

264-783

10-08-2009

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

OCT 08 2009

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Jamin Huang, Ph.D.  
Bayer CropScience  
P.O. Box 12014, 2 T.W. Alexander Drive  
Research Triangle Park, NC 27709

Subject: Revised Container Disposal Statement

Dear Dr. Huang:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated September 21, 2009 for:

**EPA Registration 264-783**

**Encore™ Insecticide**

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.

If you have any questions, call me at 703 305-5409 or electronically at [daniel.dani@epa.gov](mailto:daniel.dani@epa.gov):

Sincerely,

Dani Daniel  
Registration Division (7505P)  
Insecticide/Rodenticide Branch



# NOTIFICATION

OCT-8-2009

United States  
Environmental Protection Agency  
Washington, DC 20460

Form Approved JMB No. 2070-0080, Approval expires 2-28-95

☐ Registration  
☐ Amendment  
☒ Other

OPP Identifier Number

## Application for Pesticide - Section I

1. Company/Product Number 264-783	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Encore Insecticide	PM# Team 01	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience P.O. Box 12014, 2 T.W. 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. _____ Product Name _____	

## Section - II

<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.

**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

REGFEE: Notification, Fee amount due: \$ 0

Justifications: Submit an amended Encore Insecticide to update container disposal statement per PRN 2007-4. No new data needed to be reviewed by the Agency. See my cover letter for certification in compliance with PR Notice 2007-4.

CONTACT: Jamin Huang, jamin.huang@bayercropscience.com

## Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Metal <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 60 fl. oz		5. Location of Label Directions <input checked="" type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

## Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Jamin Huang, Ph.D.	Title Product Registration Manager, Insecticides	Telephone No. (Include Area Code) (919) 549-2634
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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Product Registration Manager, Insecticides	
4. Typed Name Jamin Huang, Ph. D.	5. Date September 21, 2009	

Bayer CropScience

NOTIFICATION  
OCT 08 2009



September 21, 2009

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, Virginia 22202-4501

ATTENTION: Linda Arrington (Team leader, Notifications & Minor Formulation)

**Re: Notification to Update Container Disposal Statement per PR Notice 2007-4  
for Encore Insecticide (EPA Reg. No. 264-783)**

Dear Ms. Arrington,

Byaer CropScience is herein submitting a Notification to update the container disposal statement per PR Notice 2007-4 on the 08/13/2007 EPA latest approved label for Encore Insecticide. Three copies of the amended label dated 09/21/2009 are attached.

Bayer CropScience  
2 T.W. Alexander Drive  
P. O. Box 12014  
Research Triangle Park,  
NC 27709  
Tel: 919 549-2000

*"Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA 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. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification 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 subject to enforcement action and penalties under sections 12 and 14 of FIFRA."*

Please let me know at [jamin.huang@bayercropscience.com](mailto:jamin.huang@bayercropscience.com) or at 919-549-2634 if you have any questions regarding this submission.

Sincerely,

Jamin Huang, Ph.D.  
Product Registration Manager

NOTIFICATION

OCT 0 8 2009

GROUP

4A

INSECTICIDE

# ENCORE™ Insecticide

For protection of cotton and soybean from certain insects and promoting enhanced plant health and yield

**ACTIVE INGREDIENT:**

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine ..... 40.7%

**INERT INGREDIENTS:** ..... 59.3%

Contains 4 pounds of imidacloprid per gallon. 100.0%

Shake well before using.

EPA Reg. No. 264-783

EPA Est. No.

**STOP - Read the label before use**  
**KEEP OUT OF REACH OF CHILDREN**  
**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 swallowed	<ul style="list-style-type: none"> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
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>
If inhaled	<ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
If in eyes	<ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577. Have a product container or label with you when calling a poison control center or doctor, or going for treatment.	
Note To Physician: No specific antidote is available. Treat the patient symptomatically.	

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

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

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material such as, nitrile rubber, butyl rubber, neoprene rubber, barrier laminate, polyethylene, polyvinyl chloride (PVC) or viton.
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

### ENGINEERING CONTROLS STATEMENT

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

### USER SAFETY RECOMMENDATIONS

#### Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove Personal Protective Equipment immediately after handling this product.
- Wash the outside of gloves before removing.
- As soon as possible, wash thoroughly and change into clean clothing.

### ENVIRONMENTAL HAZARDS

Do not apply directly to water, areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area. This product is toxic to wildlife and highly toxic to aquatic invertebrates.

This chemical demonstrates the properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

**OBSERVE THE FOLLOWING PRECAUTIONS WHEN MIXING AND APPLYING IN THE VICINITY OF AQUATIC AREAS SUCH AS LAKES; RESERVOIRS; RIVERS; PERMANENT STREAMS, MARSHES OR NATURAL PONDS; ESTUARIES AND COMMERCIAL FISH FARM PONDS.**

### SPRAY DRIFT MANAGEMENT

The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator is responsible for considering all of these factors when making application decisions. Avoiding spray drift is the responsibility of the applicator.

#### Mixing and Loading Requirements

To avoid potential contamination of groundwater, the use of a properly designed and maintained containment pad for mixing and loading of any pesticide into application equipment is recommended. If containment pad is not used, maintain a minimum distance of 25 feet between mixing and loading areas and potential surface to groundwater conduits such as field sumps, uncased well head, sinkholes or field drains.

#### For Aerial Applications

The spray boom should be mounted on the aircraft so as to minimize drift caused by wing tip vortices. The minimum practical boom length should be used, and must not exceed 75% of the wing span or rotor diameter.

#### Importance of Droplet Size

An important factor influencing drift is droplet size. Small droplets (<150 - 200 microns) drift to a greater extent than large droplets. Within typical equipment specifications, applications should be made to deliver the largest droplet spectrum that provides sufficient control and coverage. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible and by avoiding excessive spray boom pressure.

Spray should be released at the lowest possible height consistent with good pest control and flight safety. Applications more than 10 feet above the crop canopy should be avoided.

#### Wind Speed Restrictions

Drift potential increases at wind speeds of less than 3 mph (due to inversion potential) or more than 10 mph. However, many factors, including droplet size, canopy and equipment specifications determine drift potential at any given wind speed. Do not apply when winds are greater than 15 mph and avoid gusty and windless conditions. Risk of exposure to sensitive aquatic areas can be reduced by avoiding applications when wind direction is toward the aquatic area.

### Restrictions During Temperature Inversions

Do not make aerial or ground applications during temperature inversions. Drift potential is high during temperature inversions.

Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain close to the ground and move laterally in a concentrated cloud. Temperature inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however if fog is not present, inversions can also be identified by the movement of smoke from a ground source. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical mixing.

### No-Spray Zone Requirements for Foliar Applications

Do not apply by ground within 25 feet, or by air within 150 feet of lakes; reservoirs; rivers; permanent streams, marshes or natural ponds; estuaries and commercial fish farm ponds.

### Runoff Management

Do not cultivate within 10 feet of the aquatic areas to allow growth of a vegetative filter strip. When used on erodible soils, Best Management Practices for minimizing runoff should be employed. Consult your local Natural Resources Conservation Service for recommendations in your use area.

### Endangered Species Notice

Under the Endangered Species Act, it is a Federal Offense to use any pesticide in a manner that results in the death of a member of an endangered species. Consult your local county bulletin, County Extension Agent, or Pesticide State Lead Agency for information concerning endangered species in your area.

### Resistance Management

Some insects are known to develop resistance to insecticides after repeated use. As with any insecticide, the use of this product should conform to resistance management strategies established for the use area.

ENCORE™ Insecticide contains a Group 4A insecticide. Insect biotypes with acquired or inherent tolerance to Group 4A insecticides may eventually dominate the insect population if Group 4A products are used repeatedly as the predominant method of control for targeted species. This may eventually result in partial or total loss of control of those species by ENCORE™ and to other Group 4A products.

The active ingredient in ENCORE is a member of neonicotinoid chemical class. Avoid using a block of more than three consecutive applications of ENCORE and/or other Group 4A products having the same or similar mode of action. Following a neonicotinoid block of treatments, Bayer CropScience strongly encourages the rotation to a block of applications with effective products from a different mode of action before using additional applications of neonicotinoid products. Using a block rotation or windowed approach, along with other IPM practices, is considered an effective use strategy for preventing or delaying an insect pest's ability to develop resistance to this class of chemistry.

Foliar applications of ENCORE or other Group 4A products from the neonicotinoid chemical class should not be used on crops previously treated with a long-residual, soil-applied product from the neonicotinoid chemical class.

Other Group 4A neonicotinoid products used as foliar treatments include: Actara, Assail, CALYPSO, Centric, Couraze, Intruder, LEVERAGE, Pasada and PROVADO. Other 4A Group neonicotinoid products used as soil treatment include: ADMIRE, Alias, Couraze and Platinum.

Contact your local extension specialist, certified crop advisor and/or product manufacturer for additional insect resistance management recommendations. Also, for more information on Insect Resistance Management (IRM), visit the Insecticide Resistance Action Committee (IRAC) on the web at <http://irac-online.org/>.

## DIRECTIONS FOR USE

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

Do not apply this product in a 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.

### AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and 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
- Chemical-resistant gloves made of any waterproof material such as, nitrile rubber, butyl rubber, neoprene rubber, barrier laminate, polyethylene, polyvinyl chloride (PVC) or viton.
- Shoes plus socks

### STORAGE AND DISPOSAL

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

**Pesticide Storage:** Store in a cool, dry place, out of direct sunlight, and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area. Handle and open container in a manner as to prevent spillage. If the container is leaking, invert to prevent leakage. If container is leaking or material spilled for any reason or cause, carefully dam up spilled material to prevent runoff. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides below. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer CropScience Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer CropScience Emergency Response telephone number is 1-800-334-7577.

**Pesticide 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. Triple rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ 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.

Offer for recycling, if available or reconditioning, or puncture and 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.

### GENERAL USE INSTRUCTIONS

- Do not apply ENCORE™ through any type of irrigation system.
- Do not apply ENCORE™ in enclosed structures such as greenhouses or plant houses.

#### Mixing Instructions

To prepare the application mixture, add a portion of the required amount of water to the spray tank and with agitation add ENCORE™. Complete filling tank with balance of water needed. Maintain sufficient agitation during both mixing and application. ENCORE™ may also be used with other pesticides and/or fertilizer solutions. **Please see Compatibility Note below.** When tank mixtures of ENCORE™ and other pesticides are involved, prepare the tank mixture as recommended above and follow suggested Mixing Order below.

#### Mixing Order

When pesticide mixtures are needed, add wettable powders or wettable granules first, ENCORE™ or other flowables second, and emulsifiable concentrates last. Ensure good agitation as each component is added. Do not add an additional component until the previous is thoroughly mixed. If a fertilizer solution is added, a fertilizer-pesticide compatibility agent may be needed. Maintain constant agitation during both mixing and application to ensure uniformity of spray mixture.

#### Compatibility Note

Test compatibility of the intended tank mixture before adding ENCORE™ to the spray or mix tank. Add proportionate amounts of each ingredient in the appropriate order, to a pint or quart jar, cap, shake for 5 minutes, and let set for 5 minutes. Poor mixing or formation of precipitates that do not readily re-disperse indicates an incompatible mixture that should not be used. For further information, contact your local Bayer CropScience representative.

## ROTATIONAL CROPS\*

Treated areas may be replanted with crops according to the following schedule.

### IMMEDIATE PLANT-BACK

All crops on this label plus the following crops not on this label: barley, canola, Christmas trees, corn (field, sweet and pop), cranberry, Globe artichoke, grape, mustard seed, okra, potato, rapeseed, strawberry, sorghum, soybean, sunflower, tobacco, watercress, wheat and all crops from the following Crop Groups as recognized and defined by EPA. Crops contained within a particular crop group are subject to change. For information related to specific crops please contact your Bayer CropScience representative or refer to EPA website ([www.epa.gov](http://www.epa.gov)) for latest crop groups.

ROOT VEGETABLES - Crops of Crop Group 1

LEAFY GREEN VEGETABLES - Crops of Crop Group 4

BRASSICA (COLE) LEAFY VEGETABLES - Crops of Crop Group 5

LEGUME VEGETABLES - Crops of Crop Group 6 including: Edible Podded plus Dried plus Succulent Shelled, Peas and Beans

FRUITING VEGETABLES - Crops of Crop Group 8

CUCURBIT VEGETABLES - Crops of Crop Group 9

CITRUS - Crops of Crop Group 10

POME FRUIT - Crops of Crop Group 11

STONE FRUIT - Crops of Crop Group 12

BUSHBERRY and CANEBERRY- Crops of Crop Group 13

HERBS - Crops of Crop Subgroup 19A

TROPICAL FRUIT - Including: Acerola, Atemoya, Avocado, Birida, Black sapote, Canistel, Cherimoya, Custard apple, Feijoa, Llama, Jaboticaba, Guava, Longan, Lychee, Mamey sapote, Mango, Papaya, Passionfruit, Persimmon, Pulasan, Rambutan, Sapodilla, Soursop, Spanish lime, Star apple, Starfruit, Sugar apple, Wax jambu

### 30-DAY PLANT-BACK

Cereals (including buckwheat, millet, oats, rice, rye, and triticale), safflower

### 10-MONTH PLANT-BACK

Onion and bulb vegetables

### 12-MONTH PLANT-BACK

All other crops

\*Cover crops for soil building or erosion control may be planted any time, but do not graze or harvest for food or feed.