

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

OFFICE OF PREVENTION, PESTICIDES AND

OCT 10 2008

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

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 264-653 Fenoxaprop-P-Ethyl 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 nonnotification/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,

Linda Arrington

Notifications & Minor Formulations Team Leader Registration Division (7505P)

Office of Pesticide Programs

☐ Registration

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**United States** 

OPP Identifier Number

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	P-Ethyl Technical			stration D			<del></del>
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Name		Ŋ	Title	•		Р	Phone: 919-549-2147;
Nang-Ly Chow, Ph	D.	!	Registra	ition Mana	iger	F:	ax: 919-549-2545
	Certification					Ή Τ	6. Date Application
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.  (Stamped)							
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EPA Form 8570-1 (Rev. 8-94) Previous editions are obsolete.

White – EPA File Copy (original)

Yellow - Applicant Copy



### 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: Fenoxaprop-P-Ethyl Technical (Reg. No.: 264-653): 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 the Fenoxaprop-p-Ethyl technical product (Reg. No.: 264-653) 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, the following "Container Disposal" labeling was used (see "Storage and Disposal"- page 2, 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 Fenoxaprop-p-ethyl Technical label on file at the Agency (EPA approval of May 15, 2002).

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

Fenoxaprop-P-Ethyl TECH Notification PRN 2007-4 August 29, 2008 Page 2

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §156.10, 156.140, 156.144, 156.146 and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if the amended label I is not consistent with the requirements of 40 CFR §156.10, 156.140, 156.144, 156.146 and 156.156, this product may be in violation of FIFRA and I may be subjected to enforcement action and penalties under Section 12 and 14 of FIFRA.

We thank EPA for approving the Notification and provide us a confirmation. Please contact me at <a href="mailto:nang-ly.chow@bayercropscience.com">nang-ly.chow@bayercropscience.com</a> or via phone at 919-549-2147 if you should have further questions.

Sincerely,

Nang. Ly ( how)

Nang-Ly Chow, Ph.D. Registration Manager With Enclosure

### FENOXAPROP-P-ETHYL TECHNICAL

NOTIFICATION

## A HERBICIDE FOR FORMULATION PURPOSES ONLY NOT FOR RESALE UNDER THIS LABEL

OCT 1 0 2008

**ACTIVE INGREDIENT:** 

INERT INGREDIENTS: 5.0%

\* Protected by US Patent No. 5,254,527

TOTAL 100.0%

EPA Reg No. 264-653

EPA Est. No. 000264-DEU-001

# KEEP OUT OF REACH OF CHILDREN CAUTION

OCT 1 0 2008

NOTIFICATION

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 SWALLOWED:	Immediately call a poison control center or doctor for treatment advice.			
	<ul> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> </ul>			
	Have person sip a glass of water if able to swallow.			
	Do not give anything by mouth to an unconscious person.			
IF INHALED:	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 further treatment advice.			
IF ON SKIN OR	Take off contaminated clothing.			
CLOTHING:	Rinse skin immediately with plenty of water for 15-20 minutes.			
	Call a poison control center or doctor for treatment advice.			
IF IN EYES:	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.			
	For MEDICAL Emergencies Call 24 Hours A Day 1-800-334-7577.			
Ha	ve the product container or label with you when calling a poison control center or doctor or going for treatment.			

#### PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

May cause moderate eye injury. Avoid contact with eyes or clothing. Harmful if swallowed, absorbed through skin or inhaled. Do not take internally. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling.

#### **ENVIRONMENTAL HAZARDS**

This product is toxic to fish. Do not discharge effluent containing this product into lakes, streams, ponds, ectuaries, oceans or other waters unless in accordance with the 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 to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

Page 1 cf 2

#### STORAGE AND DISPOSAL

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

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste water 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.

#### **DIRECTIONS FOR USE**

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

Do not use this product until you have read the entire label.

This manufacturing use product may be used only for formulation into a herbicide for (1) the following uses: cotton, peanuts, soybeans, wheat, rice, turfgrass and conservation reserve areas (set-aside) (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.

This product may be used to formulate products for specific use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).

#### 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: 500 KGS.** 



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)

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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.

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