

228-457

11/15/2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

November 15, 2006

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

Subject: Amendment – Change in Formulation
Bifenthrin MC 2 Insecticide/Miticide
EPA Reg. No. 228-457
Your submission dated June 8, 2006

Dear Mr. Meindl :

We have reviewed the data submitted in support of an alternate formulation and find it acceptable as a change in formulation not an alternate formulation. Since the toxicity profile has changed due to the new acute toxicity studies the confidential statement of formula dated June 8, 2006 has been changed to the basic formulation and is now the formula of record and replaces all previously accepted CSF's.

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. Please revise the Precautionary Statements to read as follows:

“Causes substantial but temporary eye injury. Harmful if absorbed through skin, inhaled or swallowed. Do not get in eyes or on clothing. Avoid contact with skin. Wear protective eyewear (goggles, face shield, or safety glasses). Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.”

- 2. Please submit an one year storage stability study for the proposed product along with a corrosion characteristics study. We recommend that observation be made at 0, 3, 6, 9 and 12 months intervals in the storage stability study.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.

Sincerely,



George T. LaRocca
Product Manager 13
Insecticide Branch
Registration Division (7505P)

Enclosure

ACCEPTED
in COMMENTS
In EPA Letter Dater
NOV 15 2006
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No
228-457

BIFENTHRIN MC 2

INSECTICIDE/MITICIDE

FOR MANUFACTURING USE ONLY

ACTIVE INGREDIENT: By weight		
Bifenthrin*	13.0%
OTHER INGREDIENTS:	87.0%
	TOTAL:	100.0%

Contains petroleum distillates

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

Contains 1.06 pounds bifenthrin per gallon.

KEEP OUT OF REACH OF CHILDREN
WARNING
 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

EPA REG. NO. 228-457
EPA EST. NO.

MANUFACTURED BY
NUFARM AMERICAS INC.
BURR RIDGE, IL 60527



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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
WARNING**

Harmful if swallowed or if absorbed through skin or if inhaled. Causes moderate eye irritation. Avoid contact with skin or clothing. Avoid contact with eyes. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco. Wear coveralls over short-sleeved shirt and short pants, socks, shoes, and chemical resistant gloves. Remove contaminated clothing and wash clothing before reuse.

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
IF INHALED	<ul style="list-style-type: none"> • Move person to fresh air • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for treatment advice.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water 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 1-377-325-1840 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
This product is a pyrethroid. This product also contains aromatic hydrocarbons. Because of the risk of hydrocarbon pneumonitis if even tiny amounts are aspirated into the lung during emesis, consideration should be given to gastric lavage with endotracheal tube in place. Treatment is symptomatic and supportive. Animal and vegetable fats, milk, cream and alcohol may increase absorption and should not be administered.	

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product into sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or 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.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original containers only. Store in a dry place and avoid excess heat. Carefully open containers. After partial use, replace lids and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills, Call Chemtrec at (800) 424-9300

To confine spill: If liquid, dike surrounding area or absorb with sand, cat litter or commercial clay. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Do not cut or weld metal containers.

Returnable/Refillable Containers: Do not rinse container. Do not empty remaining formulated product. Do not break seals. Return intact to point of purchase.

FOR USE IN MANUFACTURING ONLY

This material requires further mixing before use. For formulation into end use products for the following uses: non-crop indoors and outdoors, herbs, and lawns

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 should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Desirable plant injury, ineffectiveness, or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions beyond the control of Nufarm or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Nufarm and Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the directions under normal conditions of use. NUFARM MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE OR USE OF THIS PRODUCT. Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) seller or Nufarm, and buyer assumes the risk of any such use.

To the extent allowed by law, Nufarm 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 NUFARM 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 THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR AT THE ELECTION OF NUFARM OR SELLER, THE REPLACEMENT OF PRODUCT.

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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