

70506-125

8/17/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

August 17, 2010

Ms. Rebecca A. Clemmer
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

Subject: Label Notification(s) for Pesticide Registration Notice 2008-1
Revising the Environmental Hazard Language
Per EPA letter dated June 4, 2009

Dear Ms. Clemmer:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2008-1 dated June 22, 2010 for the following product(s):

UP-Star GC Granular Insecticide
EPA Reg. No. 70506-74

Bifenthrin 0.069 RU Insecticide with X-X-X Fertilizer
EPA Reg. No. 70506-124

✓ **Bifenthrin 0.083 Insecticide with X-X-X Fertilizer**
EPA Reg. No. 70506-125

Bifenthrin 0.073 Insecticide with X-X-X Fertilizer
EPA Reg. No. 70506-126

UP-Star One-G Granular Insecticide
EPA Reg. No. 70506-129

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2008-1 and finds that the label change(s) requested falls within the scope of PRN 98-10. 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 identifying 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 Regina Foushee'-Smith at 703-605-0780.

Sincerely,




Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)

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Please read instructions on reverse before completing form

Form Approved, OMB No. 2070-0060, Approval expires 5-31-98

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration	OPP Identifier Number
	<input type="checkbox"/> Amendment	
	<input checked="" type="checkbox"/> Other	

Application for Pesticide – Section I

1. Company/Product Number 70506-125 4. Company/Product (Name) United Phosphorus, Inc/Bifenthrin 0.083 Insecticide with X-X-X Fertilizer	2. EPA Product Manager Richard Gebken PM # 13	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406 <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: <div style="text-align: center;">NOTIFICATION</div> EPA Reg No. _____ Product Name <u> AUG 17 2010 </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

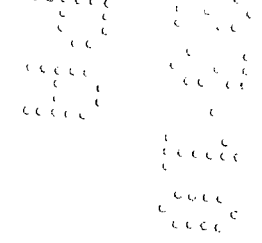
Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
 Notification of label change per June 4, 2009, letter from EPA.
 This notification is consistent with the guidance in the June 4, 2009 letter and the requirements of EPA's regulations at 40 CFR Part 156. No other changes 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 requirements of 40 CFR Part 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:				2. Type of Container	
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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
*Certification must be submitted				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
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 Label accompanying product	
6. Manner in Which Label is Affixed to Product			<input type="checkbox"/> Lithograph	<input type="checkbox"/> Other _____	
			<input type="checkbox"/> Paper glued		
			<input type="checkbox"/> Stenciled		

Section IV

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Rebecca A. Clemmer	Title Regulatory Manager	Telephone No. (Include Area Code) 610-491-2828			
Certification					6. Date Application Received (Stamped)
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			
4. Typed Name Rebecca A. Clemmer		5. Date 6/22/10			



4067

BIFENTHRIN 0.083 INSECTICIDE X-X-X FERTILIZER

NOTIFICATION

AUG 17 2010

For use by individuals/firms licensed or registered by the state to apply insecticide products. For use to control ants (including imported fire ants), mole crickets and other listed pests on lawn in landscaped areas around residential, institutional, public, commercial and industrial buildings, parks, recreational areas and athletic fields.

ACTIVE INGREDIENT

Bifenthrin*	0.083%
Other Ingredients	<u>99.917%</u>
	100.000%

*cis isomers 97% minimum, trans isomers 3% maximum

KEEP OUT OF REACH OF CHILDREN

CAUTION

See other panels for additional Precautionary Statements

GUARANTEED ANALYSIS XX-X-X

Total Nitrogen (N) -----Variable XX%
 Variable XX% Ammonical Nitrogen
 Variable XX% Water Soluble Nitrogen
 Variable XX% Water Insoluble Nitrogen
 Available Phosphate (P₂O₅) Variable XX%
 Available Potash (K₂O) Variable XX%

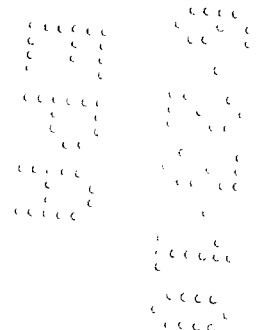
Plant Nutrients derived from Diammonium Phosphate.
 Urea formaldehyde, Urea, Sulfate of Ammonia,
 Sulfur coated Urea, Sulfate of Potash, Magnesium,
 Statement of Secondary Plant Nutrients.



United Phosphorus, Inc.
 630 Freedom Business Center
 King of Prussia, PA 19406
 1-800-438-6071 • www.upi-usa.com

EPA Reg. No. 70506- 125
 EPA Est. No.

Net Weight:



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FIRST AID	
If on Skin or Clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor. In case of medical emergency, contact The Rocky Mountain Poison Control Center at 1-866-673-6671.	
NOTE TO PHYSICIAN: This product is a pyrethroid. If large amounts have been ingested, milk, cream and other digestible fats and oils may increase absorption and so should be avoided.	

FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident, call CHEMTREC at 1-800-424-9300

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. ~~Do not apply directly to water.~~ Do not apply when weather conditions favor drift from treated areas. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. ~~Do not contaminate water when disposing of equipment washwaters or rinsate.~~ To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street back onto the treated area of the lawn will help to prevent runoff to water bodies or drainage systems.

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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.

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production or for research purposes. Not for use on golf courses, sod farms, nurseries, commercial greenhouses or grass grown for seed.

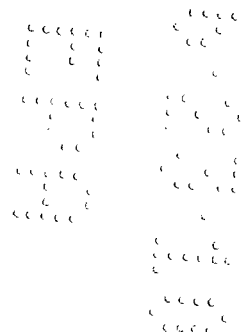
Do not apply more than 484 pounds of Bifenthrin 0.083 Insecticide with X-X-X Fertilizer per acre per year.

Apply this product directly to the lawn area. Water treated area as directed on this label. Do not water to the point of runoff.

Do not make applications during rain.

Do not apply by air.

Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm ponds.



6097

LAWN AND PERIMETER APPLICATIONS

Perimeter Application: Apply 2.75 to 5.5 pounds per 1,000 sq. ft. to ground areas 6 to 10 feet wide around and adjacent to the structure.

Lawn Application: Apply Bifenthrin 0.083 Insecticide with X-X-X Fertilizer with suitable broadcast application equipment to ensure uniform coverage over the treated area. Apply 2.75 to 5.5 pounds per 1,000 sq. ft. to control the following insect pests:

PESTS CONTROLLED	COMMENTS
Annual Bluegrass Weevils (<i>Hyperodes</i>) Armyworms Billbugs Black Turfgrass <i>Ataenius</i> Cutworms Mealybugs Sod Webworms	
Ants Centipedes Chinch Bugs Fleas Leafhoppers Millipedes Mole Crickets Ticks and Chiggers	Use the higher application rate for optimum control.
Imported Fire Ants	Use the higher application rate for optimum control; combine broadcast applications to control foraging workers and newly mated fly-in queens with mound treatments (using UP-Star Gold, EPA Reg. No. 70506-24) to control existing colonies.

In New York State, this product may NOT be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

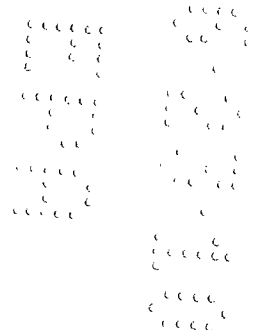
In New York State, do make a single repeat application of Bifenthrin 0.083 Insecticide with X-X-X Fertilizer if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

RECOMMENDED SPREADER SETTINGS

IMPORTANT: Spreader settings are only suggested and depend on the age of the spreader, condition of spreader, and the speed at which the operator uses the spreader. Calibrate the spreader prior to each application to ensure accurate application rates.

Dealers Should Sell in Original Packages Only

STORAGE AND DISPOSAL
Do not contaminate water, food or feed by storage or disposal. Pesticide Storage: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use,



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close tightly. In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills.

To Confine Spills: Cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or 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.

**IMPORTANT INFORMATION
READ BEFORE USING PRODUCT**

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product reflect the opinion of experts based on field use and tests and must be followed carefully. 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 manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of United Phosphorus, Inc. or Seller. Handling, storage, and use of the product by Buyer or User are beyond the control of United Phosphorus, Inc. and Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold United Phosphorus, Inc. and Seller harmless for any claims relating to such factors.

To the extent consistent with applicable law, United Phosphorus, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or United Phosphorus, Inc., and Buyer and User assume the risk of any such use. To the extent consistent with applicable law, UNITED PHOSPHORUS, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the extent consistent with applicable law, United Phosphorus, Inc. or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF UNITED PHOSPHORUS, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE, AT THE ELECTION OF UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT, OR COMPENSATION LIMITED TO DAMAGES NOT EXCEEDING THE FAIR MARKET PURCHASE PRICE, AND SHALL NOT INCLUDE INCIDENTAL OR CONSEQUENTIAL DAMAGES.**

United Phosphorus, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by the duly authorized representative of United Phosphorus, Inc.

Rev. 6/18/10

