

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Bureau of Pesticides Management
625 Broadway, 9th Floor, Albany, New York 12233-7254
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April 19, 2019

VIA EMAIL

Ms. Kelley White
SePRO Corporation
11550 North Meridian Street, Suite 600
Carmel, Indiana 46032-4565

Dear Ms. White:

Re: Registration of Special Local Need Labeling for SeClear Algaecide and Water Quality Enhancer (EPA Reg. No. 67690-55) and SeClear G Algaecide and Water Quality Enhancer (EPA Reg. No. 67690-72) Contains Copper Sulfate Pentahydrate (chemical code: 024401)

The New York State Department of Environmental Conservation (Department) determined during a review of all New York State registered aquatic algae control products which contain the active ingredient copper sulfate pentahydrate, that the above referenced products cannot be legally applied to surface waters of the state for algae control as currently labeled. The New York State Code of Rules and Regulations Title 6 (6NYCRR) Part 327.6(a) specifies the use restrictions for copper sulfate pentahydrate application to control algae in surface waters, which is a maximum dosage of 0.3 ppm. However, SeClear and SeClear G product labeling lists application rate ranges that are above this state maximum allowed dosage.

The Department and SePro previously discussed remedies to continue sale and use of these products in New York State and determined that utilizing FIFRA 24(c) was the most effective method. The Department received applications to register FIFRA Section 24(c) Special Local Need (SLN) labeling for use of both SeClear Algaecide and Water Quality Enhancer (EPA Reg. No. 67690-55) and SeClear G SeClear Algaecide and Water Quality Enhancer (EPA Reg. No. 67690-72) in New York State at the allowed 0.3 ppm application rate. Registration of NYS accepted SLN supplemental labeling for these products, would allow the currently registered product labeling to be stamped "Accepted for use in New York State Only in Conjunction with Special Local Need Supplemental Labeling" and would allow use of these products under the SLN registration.

The Department has **registered the SLN labeling (SLN NY-190004)** for SeClear Algaecide and Water Quality Enhancer (EPA Reg. No. 67690-55) and **SLN labeling (SLN NY-190005)** for SeClear G Algaecide and Water Quality Enhancer (EPA Reg. No. 67690-72).



These products have been registered as restricted use products as required by 6NYCRR Part 326.2(h) for any pesticide labeled for direct application to or in surface waters.

Enclosed for your records are copies of the Certificate of Pesticide Registration and stamped "Accepted for Registration" SLN labeling for these products. The container labeling has been stamped "Accepted for Registration Only in Conjunction with New York State Specific Supplemental Labeling." Please note the "yes" under the "restriction" column on the enclosed Certificate of Pesticide Registration and the "Classified for Restricted Use in New York State" stamp on the attached SLN and product labeling. As such, this product is restricted in its purchase, distribution, sale, use and possession in New York State. Furthermore, this product may only be purchased and used by a certified applicator in New York State.

The New York State Department of Environmental Conservation Regulations 6NYCRR Part 326.3(a) state: "It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit." Should you require information to obtain a commercial permit, please contact the Pesticide Reporting and Certification Section, at (518) 402-8748.

The Pesticide Reporting Law within Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. **Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production.** If no sales are made within New York State, a report must be filed with the Department indicating this is the case. If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department's website at: <http://www.dec.ny.gov/chemical/27506.html>, or call (518) 402-8748.

Please be aware that any unregistered product or a product with a label not approved by the Department may **not** be sold, offered for sale, distributed, or used in New York State. Please contact me, at 518-402-8768, should you have any questions regarding this letter.

Sincerely,

/s/

Paula McBath
Environmental Chemist 2
Pesticide Product Registration Section