



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

OCT 18 2007

George Meindl  
Registration Manager  
Nufarm Americas, Inc.  
150 Harvester Drive, Suite 200  
Burr Ridge, IL 60527

SUBJECT: Application for Pesticide Notification – Request to Add Optional Language  
Bifenthrin 0.058% Plus Fertilizer  
EPA Reg. No. 228-436  
Application Dated September 10, 2007

Dear Mr. Meindl:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

\* In the future, please submit single-sided copies of the proposed labels so they can be photocopied/scanned into our labeling databases.

If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in cursive script, reading "Stephen Schaible", is written over a horizontal line.

for

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. 2070-0060

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<b>United States</b> <b>Environmental Protection Agency</b> Washington, DC 20460		<div style="display: inline-block; border: 1px solid black; padding: 2px;"><input type="checkbox"/> Registration</div> <div style="display: inline-block; border: 1px solid black; padding: 2px;"><input type="checkbox"/> Amendment</div> <div style="display: inline-block; border: 1px solid black; padding: 2px;"><input checked="" type="checkbox"/> Other</div>	OPP Identifier Number
<b>Application for Pesticide - Section I</b>			
1. Company/Product Number 228-436		2. EPA Product Manager George LaRocca	
4. Company/Product (Name) Bifenthrin 0.058% Plus Fertilizer		3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted	
5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 <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 _____	
<b>Section - II</b>			
<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.	
<b>NOTIFICATION</b> <b>OCT 18 2007</b>			
<b>Explanation:</b> Use additional page(s) if necessary. (For section I and Section II.) Label Notification per PR Notice 98-10, Section II. Amended labeling with label claims as highlighted. This notification is consistent with the provisions of PR notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or 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 the EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.			
<b>Section - III</b>			
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"/>			
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 _____			
<b>Section - IV</b>			
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name George Meindl george.meindl@us.nufarm.com		Title Registration Manager	
Telephone No. (Include Area Code) 630.455.2317			
<b>Certification</b> 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.			<b>6. Date Application Received</b> <b>(Stamped)</b> C O C C C C C O C C C C C O C C C C C O C C C C C O C C C C C O C C C C C O C C C C C O C C C C C O C C C C C O C C C C
2. Signature 		3. Title Registration Manager	
4. Typed Name George Meindl		5. Date 09/10/07	



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Nufarm Americas, Inc.

150 Harvester Drive, Suite 200

Burr Ridge, IL 60527

Telephone: (630) 455.2000 Facsimile: (630) 455.2001

www.us.nufarm.com

September 10, 2007

Via Overnight Courier

U. S. Environmental Protection Agency (7504P)  
Document Processing Desk (NOTIF)  
Room S4900, One Potomac Yard  
2777 S. Crystal Drive  
Arlington, VA 22202

Subject: Bifenthrin 0.058% Plus Fertilizer  
EPA REG. No. 228-436  
Label Notification per PR 98-10

NOTIFICATION

OCT 18 2007

Dear Ms. Hobgood:

Nufarm Americas, Inc would like to add optional language to subject product's label. The proposed language is consistent with PR Notice 98-10, Section II Subpart J, Section II Subpart M and Section II Subpart N (labeling notifications).

To process this request please find enclosed the following:

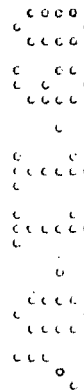
- Application for Pesticide Registration EPA form 8570-1
- Revised labeling with areas of change clearly identified (1 copy)
- Revised labeling – clean (1 copy)

If you should have any questions regarding this matter, please feel free to contact me at (630) 455-2048 or [matthew.granahan@us.nufarm.com](mailto:matthew.granahan@us.nufarm.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Granahan'.

Matt Granahan  
Nufarm Americas, Inc.



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Erin Koch/DC/USEPA/US

10/09/2007 09:54 AM

**NOTIFICATION**

**OCT 18 2007**

To Terri Stowe/DC/USEPA/US@EPA

cc Linda Arrington/DC/USEPA/US@EPA, Michele Knorr/DC/USEPA/US@EPA, Rachel Holloman/DC/USEPA/US@EPA

bcc

Subject Re: Request to Review 2 More Warranty Disclaimers and Limitations of Liability 

Terri,

Sorry for the delay. I've looked at the Nufarm statement and it looks fine. I can't open the other attachment. If you can resend the Anderson Warranty, I'll be sure to look at it today.

Erin

Terri Stowe/DC/USEPA/US



Terri Stowe/DC/USEPA/US

09/27/2007 03:55 PM

To Michele Knorr/DC/USEPA/US@EPA, Erin Koch/DC/USEPA/US@EPA

cc Rachel Holloman/DC/USEPA/US@EPA, Linda Arrington/DC/USEPA/US@EPA

Subject Request to Review 2 More Warranty Disclaimers and Limitations of Liability



Hi Michele and Erin,

Could you please review the following two (2) revised Warranties that are part of Notification applications. The registrants, The Andersons, Inc. and NuFarm want to make these standardized Warranties for all of their products, but wanted approval before revising all of their product labels. They both have the "To the extent consistent with applicable law" phrases, but I want to be sure they're okay.

Nufarm Warranty/Limitations



scan.pdf

The Anderson's Warranty/Limitations

MANY THANK YOUs!

Terri :o)

Terri Stowe  
Senior Regulatory Specialist  
(703) 305-6117 Voice, (703) 305-6920 Fax  
U.S. Environmental Protection Agency  
Office of Pesticide Programs

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NOTIFICATION

OCT 18 2007

# BIFENTHRIN 0.058% PLUS FERTILIZER

THIS PRODUCT IS DESIGNED TO CONTROL A VARIETY OF INSECTS ON  
RESIDENTIAL LAWNS.

**ACTIVE INGREDIENT:**

Bifenthrin\* ..... 0.058%

**OTHER INGREDIENTS:** ..... 99.942%

**TOTAL:** ..... 100.000%

\*Cis isomers 97% minimum, trans isomers 3% maximum.

REFER TO FERTILIZER TAG FOR ANALYSIS

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION - CAUCION**

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.  
(If you do not understand the label, find someone to explain it to you in detail.)

**SEE SIDE PANELS FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS**

**For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300**

**For Medical Emergencies Only, Call (877) 325-1840**

NOTE: Spanish language is optional

EPA REG. NO. 228-436  
EPA EST. NO.

MANUFACTURED BY  
NUFARM AMERICAS INC.  
BURR RIDGE, IL 60527



NET CONTENTS      LBS.

000228-00436.20070907.ECGrow

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

Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash hands 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.

FIRST AID	
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"><li>• Take off contaminated clothing.</li><li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>
<b>HOT LINE NUMBER</b> Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.	
<b>NOTE TO PHYSICIAN</b> 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.	

**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.

**DIRECTIONS FOR USE**

Read all directions prior to application of the product.

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 to be used on golf courses, sod farms, commercial greenhouses, nurseries, or grass grown for seed.

In New York State, this product may NOT be applied to turf within 100 feet of a coastal marsh or of a water body, lake, pond, river, stream, wetland, or drainage ditch. In New York State, do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

If product is watered in after application, do not allow children or pets to enter the area until dry.

## INSECTS CONTROLLED

This product can be used to control the following lawn insects:

PEST	USE RATE PER 1,000 SQ. FT.
Chiggers Chinch Bugs Sod Webworms (Lawn Moth)	2 pounds
Annual Bluegrass Weevils (Hyperodes) (Adult) Armyworms Billbugs (Adult) Black Turfgrass Ataenius (Adult) Centipedes Crickets Leafhoppers Mealybugs Millipedes Pavement Ants Pillbugs Red Ants Sowbugs Weevils	2 to 4 pounds
Ants Fire Ants Feas Imported Fire Ants Mole Crickets Ticks	4 to 8 pounds

Treat when insects first appear. Apply this product evenly over the turfgrass area at the use rate indicated in the above table, using a properly calibrated drop or rotary spreader. A more uniform application may be achieved by spreading half of the required amount of product over the area and then applying the remaining half in swaths at a right angle to the first. Best results will occur if the treated area is thoroughly irrigated with water immediately after application.

**American Dog Ticks:** These ticks tend to gather along paths or roadways where humans are likely to be found.

**Annual Bluegrass Weevil:** Treatment should be made to control the adult weevils as they migrate from their overwintering sites and move into grass areas. Contact your State Cooperative Extension Service for more specific information.

**Armyworms, Cutworms, and Sod Webworms:** For best results, the treated area should be irrigated immediately after application with up to 0.1 inches of water to activate the insecticide.

**Billbugs:** Apply when adult Billbugs are first observed during April and May. Consult your State Cooperative Extension Service for information on degree days and timing in your region.

**Black Turfgrass Ataenius:** Apply treatments during May and July to control both generations of adults. The May application should be made at the same time as the full bloom stage of Vanhoutte spiraea and the Horse chestnut. The July application should coincide with the blooming of Rose of Sharon.

**Chinch Bugs:** These bugs infest the base of the plant and are usually found in the thatch layer. Watering the treated area with up 0.25 inches immediately after application will result in quicker control.

**Deer Ticks:** These ticks have a life cycle that ranges over a two year period and involves four life stages. Treatments should be applied in mid-to-late spring to control larvae and nymphs that are present on the soil.

**Flea Larvae:** These larvae develop in the soil and shady areas. Irrigate the treated area with up to 0.5 inches of water immediately after application.

**Imported Fire Ants:** The best control will be reached by a combination of broadcast applications and mound drenching. Irrigation should be performed prior to application if the soil is not moist. To mound drench, apply 2 cups of this product per mound. Then drench the mound with 1 to 2 gallons of water, with sufficient force to break the apex and allow the water and product to flow into the tunnels. Also treat a four foot diameter circle around each mound. For best results, apply in cool weather (65-80°). The early morning or late evening hours should suffice. Food utensils such as teaspoons and measuring cups, used for pesticide application, must not be used for food purposes.

**Mole Cricket Adults:** These adults can be difficult to control because of their extremely active stage in the early spring. Applications should be made as late in the day as possible and be watered up to 0.5 inches immediately after treatment. If the soil is not moist prior to application, it should be irrigated to ensure best control.

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**Mole Cricket Nymphs:** Optimum control can be reached by treating young nymphs because they are more susceptible to the insecticide. Irrigate soil if it is not moist before application. Treatment should be made as late in day as possible. Water the treated area with up to 0.5 inches directly after application.

**TICKS:** Do not make spot applications. Treat the entire area where ticks may occur. The higher application rate might be needed if heavy leaf litter or dense ground cover exists.

#### SPREADER SETTINGS

**Broadcast Spreaders:** For best results, apply in a circular path starting on the outside and working toward the center. A little overlap of product will ensure complete coverage.

**Drop Spreaders:** First, apply 2 border strips along the edge of each end of the lawn. Then apply product along the length of the lawn, overlapping slightly and shutting off the spreader before turning as you reach the edge of the border strips.

**Important:** It is important to follow the directions as indicated on this quality lawn care product as over-application may cause injury to the lawn. Measure the size of the area to be treated and do not over or under apply. Spreader settings are approximate. Differences may occur due to condition of spreader, speed at which applied, and roughness of area treated. Calibrate spreader prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing uniformly. Close spreader when filling, stopping or turning. Do not hand spread.

**Note:** Following will be a list of application spreaders and approximate settings. This list will vary dependent on market of spreaders. (This note will not appear on final printed label.)

Spreader	2 lbs./1,000 sq.ft.	4 lbs./1,000 sq.ft.	6 lbs./1,000 sq.ft.	8 lbs./1,000 sq.ft.
aa	XX	XX	XX	XX
bb	XX	XX	XX	XX
cc	XX	XX	XX	XX

#### 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 container only. Store in a cool, dry place and avoid excess heat.

**CONTAINER DISPOSAL:** If empty: Do not reuse this container. 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.

#### WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

#### LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

(RV080706)



Information regarding the contents and levels of metals in this product is available on the internet at:

<http://www.wa.gov/agr>

<http://www.aapfco.org/metals>

<http://www.regulatory-info-xx.com>

*Optional performance guarantees:*

**PERFORMANCE GUARANTEE:** If, for any reason you are not satisfied with the results of this quality product, return the bag with proof-of-purchase for a full refund.

If for any reason, you are not completely satisfied with the results after applying this product, you are entitled to product replacement or your money back simply by presenting evidence of purchase to your local *(store name)*.

**Optional program:**

*{brand}* Year round Lawn Care Program

Early Spring: Crabgrass Preventer plus Lawn Food

Late Spring: Lawn Food or Weed & Feed

Summer: Summer Lawn Food and/or Lawn Insect Control

Fall: Fall Lawn Food or Fall Weed & Feed

Visit our website at *{address}*

**Optional Language:**

**FOR HOMEOWNER USE ONLY.**

**OPTIONAL FRONT PANEL CLAIM:**

- Controls a variety of lawn insects
- For Lawns
- Turf Insect Control
- Controls the following insects: Ants, Armyworms, Billbugs (Adult), Ticks, Chiggers, Chinch Bugs, Crickets, Fleas, Millipedes, Mole Crickets, Sod Webworms (Lawn Moth) and many others as listed.
- Contains Bifenthrin
- Kills bugs

**OPTIONAL LABEL LANGUAGE FOR DIFFERENT BAG SIZES:**

**XX pound bag should treat XXXXX square feet**

**Optional Spreader Text:**

Keep this product off sidewalks, patios, driveways, etc. This fertilizer contains iron which will stain concrete and painted surfaces. If it comes in contact with concrete surface, sweep off immediately before flushing with water. If concrete is wet when contact occurs, staining may be impossible to prevent. Be careful when using rotary spreaders which scatter fertilizer beyond lawn edge and onto concrete.

**Coverage**

To determine the square footage of the application area, multiply the length of the lawn by its width. This equals your total square footage. Deduct any non-lawn areas (driveway, sidewalk, house, etc.) One 17 pound bag covers between 2,125 square feet and 8,500 square feet.

_____ Length X _____ Width = _____ Total Sq. Ft. - _____ Non Lawn Areas = _____ Total Sq. Ft. Coverage needed	ILLUSTRATION	To determine how much you need, multiply the length of your lawn by its width. This equals your total square footage. Deduct any non-lawn areas (house, garden, etc.). One bag cover up to XXX square feet.
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**CALIBRATION INSTRUCTIONS:**

To provide proper distribution, calibrate spreader before application. For X pound(s) of product per X square feet of turfgrass: Check your spreader on X square feet and adjust to apply at the rate of X pound(s) of product per X square feet.

**Spreading Patterns:**

First spread the borders of your lawn. Then spread the center by spreading in straight line passes. Spread at a uniform walking speed to insure even coverage.

**Step 3**

**Apply: June -September**

**Menards Premium 4-Step Program**

**Optional Marketing Hype:**

Promotes Thick, Deep, Green Lawns  
Builds Healthy Lawns  
Kills Lawn Insects!