

83558-32

12-31-2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

DEC 31 2008

Mrs. Ann M. Tillman
Consultant
Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig Harbor, WA 98332

Subject: Notifications for Label Revisions under PRN 98-10 to revise Limitations of
Warranty and Liability and PRN 2007-4

Dear Ms. Tillman:

The Agency is in receipt of your Application(s) for Pesticide Notification under
Pesticide Registration Notices (PRN) 98-10 and 2007-4 dated October 29, 2008 for:

EPA Registration 83558-32 Dithiopyr Technical

The Registration Division (RD) has conducted a review of the requests for applicability
under PRN 98-10 and PRN 2007-4 and finds that the label changes requested fall within the scope of
PRN-98-10 and PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our
records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or
other code identify the batch of the pesticide distributed and sold be placed on nonrefillable containers.
The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or
durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Joyce Edwards of my
staff at 703-308-8893.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0080. Approval expires 2-28-95



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 83558-32	2. EPA Product Manager J. Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Celsius Property BV Amsterdam (NL)/Dithiopyr Technical	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Celsius Property BV, Amsterdam (NL) C/O MANA, Inc. 4515 Falls of Neuse Raleigh, NC 27609 <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: NOTIFICATION EPA Reg. No. _____ Product Name <u>DEC 30 2008</u>	

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 to revise Limitations of Warranty and Liability. 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" Package wgt	No. per container
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 Pyxis Regulatory Consulting, Inc.	Title Agent	Telephone No. (Include Area Code) (253) 853-7369
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 Consultant	
4. Typed Name Ann M. Tillman	5. Date 10/29/08	

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PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

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

October 29, 2008

COURIER DELIVERY

Joanne Miller (PM23)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

RE: Celsius Property, BV, Amsterdam (NL)
Dithiopyr Technical, EPA Reg. No. 83558-32
Notification of Revised Label Warranty Statement

Dear Ms. Miller,

On behalf of Celsius Property, BV Amsterdam (NL), please find a label that has been revised to reflect the Celsius Property BV, Amsterdam (NL) "Limitation of Warranty and Liability" for Dithiopyr Technical (EPA Reg. No. 83558-32). Enclosed please find:

1. Application for Pesticide Registration (EPA Form 8570-1)
2. Two copies of the revised label

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

Sincerely,



Ann M. Tillman

Enclosures

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Dithiopyr Technical

ACTIVE INGREDIENT:

S, S'-dimethyl 2-(difluoromethyl)-4-(2-methylpropyl)-6-(trifluoromethyl)-3,5-pyridinedicarbothioate(*)	97.0%
OTHER INGREDIENTS	<u>3.0%</u>
TOTAL	100.0%

CAS No. 97886-45-8

EPA Reg. No 83558-32

EPA Est. No: 81134-CHN-001

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

In case of an emergency involving this product call: 1-800-308-5391

NOTIFICATION

DEC 3 2008

Net Weight: 55.1 Lbs (25 Kg)

Celsius Property BV, Amsterdam (NL)
(Neuhasen A Rhf Branch)
4515 Falls of Neuse Road
Raleigh, NC 27609

ENVIRONMENTAL HAZARDS

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

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not use this product to formulate into end-use products in any type of equipment made of metal or metal ions (this restriction excludes stainless steel). For manufacturing and formulation into herbicides only. For use on established ornamental turf and lawn grasses (including golf course fairways, roughs, and tee boxes), sod farms, non-cropland and industrial sites, established landscape ornamentals, field and container ornamentals.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container.

Pesticide Disposal: Pesticide wastes are toxic. If these wastes cannot be disposed of by use of according to label instructions, they must be disposed of according to federal, state, and local procedures. Contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Container Disposal: Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities. Triple rinse (or equivalent) the drum. Then, offer for recycling or reconditioning, or puncture and dispose in a sanitary landfill, or by other procedures approved by state and local authorities.

LIMITATIONS OF WARRANTY AND LIABILITY

Read the entire directions for use, conditions of warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following **CONDITIONS, DISCLAIMER OF WARRANTIES, and LIMITATIONS OF LIABILITY.**

CONDITIONS: The directions for use of this product are believed to be adequate and must 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 Celsius Property BV. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, Celsius Property BV makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Celsius Property BV is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Celsius Property BV disclaims any liability whatsoever for special incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at Celsius Property BV's election, the replacement of product.