

264-1044

09-22-2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

SEP 22 2010

Jamin Huang, Ph.D.
Bayer CropScience
2 T.W. Alexander Drive
P.O. Box 12014
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 3, 2010 for:

EPA Registration 264-1044

Imidacloprid Metalaxyl Seed Treatment

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.

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Registration Division (7504P)
Insecticide/Rodenticide Branch

	United States Environmental Protection Agency Washington, DC 20460	NOTIFICATION SEP 22 2010 <input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 264-1044	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Imidacloprid-Metalaxyl Seed Treatment	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 Imidacloprid-Metalaxyl label 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 1.5 oz, 28.8 oz		5. Location of Label Directions <input checked="" type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued 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 Senior Regulatory Manager	Telephone No. (Include Area Code) (919) 549-2634
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Certification			6. Date Application Received (Stamped)
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 Senior Regulatory Manager		
4. Typed Name Jamin Huang, Ph. D.	5. Date September 3, 2010		



Bayer CropScience

September 3, 2010

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: Paul Mastradone (Team Leader, Notifications & Minor Formulation Review)

Re: Notification to Update Container Disposal Statement per PR Notice 2007-4 for Imidacloprid-Metalaxyl Seed Treatment (EPA Reg. No. 264-1044)

Dear Mr. Mastradone,

Byaer CropScience is herein submitting a Notification to update the container disposal statement per PR Notice 2007-4 on the 10/31/2006 EPA latest approved label for Imidacloprid-Metalaxyl Seed Treatment. Three copies of the amended label dated 09/02/2010 are attached, together with one copy of the amended label with all of the revision highlighted in yellow in relation to the 10/31/2006 latest approved label.

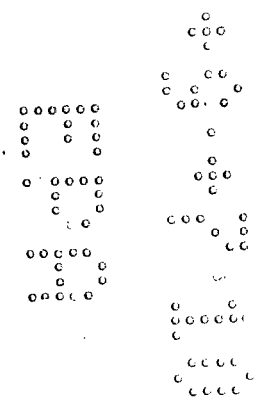
Bayer CropScience
2 T.W. Alexander Drive
P. O. Box 12014
Research Triangle Park,
NC 27709
Tel: 919 549-2000

"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 or at 919-549-2634 if you have any questions regarding this submission.

Sincerely,

Jamin Huang, Ph.D.
Senior Regulatory Manager



7/4

NOTIFICATION

SEP 22 2010

IMIDACLOPRID-METALAXYL

Seed Treatment

For the protection of Seeds and Seedlings of Field Corn, Sweet Corn and Popcorn against Damping-Off, Seed Decay caused by *Pythium*; also for protection against Seed Corn Beetle, Seed Corn Maggots, Wireworm, White Grub, Flea Beetle (up to first true leaf), and Imported Fire Ants. For the protection of Seeds and Seedlings of Sorghum against Damping-Off, Seed Decay caused by *Pythium*; also for suppression against Wireworm, Seed Corn Maggot, true White Grub, and protection of seed against Imported Fire Ants.

For the protection of Seeds and Seedlings of Soybeans against Damping-Off, Seed Decay caused by *Pythium*; also suppression of Seed Corn Maggots and early season control of over-wintering Bean Leaf Beetles.

ACTIVE INGREDIENTS:

Imidacloprid	25.00%
Metalaxyl	1.00%

INERT INGREDIENTS	74.00%
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TOTAL	100.00%
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EPA Reg. No. 264-1044

EPA Est.

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"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 eye. • Call a poison control center or doctor for treatment advice.
<p>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.</p>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves made of any water proof material, 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.

USER SAFETY RECOMMENDATIONS

Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

ENVIRONMENTAL HAZARDS

This product is highly toxic to birds and aquatic invertebrates and toxic to fish. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Exposed treated seeds may be hazardous to birds. In the event that treated seeds are spilled and cannot be salvaged, completely cover them with soil. Do not contaminate water when disposing of equipment washwaters or rinsate.

PRODUCT INFORMATION

Imidacloprid-Metalaxyl may be used on seed previously treated with a full dosage of protective fungicide to give added protection against *Pythium* damping-off or seed decay.

Note: Adjust the seed drill or planter to give the required rate of seed delivery with treated seed. Regularly inspect planter plates and clean as required. At the end of each day, clean the electric-eye monitors as directed by the manufacturer.

Important: Treated seed must not be used for or mixed with food or animal feed, or processed for oil. Treat only those seeds needed for immediate use, minimizing the interval between treatment and planting. Do not store excess treated seed beyond planting time.

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, 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 24 hours.

Exception: If the seed is treated with the product and the treated seed is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area 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
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks, protective eyewear

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited. Do not reuse empty containers.

stencil **STORAGE:** Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in a cool dry location. Protect from excessive heat.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. 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 Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty container into application equipment. Then dispose of empty container in a sanitary landfill, or by incineration.

Field Corn, Sweet Corn, Popcorn: Use at a rate of 1.5 ounces per 42 pounds of seed.

Sorghum: Use at a rate of 5.0 ounces per 100 pounds of seed.

Soybeans: Use at a rate of 4.0 oz. per 100 pounds of seed.

Mixing Instructions (1.5 oz canister)

Use as a dry mixture in the planter box as a seed treatment prior to planting. Apply Imidacloprid- Metalaxyl to seed at planting time with the canister applicator tube system.

Field corn, Sweet Corn, Popcorn: Apply at a rate of 1.5 oz. canister per 42 pounds of seed.

Sorghum: Apply at a rate of 1.5 oz. canister per 30 pounds of seed.

Soybeans: Apply at a rate of 1.5 oz. canister per 37 pounds of seed.

For best results, fill planter box with seed, add Imidacloprid- Metalaxyl through applicator tube and mix so that all seeds are covered. DO NOT MIX WITH BARE HANDS. Use only at the recommended rate. Lower amounts may not give desired control.

Mixing Instructions (4-pound pail)

Use as a dry mixture in the planter box as a seed treatment prior to planting.

Field Corn, Sweet Corn, Popcorn: Use two scoops full (1.5 oz.) per 42 pounds of seed.

Sorghum: Use two scoops full (1.5oz.) per 30 pounds of seed.

Soybeans: Use two scoops full (1.5 oz.) per 37 pounds of seed.

For best results, fill planter box half full of seed, add half the required amount of Imidacloprid- Metalaxyl and mix thoroughly with a stick or paddle. Add remainder of the seed and Imidacloprid- Metalaxyl and mix again so that all seeds are covered. DO NOT MIX WITH BARE HANDS. Use only at the recommended rate. Lower amounts may not give desired control.

NOTE: Do not graze or feed livestock on treated areas for 45 days.

ROTATIONAL CROPS

Treated areas may be replanted with any crop specified on the Imidacloprid-Metalaxyl label, or for any crop for which a tolerance exists for imidacloprid, as soon as practical following the last application. The following plant-back intervals should be observed for listed crops:

ROTATIONAL PLANT-BACK INTERVALS*				
IMMEDIATE PLANT-BACK				30-DAY PLANT-BACK
Artichoke	Cranberry	Mustard seed	Sugar beet	Cereals (Including buckwheat, millet, oats, popcorn, rice and rye) Safflower
Barley	Cucurbits	Okra	Tomatillo	
Rrassica (cole) leafy veg.	Eggplant	Pepinos	Tomato	
Canola	Ground cherry	Pepper	Triticale	
Cilantro	Leaf petiole veg.	Popcorn	Veg. Root and Tuber	
Corn, Field	Leafy veg.	Potato	Watercress	
Corn, Sweet	Legume veg. (succulent or dried, including soybean)	Rapeseed	Wheat	
Cotton		Sorghum		
		Soybean		
		Strawberry		
* Cover crops for soil building or erosion control may be planted any time, but do not graze or harvest for food or feed.				
* All other crops not listed on an Imidacloprid label, or for crops for which no tolerance for the active ingredient have been established, a 12-month plant-back interval should be observed.				

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.

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, may result in reduced germination and/or reduction of seed and seedling vigor. Treat and conduct germination tests on a small portion of seed before committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of Bayer CropScience, no claims are made to guarantee germination of carry-over seed.

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. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE MAKES NO 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: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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.

NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States.

NET CONTENTS:**PRODUCED FOR****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)**

IMIDACLOPRID-METALAXYL Seed Treatment (MASTER) EPA APPROVED 10/31/06, Notification 09/02/10