

264-611

10/10/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Nangy-Ly Chow, PhD
Bayer CropScience (BCS)
Po Box 12014, 2 Alexander Drive,
Research Triangle Park, NC 27709

OCT 10 2008

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Dr Chow,

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 29, 08 for:

EPA Registration 264-611 Nortron Technical

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. 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 me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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| | | | |
|---|---|---|-----------------------|
|  EPA | United States Environmental Protection Agency Washington, DC 20460 | <input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other | OPP Identifier Number |
| | Application for Pesticide - Section I | | |

| | | |
|--|---|---|
| 1. Company/Product Number 264-611 | 2. EPA Product Manager Ms. Joanne Miller | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Ethofumesate Technical | PM Team 23 (Registration Division) | |
| 5. Name and Address of Application (Include ZIP Code) Bayer CropScience (BCS) PO Box 12014, 2 Alexander Drive, Research Triangle Park, NC 27709 <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. _____ NOTIFICATION _____ Product Name _____ OCT 10 2008 _____ | |

Section - II

Amendment - Explain below. Agency letter dated _____
 Resubmission in response to Agency letter dated _____ "Me Too" Application. Other - Explain below.
 Notification - Explain below.

Explanation: Use additional page(s) if necessary. (Sect. I and II.):
 A Pesticide Notification under PR Notice 2007-4 for Ethofumesate Technical (re: Final Rule for the Standards for Pesticide Container and Containment, August 16, 2006) - for adding the required labelling under Container Disposal. See the cover letter for the required certified statements.

1. Material This Product Will Be Packaged In:

| | | | |
|---|--|--|--|
| Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>* Certification must be submitted</small> | Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", Unit Packaging wgt. No. per container | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt No. per container | 2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other (Specify) -Woven Poly Bag |
|---|--|--|--|

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container -
40 kg in woven poly bags
 (also called "Flexible intermediate bulk packages")

5. Location of Label Directions
 On Label
 On Labeling accompanying product

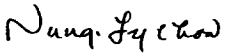
6. Manner in Which Label is Affixed to Product
 Lithograph Other _____
 Paper glued Stenciled

Section - IV

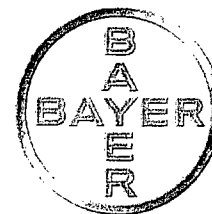
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

| | | |
|------------------------------------|--------------------------------------|---|
| Name Nang-Ly Chow, Ph.D. | Title Registration Manager | Phone: 919-549-2147; Fax: 919-549-2545 |
|------------------------------------|--------------------------------------|---|

Certification
 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: Registration Manager | 6. Date Application Received (Stamped) EPA Form 8570-1 (Rev. 8-94) <small>Form 8570-1 - PROGRESS Amend -11-10-04.doc</small> |
| 4. Typed Name: Nang-Ly Chow, Ph.D. | 5. Date: August 29, 2008 | |

Bayer CropScience



August 29, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Program (H7504P)
U.S. EPA, Room S4900
One Potomac Yard
Arlington, VA 22202 -4525

ATTN: Ms. Joanne Miller (PM 23)
Registration Division (7505P)

Subject: Ethofumesate Technical (Reg. No.: 264-611): Submission of the Application of Pesticide Notification under PR Notice 2007-4 (Ref.: the Pesticide Container and Containment Final Rule, August 16, 2006)

Dear Ms. Miller:

Bayer CropScience herein submits the NOTIFICATION application for Ethofumesate technical (Reg. No.: 264-611) to comply with the label language required by the new regulation in 40 CFR part 156 established by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Container and Containment". Based on the Guidance issued under the PR-Notice 2007-4 and the product-specific information, we added the following "Container Disposal" labeling (see "Storage and Disposal" Section, page 2 as highlighted):

- "Non refillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into formulation equipment. Then dispose of liner in a sanitary landfill or by incineration, if allowed by State and local authorities".

We note the technical product is packaged in the Woven Poly Bags (also called 'flexible intermediate bulk packages'); as such no other residue removal statements are required.

The Notification is based on the most current Ethofumesate Technical label on file at the Agency (EPA approval of August 11, 2003).

Enclosed are the EPA Form 8570-1, copy of the revised technical label for approval where the revised/new text is highlighted. We certify below this is the only change made in this notification label.

Ethofumesate Technical

NOTIFICATION

OCT 10 2008

FOR USE IN FORMULATING HERBICIDES ONLY

ACTIVE INGREDIENT: Ethofumesate (2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate)..... 97.7%

INERT INGREDIENTS: 2.3%

Total 100.0%

EPA Reg No. 264-611

EPA Est. No. 000264-GBR-001

CAUTION

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577

For PRODUCT USE Information Call 1-866-99BAYER (1-866-992-2937)

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. • 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 15-20 minutes. • Call a poison control center or doctor for treatment advice. |
| <p style="text-align: center;">For <u>MEDICAL</u> Emergencies Call 24 Hours A Day 1-800-334-7577.</p> <p style="text-align: center;">Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p> | |

PRECAUTIONARY STATEMENTS

HAZARD TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Avoid inhalation of dust. Do not get in eyes, on skin or on clothing. Wear rubber gloves when handling. Wash thoroughly before eating, drinking or smoking and at the end of each day's operation.

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans or public waters unless this product is specifically identified and addressed in a NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Only for formulation into an herbicide for: 1) the following uses: sugar beets, grass seed, commercial sod, and ornamental turf; 2) uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and 3) uses for experimental purposes that are in compliance with USEPA requirements.

FORMULATION INFORMATION

Each formulator is responsible for obtaining EPA registration for his own end use products. Technical information on formulations of this product as well as its physical and chemical characteristics may be obtained from Bayer CropScience.

STORAGE AND DISPOSAL

STORAGE: Store in original container tightly closed and in a safe place.

PESTICIDE DISPOSAL: Do not contaminate water, food, or feed by storage or disposal. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into formulation equipment. Then dispose of liner in a sanitary landfill or by incineration, if allowed by State and local authorities.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and should be followed carefully. However, 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 weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: BAYER CROPSCIENCE MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.

NET CONTENTS: 40 KG



Bayer CropScience

Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709
1-866-99BAYER (1-866-992-2937)

Ethofumesate Technical (MASTER) Approved 8/11/03, Notif 08/29/08

PRODUCT OF UNITED KINGDOM

