

228-582

11/18/2010

1049



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

NuFarm Americas, Inc.
c/o Ms. Georgia Anastasiou
Lewis & Harrison
122 C Street, N.W. Suite 740
Washington, DC 20001

NOV 18 2010

Dear Ms. Anastasiou:

Subject: Amendment: Add restrictions per Agency pyrethroid labeling letter dated June 4, 2009,
Update per PR Notices 2000-5, 2007-1 and 2008-1, and Revise Warranty section
Atera 0.18 GC Fertilizer Insecticide
EPA Reg. No. 228-582
Your submission dated September 3, 2010

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section 3(c)(7)(a), is acceptable provided the following revisions are made prior to release for shipment under the amended labeling:

- 1) On page 2, under the heading DIRECTIONS FOR USE, after "Apply using ground equipment only; do not apply by air." add as the next two lines "Do not make applications during rain. Do not water the treated area to the point of runoff."
- 2) On page 5 at the end of the Imported Fire Ant section, add "Food utensils such as measuring cups must not be used for food purposes after use in measuring pesticides."
- 3) Since this is a ready-to-use non-dilutable granular product, there is no requirement for residue removal when packaged in nonrefillable containers (see PR Notice 2007-4 page 4, item III B ii). Therefore, replace the nonrefillable plastic container section (including the "5 gallons or less" and the "larger than 5 gallons" triple rinse directions sections) with the following:
"CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty container into application equipment, then offer for recycling, if available, or dispose of empty container in a sanitary landfill or by incineration. Do not burn unless permitted by state and local ordinance. If burned, stay out of smoke." Alternately, if non-refillable plastic containers will not be used for this product then these directions can be deleted. The remainder of the new Container Disposal directions may appear as proposed.

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A stamped copy of the label is enclosed for your records. Please submit two copies of the revised amended labeling prior to release for shipment.

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 regarding this letter, please contact Dana Pilitt, PhD of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,



Richard Gebken
Product Manager 10
Insecticide Branch
Registration Division (7505P)

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RESTRICTED USE PESTICIDE

DUE TO TOXICITY TO FISH AND AQUATIC ORGANISMS

FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS, OR PERSONS UNDER THEIR DIRECT SUPERVISION, AND ONLY FOR THOSE USES COVERED BY THE CERTIFIED APPLICATOR'S CERTIFICATION.

Atera™

0.18 GC Fertilizer INSECTICIDE

FOR FERTILIZATION, CONTACT AND SYSTEMIC INSECT PEST CONTROL IN
TURF GRASS AREAS ON GOLF COURSES AND SOD FARMS.

DO NOT USE THIS PRODUCT ON GOLF COURSES AND SOD FARMS IN
NASSAU COUNTY OR SUFFOLK COUNTY, NEW YORK.

ACTIVE INGREDIENTS BY WEIGHT:

Imidacloprid.....	0.10%
Bifenthrin.....	0.08%
OTHER INGREDIENTS:	99.82%
TOTAL	100.00%

REFER TO FERTILIZER TAG FOR ANALYSIS

KEEP OUT OF REACH OF CHILDREN

CAUTION- PRECAUCION

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 INSIDE BOOKLET 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. 228-582
EPA EST. NO.

Manufactured For
NUFARM AMERICAS INC.
150 Harvester Drive
Burr Ridge, IL 60527



NET CONTENTS _____ LBS. (KG)
[OPTIONAL LANGUAGE]
[For control of grubs, treats up to xxxx sq ft]
[For control of surface feeders, treats up to xxxx sq ft]

000228-00582.20100903.PRN2000-5.2007-4.2008-1.Letter6-4-09

ACCEPTED
with COMMENTS
In EPA Letter Dated:
NOV 18 2010

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
228-582

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PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION-PRECAUCION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating drinking, chewing gum, using tobacco or using the toilet.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some of the materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Protective eyewear

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables are available, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY INSTRUCTIONS	
Users Must:	
<ul style="list-style-type: none"> • Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. • Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. • Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing. 	

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 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	
<p>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.</p>	

NOTE TO PHYSICIAN	
<p>This pesticide contains a pyrethroid. If significant quantities have been swallowed, promptly eliminate the ingested quantities from the stomach and intestines. Treatment is symptomatic and supportive. Alcohol, milk, cream, and other digestible fats and oils should NOT be administered as they may increase absorption.</p>	

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and aquatic invertebrates. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not apply where runoff is likely to occur. 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 or garden will help to prevent run off to water bodies or drainage systems. This product contains a chemical with properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

This product is toxic to bees exposed to treatment and for more than 5 days following treatment. Do not apply this product to blooming, pollen-shedding or nectar-producing parts of plants if bees may forage on the plants during this time period, unless the application is made in response to a public health emergency declared by appropriate state or federal authorities.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Carefully read and understand the Directions for Use and restrictions before applying this product.

Do not apply this product in any way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Apply using ground equipment only; do not apply by air.

Do not apply within a 25 foot radius of the following: lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm ponds.

Do not formulate this product into other end-use products.

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AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Shoes plus socks
- Chemical-resistant gloves (made of any waterproof material)
- Protective eyewear

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or green houses.

Do not enter or allow people (or pets) to enter the treated area until the dust has settled.

GENERAL INFORMATION

The use of this product will provide plant nutrients as well as being a broad spectrum, long lasting contact and systemic insecticide for control of insects infesting turfgrass, sod and surrounding areas. This product can be used around golf courses, cemeteries, arboretums, greenhouses and sod farms.

RESISTANCE MANAGEMENT

The active ingredients in this product are imidacloprid, a Group 4A insecticide, and bifenthrin a Group 3 insecticide. Insect biotypes with acquired resistance to Group 4A and Group 3 insecticides may eventually dominate the insect population if Group 4A or Group 3 insecticides are used alone or repeatedly in the same field or in successive years as the primary method of control for targeted species. Previous extensive use of Group 4A or Group 3 insecticides in a given area may result in resistance to selected target insects. This may result in partial or total loss of control of those species by this product.

To delay insecticide resistance in insects that are at risk of developing resistance to insecticides consider:

- Avoid the consecutive use of other Group 3 or Group 4A insecticides on the same insect species.
- Use tank-mixtures or pre-mixes of insecticides from a different target site of action group as long as both products are registered for the same use.
- Base insecticide use on a comprehensive IPM program.
- Monitor treated insect populations for loss of field efficacy.
- Contact your State Agricultural Experiment Station, State Extension Specialists, or other turf experts and/or Nufarm Americas Inc. for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact Nufarm Americas Inc.

APPLICATION EQUIPMENT

Apply this product uniformly over the area being treated with normally used granular application equipment. Use either drop-type or rotary-type spreaders to apply this product.

Avoid the use of spreaders which would apply the material in narrow, concentrated bands. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly and accurately. To insure continued delivery of the correct amount of this product make adjustments to the settings periodically during application.

APPLICATION INSTRUCTIONS

TURFGRASS, PERIMETERS, AND LANDSCAPED AREAS

Use his product will to provide nutrients and for broad spectrum insect control in turfgrass areas, golf courses, cemeteries and other similar areas.

This product has sufficient contact and residual activity to provide high levels of control. Base the need for an application on historical monitoring of the presence of or anticipated occurrence of individual or multiple insect pest species, the site, previous records or experiences, current season adult trapping or other methods. Where multiple pests are present or anticipated, use the highest rates suggested to control the species that are present. Optimum control of white grubs will be achieved when applications are made just prior to egg laying or to early instar larvae of target pests, followed by sufficient irrigation or rainfall to move the active ingredient into the zone where the insect pests are active. Use specified higher rates when long residual control is desired or late season curative applications are made to turf already showing grub damage.

APPLICATION RATES

(Be sure to read "APPLICATION EQUIPMENT" Section of this label)

Consult your local State Agricultural Experiment Station, or State Extension Turf Specialists for more specific information regarding timing of application.

Application	Target Pests	Rate	
		Pounds per 1,000 square feet	Pounds per acre
Turfgrasses	Larvae of subsurface feeders: Asiatic garden beetle Black turfgrass ataenius Black vine weevil European chafer European crane fly Green June beetle Japanese beetle Northern masked chafer Oriental beetle <i>Phyiophaga</i> spp. Southern masked chafer	4.6 to 5.7	200 to 250
	Adults and/or larvae of subsurface and surface pests: Centipedes Fleas Millipedes Ticks Imported Fire ants Pillbugs Sowbugs	3.4 to 5.7 OR For heavy infestations, a single annual application of 9.2 to 11.4	150 to 250 OR For heavy infestations, a single annual application of 400 to 500
	Adults and/or larvae of surface pests: Annual bluegrass weevil Billbugs Frit fly Leafhoppers Mealybugs Nuisance ants	3.4 to 5.7	150 to 250
	Larvae of surface feeders: Armyworm Cutworm Sod webworms	2.3 to 5.7	100 to 250

NOTE: For optimum control, irrigation or rainfall must occur within 24 hours after application to move the active ingredient through the thatch. Do not apply more than 500 pounds of product (0.5 lb of imidacloprid active ingredient, 0.4 lb bifenthrin) per acre per year. Avoid mowing turf or lawn area until after irrigation or rainfall has occurred so that uniformity of application will not be affected.

In New York State, **DO NOT** apply this product 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, 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.

Annual Bluegrass Weevil (*Listronotus maculicollis*) adults: Time applications to control adult weevils as they leave their overwintering sites and move into grass areas. This movement generally begins when Forsythia is in full bloom and concludes when flowering dogwood (*Cornus florida*) is in full bloom. Consult your State Cooperative Extension Service for more specific information regarding application timing.

Annual Bluegrass Weevil (*Listronotus maculicollis*) larvae: Apply at the first sign of wilting of bluegrass. For the first generation, this wilting often occurs after full bloom of flowering dogwood (*Cornus florida*).

Armyworms, Cutworms and Sod Webworms: If the grass area is being maintained at a mowing height of greater than 1 inch, use higher application rates (up to 5.7 pounds per 1,000 square feet) during periods of high pest pressure.

Billbug adults: Make applications when adult billbugs are first observed during April and May. Degree day models have been developed to optimize application timing. Consult your State Cooperative Extension Service for information specific to your region.

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Imported Fire Ants: Apply as a broadcast treatment up to 11.4 pounds per 1,000 square feet. For mound treatment, apply 1 cup of this product per mound and then drench the mound with 1 to 2 gallons of water. Treat mounds with sufficient force to break their apex and allow the insecticide to flow into the ant tunnels.

Pillbugs and Sowbugs: For heavy infestations, apply 500 pounds per acre (11.4 lb per 1,000 sq ft) of this product to non-residential turf.

Ticks (Including ticks that may transmit Lyme disease and Rocky Mountain spotted fever): Treat the entire area where exposure to ticks occurs. Ticks may be reintroduced from surrounding areas on host animals. If necessary, retreat to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed activity. Limit repeat applications to no more than one per seven days. Deer ticks (*Ixodes* spp.) have a complicated life cycle that ranges over a two year period and involves four life stages. Make applications in the late fall and/or early spring to control adult ticks that are usually located on brush or grass above the soil surface and in mid to late spring to control larvae and nymphs that reside in the soil and leaf litter. American dog ticks (*Dermacentor variabilis*) may be a considerable nuisance in suburban settings, particularly where homes are built on land that was previously field or forest. These ticks commonly congregate along paths or roadways where humans are likely to be encountered. Make applications as necessary from mid-spring to early fall to control American dog tick larvae, nymphs and adults.

**OPTIONAL
SPREADER SETTINGS**

*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.)*

Applications Instructions

See Spreader Settings chart below. Adjust spreader to the appropriate setting. Make sure that the spreader works properly and spreads granules uniformly. Apply to the border and then fill in the center to ensure the entire area is covered completely. To make sure that the product is evenly distributed, walk at a steady pace making parallel passes. Do not use a spreader that applies granules in narrow, concentrated or uneven bands.

Important: It is important to follow the directions as indicated on this quality 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.

Note: These spreader settings were established using standard equipment available from the spreader manufacturer at swath widths and speeds typically used within the industry. Calibrate all spreader equipment at the time of application to achieve the desired application rate.

EXAMPLES

Spreader	100 lbs/Acre	150 lbs/Acre	200 lbs/Acre	250 lbs/Acre
aa	XX	XX	XX	XX
bb	XX	XX	XX	XX
cc	XX	XX	XX	XX

RESTRICTIONS

- Avoid runoff or puddling of irrigation water following application. Avoid application of this product to areas which are waterlogged and saturated, which will not allow penetration into the root zone of the plant. Do not apply more than 500 pounds (0.5 lb of imidacloprid and 0.4 lb of bifenthrin) per acre per year.
- Replant treated areas with any crop specified on an imidacloprid and bifenthrin label, or with any crop for which a tolerance exists for the two active ingredients.
- For crops not listed on any imidacloprid and any bifenthrin label, or for crops which no tolerances for the active ingredients have been established, a 12-month plant-back interval should be observed.
- Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes, or natural ponds, estuaries, and commercial fish farm ponds.
- Do not apply by air.
- Not for use in nurseries or commercial greenhouses.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: This product should be stored in its original container in a cool, dry locked place out of the reach of children and out of direct sunlight. Do not use or store near heat or open flame.

To contain a spill: Cover the spilled product to prevent the material from spreading. If the product container is damaged, place the entire container along with the product in a secure receptacle and clearly label the contents.

PESTICIDE DISPOSAL: To avoid wastes, use all material in this container by application according to label directions. If waste cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

~~**CONTAINER DISPOSAL:** Non-refillable container. Do not reuse or refill this container. Paper and plastic bags: Completely empty bag into application equipment. Then dispose of in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.~~

[Nonrefillable plastic containers]

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying.

[Nonrefillable Containers 5 Gallons or Less:]

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. 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. Plastic containers are also disposable by incineration. Do not burn unless permitted by state and local ordinance. If burned stay out of smoke.

[Nonrefillable containers larger than 5 Gallons:]

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. 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. Plastic containers are also disposable by incineration. Do not burn unless permitted by state and local ordinance. If burned stay out of smoke.

[Nonrefillable bags]

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. Do not burn unless permitted by state and local ordinance. If burned, stay out of smoke.

[Refillable drum with a Nonrefillable liner]

CONTAINER HANDLING: Refill this container with pesticide only. Do not use this container for any other purpose. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities by burning. If burned, stay out of smoke. If drum is contaminated and cannot be reused, dispose of in the same manner required for its liner. To recycle, contact Nufam's Customer Service Department at 1-800-345-3330 to arrange for return of the empty refillable container.

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.

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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.

(RV090310)

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