

264-1056

03/07/2008

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
 Registration Division (7505C)
 1200 Pennsylvania Ave., N.W.
 Washington, D.C. 20460

EPA Reg. Number:

264-1056

Date of Issuance:

MAR 7 2008

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Poncho Beta

Name and Address of Registrant (include ZIP Code):

Bayer CropScience
 2 T.W. Alexander Drive
 Research Triangle Park, NC 27709

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration/reregistration of your product when the Agency requires all registrants of similar products to submit such data.
2. Make the following label changes before you release the product for shipment:
 - a. Revise the EPA Registration Number to read, "EPA Reg. No. 264-1056".
 - b. Within the **DIRECTIONS FOR USE** section of the label, revise "For use by commercial treaters only." to read "Intended for use by commercial treaters."
 - c. Within the ingredient statement (page one) revise "ACTIVE INGREDIENT" to read "ACTIVE INGREDIENTS."

Signature of Approving Official:

Kable Bo Davis, Entomologist

Insecticide-Rodenticide Branch, Registration Division (7505P)

Date:

MAR 7 2008

- d. Within the **PERSONAL PROTECTIVE EQUIPEMENT (PPE)** section of the label, additional language must be included stating that for those workers that handle all seed treatment steps like loading, treating, bagging and sewing, alone on a daily basis, the following additional PPE must be worn:
 - double layer clothing
 - a respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14-G), or a NIOSH-approved respirator with an organic vapor (OV) cartridge or canister with any N,R or P or HE prefilter
- 3. The data requirement for a developmental immunotoxicity study has not been satisfied, and must be submitted upon completion.
- 4. Per request of the Clothianidin: Human Health Risk Assessment for Proposed Use on Sugar Beet memorandum dated October 16, 2007, the data cited to support the stability of TMG in frozen sugar beet leaves, and potato tubers, flakes and chips must be submitted for evaluation.
- 5. The data requirements for storage stability (830-6317) and corrosion characteristics (830-6320) have not been satisfied, and must be submitted within eighteen months of the date of this letter.
- 6. Submit one copy of the revised printed label for the record before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

3/15

PONCHO BETA

Poncho Beta is a systemic insecticide seed treatment for use on sugar beet for the control of certain insect pests. All seed treated with this product must be conspicuously colored at the time of treatment.

ACTIVE INGREDIENT:

Clothianidin..... 34.3%
beta-Cyfluthrin..... 4.6%

INERT INGREDIENTS: 61.1%

TOTAL: 100.0%

Contains 3.33 lb active per gallon (400 grams per liter) clothianidin and 0.44 lb active per gallon (53.3 grams per liter) beta-cyfluthrin

E.P.A. Reg. No. 264-XXX

E.P.A. Est. No.

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 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.
IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor 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.
<p align="center">For MEDICAL Emergencies Call 24 Hours A Day 1-800-334-7577.</p> <p align="center">Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p>	

NOTE TO PHYSICIAN: No specific antidote is available. Treat the patient symptomatically.

PRECAUTIONARY STATEMENTS

HAZARD TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if absorbed through the skin. Harmful if swallowed. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Wear long-sleeved shirt and long pants, sock, shoes, and gloves. Remove and wash contaminated clothing before reuse. Wear appropriate protective clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category C on an EPA chemical resistance category selection chart.

Workers involved with treating the seed (e.g. connecting and disconnecting hoses and transfer pumps, mixing, equipment calibration, etc.) and others exposed to the concentrate, and cleaners/repairers of seed treatment equipment must wear a long-sleeved shirt and long pants, chemical-resistant gloves (such as nitrile, butyl, neoprene, barrier laminate, polyvinyl chloride or Viton), shoes plus socks and a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C).

Baggers and bag sewers must wear a long-sleeved shirt and long pants, shoes plus socks, and a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C).

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

ACCEPTED
with COMMENTS
In EPA Letter Dated:
MAR 7 2008

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 264-1056

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 product is toxic to aquatic invertebrates. Contain any product spills or equipment leaks and dispose of wastes according to disposal instructions on this label. Do not contaminate water when disposing of equipment washwaters.

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.**

For use by commercial treaters only. Not for use in agricultural establishments in hopper-box, slurry-box, or similar on farm seed treatment applicators used at planting. This product is to be used in commercial liquid or slurry treaters. Mix thoroughly before use or use entire container at one time.

All seed treated with this product must be conspicuously colored at the time of treatment. This product contains no colorant. An appropriate colorant must be added when this product is applied to seed to distinguish and prevent subsequent inadvertent use as a food for man or feed for animals. Regulations pertaining to coloration of treated seed enforced by 40 CFR 153.155 must be strictly adhered to when using this product.

STORAGE AND DISPOSAL

STORAGE

Do not contaminate water, food or feed by storage or disposal. Store in a cool, dry secured storage area.

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. Offer for recycling, if available. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closure. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

FOR EARLY SEASON PROTECTION AGAINST CERTAIN INSECTS OF SUGAR BEET:

To provide early season protection of seeds and seedlings against injury by wireworm, cutworms, sugar beet leafhopper (including to reduce potential for spread of beet curly top virus due to the leafhopper vector), sugar beet leafminer, sugar beet root maggot, flea beetle, black bean aphid, and garden springtail, apply as a commercial seed treatment at a rate of 5.07 fluid ounces per unit of seed (a unit is 100,000 seed). Apply Poncho Beta to seed with a coating system that gives a minimum build-up of approximately 30% weight gain.

ROTATIONAL CROPS:

Treated areas may be replanted with any crop specified on both clothianidin and beta-cyfluthrin labels, or any crop for which a tolerance exists for both active ingredients, as soon as practical following the last application. Areas planted with treated seed may be replanted immediately with cotton, corn, sorghum, rapeseed and canola. These areas may also be replanted after 30 days with cereal grains, soybeans, dried beans and dried peas. Do not plant any other crop in the treated area for at least one year after treated seeds are planted.

LABELING OF TREATED SEED

Seed commercially treated with Poncho Beta must be labeled in compliance with the *Federal Seed Act*.

Seed commercially treated with Poncho Beta must be labeled or tagged as follows:

- This seed has been treated with Poncho Beta, which contains clothianidin and beta-cyfluthrin.
- Do not use treated seed for food, feed or oil processing.
- Store away from feeds and foodstuffs.
- Wear long-sleeved shirt, long pants and waterproof gloves when handling treated seed.

- Dispose of all excess treated seed. Left over treated seed may be double own around the headland or buried away from water sources in accordance with local requirements. Do not contaminate water bodies when disposing of planting equipment washwaters.
- Dispose of seed packaging in accordance with local requirements.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading.
- Treated areas may be replanted with any crop specified on both clothianidin and cyfluthrin labels, or any crop for which a tolerance exists for both active ingredients, as soon as practical following the last application. Areas planted with treated seed may be replanted immediately with cotton, corn, sorghum, rapeseed and canola. These areas may also be replanted after 30 days with cereal grains, soybeans, dried beans dried peas. Do not plant any other crop in the treated area for at least one year after treated seeds are planted.

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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 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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
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 1-866-99BAYER (1-866-992-2937)
<http://www.bayercropscienceus.com>

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