

264-839

08-05-2009

1/7

5854330

332/1300



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

AUG 5 2009

Mr. Larry R. Hodges  
Registration Manager - Insecticides  
Bayer CropScience LP  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709

Subject: AZTEC® 3.78% GRANULAR INSECTICIDE  
EPA Reg. No. 264-839  
Notification Application Dated June 30, 2009.

Dear Mr. Hodges:

The Agency has received your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4, dated June 30, 2009, for the product Aztec® 3.78% Granular Insecticide for use in SmartBox system only, EPA Reg. No. 264-839. The Registration Division (RD) has reviewed this request and finds that the action requested falls within the scope of PR Notice 2007-4. The label submitted with the application has been stamped "Notification" and will be placed in our records.

The label for this product refers to "the SmartBox equipment and use manual". That reference, which is materially important to the "CONTAINER DISPOSAL:" paragraph, puts the "SmartBox equipment and use manual" within the definition of "LABELING" that appears in Section 2(p)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Consequently, that manual should have been included with this notification application.

If you have any questions, please call me directly at 703-305-6406.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Jacobs".

William W. Jacobs  
Insecticide-Rodenticide Branch  
Registration Division (7505P)  
Office of Pesticide Programs

217

	United States <b>Environmental Protection Agency</b> 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 264-839	2. EPA Product Manager NOTIF	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Aztec 3.78% Granular Insecticide	PM# c	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience LP 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)(ii), my product is similar or identical in composition and labeling to: <b>EPA Reg. No. _____ NOTIFICATION _____</b> <b>Product Name _____ AUG 05 2009 _____</b>	

**Section - II**

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
--	---

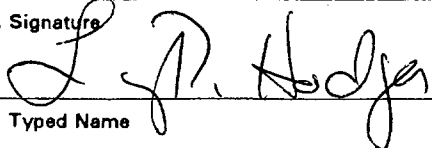
**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

"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'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. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label 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."

**Section - III**

<b>1. Material This Product Will Be Packaged In:</b>					
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	2. Type of Container <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 type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 50 lb Smartbox		5. Location of Label Directions <input 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 Larry R. Hodges	Title Registration Manager - Insecticides	Telephone No. (Include Area Code) 919-549-2870
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 Registration Manager - Insecticides	
4. Typed Name Larry R. Hodges	5. Date June 30, 2009	



## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**WARNING:** May be fatal if swallowed. Harmful if inhaled or absorbed through skin. Causes moderate eye irritation. Avoid breathing vapor or dust. Avoid contact with skin, eyes or clothing.

**Personal Protective Equipment (PPE).**

Some materials that are chemical-resistant to this product are any water proof materials. For more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

**Loaders, applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Chemical resistant gloves such as or made out of any waterproof material
- Shoes plus socks

See engineering controls for additional requirements.

**Loaders must wear the following additional PPE:**

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

**ENGINEERING CONTROLS STATEMENTS:**

This product is formulated into a "Smart Box" system that meets the definition of a closed loading system as defined by the Worker Protection Standard for Agricultural Pesticides.

**IMPORTANT:** In addition to wearing the required PPE specified above, loaders must be provided and must have immediately available for use in case of an accident or spill: A NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH-approved respirator with any N, R, P, or HE filter.

- When handlers use closed systems, or enclosed cabs 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 PPE 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

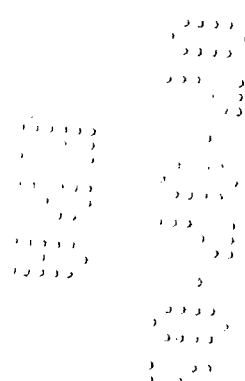
This pesticide is toxic to fish and wildlife. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

When used on erodible soils, best management practices for minimizing runoff should be employed. Consult your local Soil Conservation Service for recommendations in your use area. For applications made within 20 yards of water (lakes, reservoirs, rivers, permanent streams, marshes, estuaries, natural ponds, or ponds used for commercial fishing), apply as an in-furrow application only.

### 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 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, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, 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 48 hours. The REI is 72 hours where average rainfall is less than 25 inches per year.

**Exception:** If the product is soil injected or soil incorporated, the Worker Protection Standard under certain circumstances, allows workers to enter the treated area without restrictions if there will be no contact with anything that has been treated.

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 over long-sleeved shirt and long pants,
- Chemical resistant gloves such as or made out of any waterproof material,
- Chemical resistant footwear plus socks,
- Protective eye wear

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

### STORAGE AND DISPOSAL

**PRODUCT STORAGE:** Do not attempt to remove excess material from SmartBox containers or base containers. Store in a cool, dry place 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.

**HANDLING AND SPILLAGE:** Aztec® 3.78% Granular Insecticide in the SmartBox is a completely closed application system. If the container is leaking or material spilled for any reason or cause, carefully sweep material into a pile. Do not walk through spilled material. In spill or leak incidents, keep unauthorized people away. Dispose of pesticide as directed in the Pesticide Disposal section. Refer to Precautionary Statements on label for hazards associated with the handling of this material. 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 No. is 1-800-334-7577.

**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:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Do not discard SmartBox container. Refer to instructions provided for container return.

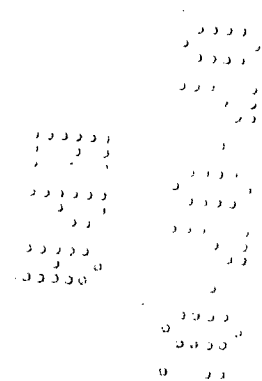
**IMPORTANT:** Read the entire directions for use, maintenance sections for the SMARTBOX™ System and these entire Directions and Conditions of Sale for Aztec® 3.78% Granular Insecticide prior to use.

For use only in the states of: Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

Do not use on other crops grown for food or forage.

Corn may be replanted anytime after application of Aztec® 3.78 % Granular Insecticide. All other crops may be planted 30 days after application.

Aztec® 3.78 % Granular Insecticide is not systemic and will not interact with corn herbicides. It will not affect seed germination and crop emergence when applied in-furrow.



RECOMMENDED APPLICATIONS		
CROP	PEST	DOSAGE
<b>FIELD CROPS</b> Field Corn Sweet Corn Popcorn Corn grown for seed or silage	Corn rootworm larvae (Northern, Western, Southern, Mexican) Cutworms Wireworms Seedcorn maggot Seedcorn beetle White grubs	3.67 Ounces Per 1000 Feet of Row

**REMARKS: BAND** - Apply specified dosage at planting as a 7-inch band over the row behind the press wheel. Granules must be incorporated into the top one inch of soil using tines, chains, or other suitable equipment.

**T-BAND** - Apply specified dosage at planting as a T-Band over the row behind the planter shoe and in front of the press wheel. Incorporation into the soil surface may also be accomplished with a drag chain or other suitable equipment.

**IN-FURROW** - Apply specified dosage at planting directly into the seed furrow behind the planter shoe and in front of the press wheel.

A maximum of 4.0 pounds Aztec® 3.78 % Granular Insecticide may be applied per acre per crop season.

Row Spacing (inches)	Pounds per Acre
30	4.0
32	3.7
34	3.5
36	3.3
38	3.2
40	3.0

**OPTIMUM CONTROL** - Optimum control of cutworm is achieved when Aztec® 3.78 % Granular Insecticide is applied as a Band or T-Band. Optimum control of wireworms, seedcorn maggot, seedcorn beetle and white grubs is achieved when Aztec® 3.78 % Granular Insecticide is applied as a T-Band or In-Furrow.

For no-till corn where runoff drains into adjacent or neighboring aquatic sites (lakes, reservoirs, rivers, permanent streams, marshes, estuaries, natural ponds, or ponds used for commercial fishing), apply Aztec® 3.78 % Granular Insecticide as an in-furrow or T-band application only.

For applications made within 20 yards of aquatic sites (lakes, reservoirs, rivers, permanent streams, marshes, estuaries, natural ponds, or ponds used for commercial fishing), apply as an in-furrow application only.

Cover or incorporate spills (including end row spillage).

**SmartBox Information:** Aztec® 3.78% Granular Insecticide must be applied with the SmartBox system. Refer to the SmartBox equipment and use manual for information on system operation and calibration.

**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 WEIGHT: 50 POUNDS**



**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)**

Aztec 3.78% Granular Insecticide (MASTER) Approved 08/31/05, Notification 06/30/009

