulatory Manager	6. Date Application Received (Stamped)
4. Typed Name Joseph W. Burley	5. Date 08/07/2009	



August 7, 2009

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: **Enforce 1.47 FL**
EPA Reg. No. 83070-3
Notification per PR Notice 2007-4

Dear Sir or Madam:

In support of the above notifications, please find the following documents enclosed:

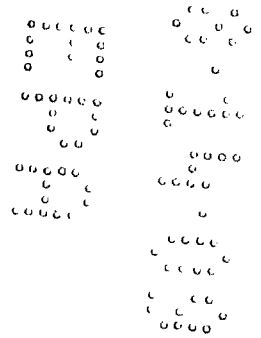
- Application for Pesticide Notification, Form 8570-1
- One copy of the product labeling, which is annotated to enable the Agency to differentiate the changes which have been made to that label
- One clean copy of the label, containing the incorporated changes

For ease of review by the Agency, please note that changes to this product label are limited to those found on page 4. Those changes have been underlined and highlighted in the annotated copy.

If you have any questions about this submission, please feel free to call me at 770-594-6356

Sincerely,

Joseph W. Burley PhD
Regulatory Manager
Advan, LLC



4/8

NOTIFICATION

Enforce™ 1.47% FL Insecticide Concentrate

- Prevents damage from listed pests
- Insects stop eating when they feed on the plant
- Protects trees and shrubs from damaging insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth
- Controls insects that damage trees and shrubs
- Year-long insect protection for trees and shrubs
- Treats up to 32" average size trees or 5 (2 ft. tall) shrubs
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Prevents insects from damaging trees and shrubs
- Will not harm trees and shrubs
- For use on all ornamental trees, listed fruit & nut trees, and shrubs
- Kills insects & prevents new infestations
- One application protects up to 12 months
- Provides 12-Month Insect Protection
- Rainproof Protection
- Easy to use - Mix in water and pour around Tree/Shrub

FOR OUTDOOR RESIDENTIAL USE ONLY

Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 1.47%

OTHER INGREDIENTS: 98.53%

TOTAL: 100.00%

KEEP OUT OF REACH OF CHILDREN
CAUTION

See Booklet for Additional Ingredients and Precautionary Statements

FIRST AID	
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 to 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.
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 [CHEMTREC] for emergency medical treatment information.	

EPA Reg. No. 83070-3
[AD010407]

NET CONTENTS: 8 fl. oz. or 16 fl. oz. or 32 fl. oz. or 1 Gal

Manufactured For:
Advan, LLC
2520 Meridian Parkway, Suite 525
Durham, NC 27713

EPA Est. No. xxx-xx-xxx

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

Children and pets may re-enter the treated area after it has dried.

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates. Do not apply directly to lakes, streams, rivers or ponds.
- Do not dump rinse water into sewers or other bodies of water.
- Apply this product only as specified on this label.

Enforce™ 1.47% FL Insecticide Concentrate provides 12-month systemic protection against damaging insects including Leafminers, Beetles and Borers.

Having beautiful trees and shrubs has never been easier.

QUICK FACTS

Provides Year Long Insect Protection

- Will Not Harm Trees and Shrubs
- Easy to Use ... Pour in Water and Pour Around Plant
- Not Affected by Rain or Moisture
- Convenient Measuring Cup
- Kills adelgids, aphids, bronze birch borers, leafminers, scale and other listed pests
- Coverage for Trees: 32 inches of distance around tree(s) and Coverage for Shrubs: 5 (2 ft tall)
- Outdoor trees and shrubs, including listed fruit and nut trees
- Use once a year or when insects are present
- Trees Use: 1 ounce per inch of distance around trunk
- Shrubs Use: 3 ounces per foot of height

DIRECTIONS FOR USE	
It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For best results, read and follow all label directions.	
BEFORE YOU USE Read and follow directions when using.	<ul style="list-style-type: none"> • Do not apply near lakes, streams, rivers, or ponds. • Do not apply to soils which are water-logged or saturated. • Bucket or measuring utensils should not be used for any food or drinking water purposes after use with this product.
HOW TO USE	Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub.
FOR USE ON	Outdoor trees and shrubs including listed fruit and nut trees:

DIRECTIONS FOR USE			
	Apple Crabapple Pecan	Loquat Mayhaw Quince	Oriental Pear Pear
CONTROLS	Adelgids Billbug Crane fly larvae Leaf Beetles (including Elm Leaf Beetles and Viburnum Leaf Beetles) Vine Weevil Larvae (Including Black Vine Weevil) Leafhoppers (including Glassy-winged Sharpshooter) Roundheaded Borers (Including Eucalyptus Longhorned Borer) Flatheaded (Including Bronze Birch Alder) Leafminers (Including Birch Leafminers) Mealybugs Pine Tip Moth Larvae Japanese Beetles, Adult Psyllids Lacebugs Royal Palm Bugs Sawfly Larvae Scales (Includes Armored Scale [Suppression] and Soft Scale) Thrips Whiteflies		
HOW MUCH TO APPLY	Trees: 1 oz per inch of distance around trunk Shrubs: 3 oz per foot of height.		
	TREE WITH ONE TRUNK: Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is the recommended method [tool]. This is the number of ounces of Enforce™ 1.47% FL to apply.		
	TREES WITH 2 OR MORE TRUNKS: Measure the distance (in inches) around each tree trunk and add together. Multiply this total by 0.75 to get the required number of ounces of Enforce™ 1.47% FL to apply. Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches], 40 X 0.75 = 30 ounces.		
	SHRUBS: Measure the height of the shrub to the nearest foot. Round any inches down to the nearest foot if less than 6" and up to the nearest foot if greater than 6". Multiply the number of feet by 3 - this is the number of ounces of Enforce™ 1.47% FL to apply. Do not make more than one application per year.		

DIRECTIONS FOR USE	
HOW TO APPLY	<ul style="list-style-type: none"> • Fill a bucket or watering can with 1 gallon of water. [For trees with circumference greater than 50', use 2 gallons of water.] • Shake the bottle of Enforce™ 1.47% FL well. • Remove the measuring cup. [Each marking inside is one ounce.] • Carefully measure required amount of product into bucket. • Slowly pour the solution evenly around the tree. For best results, pour as close to the TRUNK/main stem of the tree/shrub as possible. • Fill the bucket with clean water and pour it around the trunk as well.
FOR BEST RESULTS	<p>Use this product as part of an overall tree and shrub health care program before problems start [preferably in the fall]. However, Enforce™ 1.47% FL can be applied anytime except when the ground is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone.</p> <p>During prolonged dry periods [spells], water the tree/shrub well the night before making an application.</p> <p>For severe infestations, treat with a foliar insecticide labeled for use on ornamentals then use Enforce™ 1.47% FL as part of a routine care program.</p>
HOW Enforce™ 1.47% FL WORKS	<p>The insecticide dissolved in water moves down through the soil, where it is absorbed by the roots. Once absorbed, it moves up through the tree or shrub providing year-long insect protection. Enforce™ 1.47% FL even moves into new growth after application, thus protecting it, too. To get complete protection, the insecticide must distribute completely through the tree/shrub. Depending on the size and health of the plant, this may take one week to three months (for very large trees). Rain or water cannot wash off this internal protection.</p>

(NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress)

STORAGE AND DISPOSAL
<p>Do not contaminate water, food, or feed by storage or disposal.</p> <p>PESTICIDE STORAGE: Store in cool, dry place, out of the reach of children, preferably in a locked storage cabinet.</p> <p>PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.</p> <p>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.</p>

WARRANTY AND LIMITATION OF DAMAGES

CONDITIONS OF SALE: The directions for use of this product are believed to be adequate and should be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Advan, LLC. To the extent allowed by law, all such risks shall be assumed by the user or buyer. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ADVAN, LLC DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF FITNESS OR MERCHANTABILITY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ADVAN, LLC SHALL NOT BE LIABLE FOR CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, AND ADVAN, LLC SOLE LIABILITY AND BUYER'S AND USER'S EXCLUSIVE REMEDY SHALL BE LIMITED TO THE REFUND OF THE PURCHASE PRICE. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER AND USER ACKNOWLEDGE AND ASSUME ALL RISKS AND LIABILITY RESULTING FROM HANDLING, STORAGE AND USE OF THIS PRODUCT. ADVAN, LLC DOES NOT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE ANY OTHER WARRANTY, GUARANTEE OR REPRESENTATION CONCERNING THIS PRODUCT.**

NOTES:

