

264-850

09/04/2008

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Sherry Movassaghi, Ph.D.
Registration Manager
Bayer CropScience
P. O. Box 12014,
2 T. W. Alexander Drive,
Research Triangle Park, NC 27709

September 4, 2008

Subject: Label Amendment to increase Oberon 2 SC (EPA Reg. No. 264-719) and Oberon 4 SC (EPA Reg. No. 264-850) Rate of Application on Field Corn
Submission Date: October 12, 2007

Dear Dr. Movassaghi,

The label amendment request referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following provision: Delete the word "General" from the General Information heading on page 3.

In accordance with our discussions, EPA notes that Bayer CropScience is currently conducting a field pollinator study on the potential chronic toxicity of spiromesifen to honeybees. Please note that depending on the results of the study, the Agency may require honeybee precautionary text in the Environmental Hazards section and/or take other regulatory actions related to these products.

Please submit two copies of your final printed labeling before you release the product for shipment. A stamped copy is enclosed for your records. If you have any questions regarding this letter, please contact John Hebert at (703) 308-6249.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith Laws".

Meredith Laws, Branch Chief
Insecticide-Rodenticide Branch
Registration Division (7505P)

GROUP	23	INSECTICIDE
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OBERON[®] 4 SC Insecticide/Miticide

ACTIVE INGREDIENT:	
Spiromesifen: 2-oxo-3-(2,4,6-trimethylphenyl)-1-oxaspiro[4.4]non-3-en-4-yl 3,3-dimethylbutanoate	45.2%
INERT INGREDIENTS: 54.8%	
OBERON contains 4 pounds of spiromesifen per US gallon (480 grams per liter).	TOTAL:..... 100.0%
EPA Reg. No. 264-850	EPA Est. No. 264-DEU-005

**STOP – Read the label before use.
KEEP OUT OF REACH OF CHILDREN
CAUTION**

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.)

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 INHALED:	<ul style="list-style-type: none"> • Move person to fresh air • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor for treatment advice. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Have person sip a glass of water if able to swallow. • Do not give anything by mouth to an unconscious person.
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.

ACCEPTED
With COMMENTS
In EPA Letter, Dated:
SEP 04 2008

Under the Federal Insecticide, Fungicide and Rodenticide Act, As amended, for the pesticide Registered under EPA Reg. No:

For **MEDICAL** Emergencies Call 24 Hours A Day 1-800-334-7577 **264-850**

Have the 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 known. Treat symptomatically.

PRECAUTIONARY STATEMENTS

HAZARD TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed, inhaled, or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders and other handlers must wear: Long-sleeved shirt and long pants, chemical resistant gloves (such as natural rubber, selection category A), and shoes plus socks.

Applicators must wear: Long-sleeved shirt and long pants and shoes plus socks.

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 STATEMENT

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 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

This pesticide is toxic to fish and aquatic invertebrates. Avoid contamination of surface water through spray drift. 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 cleaning equipment or disposing of equipment washwater.

Surface Water Advisory

This product may contaminate water through runoff or drift of spray in wind. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product. A level, well maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
Read entire label before using this product.

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 same area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticides.

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 intervals. 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 following application.

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, are:

- Coveralls over short sleeved shirt and short pants.
- Chemical resistant gloves (such as natural rubber, selection category A)
- Shoes plus socks

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

OBERON is packaged in poly-ethylene containers. Do not allow product or containers to freeze. 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, preferable in a locked storage area.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL

Triple rinse or equivalent. 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.

GENERAL INFORMATION

OBERON 4 SC is a Suspension Concentrate formulation. The active ingredient contained in OBERON 4 SC is active by contact on all mite development stages. However, mite juvenile stages are often more susceptible than adults. OBERON 4 SC is also highly effective against whitefly nymphs, plus it has a significant effect on the otherwise difficult to control pupal stage. Application should be timed to coincide with early threshold level in developing mite population. OBERON 4 SC can be applied by air, ground equipment, or through chemigation. However, thorough coverage of all plant parts is required for optimum performance. Performance evaluations should be made 4 – 10 days following application.

RESISTANCE MANAGEMENT

OBERON 4 SC contains an active ingredient with a novel mode of action. Studies to determine cross-resistance with OBERON 4 SC linked to other commercial insecticide/miticides have demonstrated no cross-resistance. However, repeated use of any crop protection product may increase the development of resistant strains of pests, including insects and mites. Rotation to another product with a different mode of action is recommended.

ENDANGERED SPECIES

The use of any pesticide in a manner that may kill or otherwise harm an endangered species or adversely modify their habitat is a violation of Federal law.

APPLICATION INSTRUCTIONS

For all insects, timing of application should be based on careful scouting and local thresholds.

Foliar Spray Applications

Foliar applications may be made using properly calibrated ground sprayers, fixed- or rotary-winged aircraft or through properly designed, sprinkler-type, chemigation equipment (See *Use in Chemigation Systems* directions below). Thorough and uniform coverage of plants, with direct contact of the spray mixture to the target pests, is required for satisfactory control.

Avoid application procedures where thorough coverage of plant is not possible. Applications made with less than thorough coverage may result in slower activity and/or less overall control from a single application than an application made with higher gallonages.

Ground applications must be made in a minimum of **10 gallons/A**.

Aerial applications must be made in a minimum of **5 gallons/A**. Aerial applications made to dense canopies may not provide sufficient coverage of lower leaves to provide pest control. Higher labeled rates of OBERON 4 SC may be necessary for aerial applications. Do not apply directly to bodies of water. Time applications to allow sprays to dry prior to rain or sprinkler irrigations.

Chemigation applications (See *Use in Chemigation Systems* directions below) must be made as concentrated as possible. For best results apply at 100% input/travel speed, for center pivots or 0.10 inch (2,716 gallons) up to 0.15 inch (4,073 gallons) of water/A, for other systems. Higher labeled rates of OBERON 4 SC may be necessary for chemigation applications.

Irrigation Timing

If irrigation is used, conduct irrigations efficiently to prevent excessive loss of irrigation waters through runoff. Time the applications to allow sprays to dry prior to rain or sprinkler irrigations. Allow at least 24 hours between application of product and any irrigation that results in surface runoff into lakes, reservoirs, rivers, permanent streams, marshes, potholes, vernal pools, natural ponds, estuaries, or commercial fish farm ponds.

CHEMIGATION SYSTEMS

OBERON 4 SC may be applied through irrigation systems (chemigation) only on those crops listed under the crop Application Directions. Do not allow chemigation to run off field.

Types of Irrigation Systems: Apply OBERON 4 SC only through sprinkler, including center pivot, lateral move, side roll, or overhead solid set irrigation systems. Do not apply OBERON 4 SC through any other type of irrigation system.

GENERAL DIRECTIONS FOR ALL RECOMMENDED TYPES OF IRRIGATION SYSTEMS

Uniform Water Distribution and System Calibration: The irrigation system must provide uniform distribution of treated water. Crop injury, lack of effectiveness, or illegal pesticide residues in the crop can result from non-uniform distribution of treated water. The system must be calibrated to uniformly apply the rates specified. If you have questions about calibration, you should contact State Extension Service specialists, equipment manufacturers or other experts.

Chemigation Monitoring: A person knowledgeable of the chemigation system and responsible for its operation, or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

Drift: Do not apply when wind speed favors drift beyond the area intended for treatment.

Required System Safety Devices: The system must contain a functional check valve, vacuum relief valve, and low-pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump. The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops. The irrigation line or water pump must include a functional pressure switch that will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected. Systems must use a metering pump; such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Using Water from Public Water Systems: Public water system means a system for the provision of a public of piped water for human consumption if such system has at least 15 service connections or regular serves an average of at least 25 individuals daily at least 60 days out of the year. Chemigation systems connected to public water systems must contain a functional, reduced-pressure zone, back flow preventer (RPZ) or the functional equivalent in the water supply line upstream from the point of pesticide introduction. As an option to the RPZ, the water from the public water system should be discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the flow outlet end of the fill pipe and the top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection. The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops, or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Cleaning the Chemical Injection System: In order to accurately apply pesticides, the chemical injection system must be kept clean; free of chemical or fertilizer residues and sediments. Refer to your owner's manual or ask your equipment supplier for the cleaning procedure for your injection system.

Flushing the Irrigation System: At the end of the application period, allow time for all lines to flush the pesticide through all nozzles or emitters before turning off irrigation water. To ensure the lines are flushed and free of pesticides, a dye indicator may be injected into the lines to mark the end of the application period.

Equipment Area Contamination Prevention

It is recommended that nozzles in the immediate area of control panels, chemical supply tanks, pumps and system safety devices be plugged to prevent chemical contamination of these areas.

Center-Pivot and Automatic-Move Linear Systems: Inject the specified dosage per acre continuously for one complete revolution or move of the system. DO NOT USE END GUNS. The system should be run at maximum speed.

Solid Set and Manually Controlled Linear Systems: Injection should be during the last 30 to 60 minutes of regular irrigation period or as a separate 30 to 60 minute application not associated with a regular irrigation. DO NOT USE END GUNS.

SPRAY DRIFT REDUCTION MANAGEMENT

Do not apply when wind speed favors drift beyond the area intended for treatment. 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.

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.

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. Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

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 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.

MIXING INSTRUCTIONS

Mix pesticides in areas not prone to runoff such as concrete mixing/loading pads, disked soil in flat terrain or graveled mix pads, or use a suitable method to contain spills and/or rinsate. Properly empty and triple-rinse pesticide containers at time of use.

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 area and potential surface to groundwater conduits such as field sumps, uncased well heads, sink-holes, or field drains.

COMPATIBILITY

OBERON 4 SC is physically and biologically compatible with many registered pesticides and fertilizers or micronutrients. When considering mixing OBERON 4 SC with other pesticides, or other additives, first contact your supplier for advice. For further information, contact your local Bayer Representative. If your supplier and Bayer Representative have no experience with the combination you are considering, you should conduct a test to determine physical compatibility. To determine physical compatibility, add the recommended proportions of each chemical with the same proportion of water, as will be present in the chemical supply tank, into a suitable container, mix thoroughly and allow to stand for five minutes. If the combination remains mixed, or can be readily re-mixed, the mixture is considered physically compatible.

ORDER-OF-MIXING

OBERON 4 SC may be used with other recommended pesticides, fertilizers and micronutrients. The proper mixing procedure for OBERON 4 SC alone or in tank mix combinations with other pesticides is:

- 1) Fill the spray tank 1/4 to 1/3 full with clean water;
- 2) While recirculating and with the agitator running, add any products in PVA bags (**See Note**). Allow time for thorough mixing;
- 3) Continue to fill spray tank with water until 1/2 full;
- 4) Add any other wettable powder (WP) or wettable granules (WG) products;
- 5) Add the required amount of OBERON 4 SC, and any other "flowable" (FL or SC) type products;
- 6) Allow enough time for thorough mixing of each product added to tank;
- 7) If applicable, add any remaining tank mix components: emulsifiable concentrates (EC), fertilizers and micronutrients.
- 8) Fill spray tank to desired level and maintain constant agitation to ensure uniformity of spray mixture.

NOTE: Do not use PVA packets in a tank mix with products that contain boron or release free chlorine. The resultant reaction of PVA and boron or free chlorine is a plastic that is not soluble in water or solvents.

ROTATIONAL PLANT-BACK INTERVALS¹

Immediate plant-back: Cotton, Field Corn, Fruiting Vegetables, Leafy Vegetables, Cucurbits, Tuber Vegetables (Potatoes) Strawberry

30-day plant-back: Alfalfa, Barley, Sugarbeets, Wheat

12-month plant-back: All other crops

¹Cover Crops for soil building or erosion control may be planted at any time, but do not graze or harvest for food or feed.

CROP USES

For all crops, apply specific dosage of OBERON 4 SC as needed for control. Good coverage of the foliage is necessary for optimal control. An adjuvant may be used to improve coverage and control. For best results the treatment should be made when whitefly or mite populations begin to build and before a damaging population becomes established. OBERON 4 SC is effective against the egg and nymphal stages of whiteflies and mites. Control should be directed at these stages. OBERON 4 SC will not knock down adult whitefly populations. Rate range is provided and is generally dependent on size of the plant and density of the foliage. Apply when colonies first appear and prior to leaf damage or discoloration. Apply in adequate water for uniform coverage with ground or aerial application equipment, or by chemigation as indicated below. If needed, repeat applications at 7- to 10-day intervals. For resistance management purposes, and because of its new and different mode of action, OBERON 4 SC can be recommended as a foliar application following a soil application of ADMIRE when needed.

CORN, FIELD

PESTS CONTROLLED	RATE PER APPLICATION fluid ounces/Acre
Banks grass mite Twospotted spider mite	2.85 - 8.0

Notes: Pre-harvest Interval (PHI): green forage and silage - 5 days.
 grain or stover – 30 days.

Maximum OBERON 4 SC allowed per 14-day interval: **8.5 fl oz per acre (0.27 lbs ai/A)**.

Maximum OBERON 4 SC allowed per crop season: **8.5 fl oz per acre (0.27 lbs ai/A)**.

Maximum number of applications per crop season: **2**.

Minimum application volume: 10.0 GPA – ground, 5.0 GPA – aerial application.

See CHEMIGATION statement in *Application Guidelines* section of this label.

COTTON	RATE PER APPLICATION fluid ounces/Acre	
	EARLY SEASON	MID-LATE SEASON
Carmine spider mite Desert spider mite Pacific spider mite Strawberry spider mite Twospotted spider mite Whiteflies (including Silverleaf and Sweetpotato)	3.0 – 8.0	4.0 – 8.0

Notes: Pre-harvest Interval (PHI): 30 days.

Maximum OBERON 4 SC allowed per 7-day interval: **8.0 fl oz per acre (0.25 lbs ai/A)**.

Maximum OBERON 4 SC allowed per crop season: **16.0 fl oz per acre (0.50 lbs ai/A)**.

Maximum number of applications per crop season: **3**.

Minimum application volume: 10.0 GPA – ground, 5.0 GPA – aerial application.

Early Season: apply by ground rig when cotton is less than 10 inches tall and thorough coverage of plant canopy can be achieved.

Mid-late season: apply by air or ground.

POTATO	
PESTS CONTROLLED	RATE PER APPLICATION fluid ounces/Acre
Potato/Tomato Psyllid Twospotted spider mite Whiteflies (Including Silverleaf, Sweetpotato and Greenhouse)	4.0 – 8.0
<p>Notes: Pre-harvest Interval (PHI): 7-days. Maximum OBERON 4 SC allowed per 7-day interval: 8.0 fl oz per acre (0.25 lbs ai/A). Maximum OBERON 4 SC allowed per crop season: 16.0 fl oz per acre (0.50 lbs ai/A). Maximum number of applications per crop season: 2. Minimum application volume: 10.0 GPA – ground, 5.0 GPA – aerial application. See CHEMIGATION statement in <i>Application Guidelines</i> section of this label.</p>	

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 must 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. To the extent allowed by law, all such risks shall be assumed by the user or buyer.

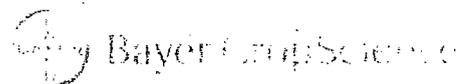
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NET CONTENTS:

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PRODUCED FOR



Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
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1-866-99BAYER (1-866-992-2937)

OBERON 4 SC Insecticide/Miticide (PENDING) 10/10/07, Resubmitted 03/12/08