

264-1056

11/17/2008

1/7



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

NOV 17 2008

SUBJECT: Application for Pesticide Notification – Clarify Pest Names Based on Approved Labeling Dated March 7, 2008
Poncho® Beta
EPA Reg. No. 264-1056
Application Dated September 24, 2008

Dear Mr. Huang:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the label changes requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.


If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2/2

	United States Environmental Protection Agency Washington, DC 20460	<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 264-1056	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Poncho Beta	PM# 01	
5. Name and Address of Applicant (Include ZIP Code) BAYER CROPSCIENCE 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. NOTIFICATION Product Name NOV 17 2007

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

NOTIFICATION: To clarify some pest names on approved labeling per PR Notice 98-10. Nothing else is changed.

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

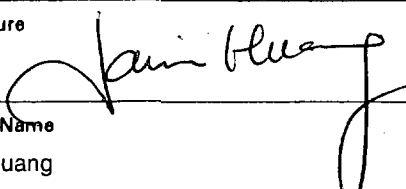
Section - III

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

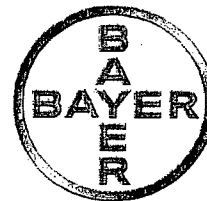
Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Jamin Huang	Title Registration Product Manager	Telephone No. (Include Area Code) 919-549-2634
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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 Product Manager		
4. Typed Name Jamin Huang	5. Date September 24, 2008		

Bayer CropScience



September 24, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, Virginia 22202-4501

Attention: Venus Eagle (PM 01, RD)

**Re: Poncho Beta (EPA Reg. No. 264-1056)
Notification per PR Notice 98-10**

Dear Ms. Eagle,

Bayer CropScience is hereby submitting a notification to clarify some pest names based on the approved labeling dated March 7, 2008. Nothing else is changed.

"This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46 and no other changes have been made to the labeling or the confidential statement of formula of 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 terms of PR Notice 98-10 and 40 CFR 152.46, 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."

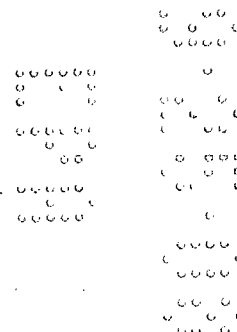
If you have any questions about this notification, please contact me either by telephone at 919-549-2634 or e-mail at jamin.huang@bayercropscience.com.

Sincerely,

A handwritten signature in black ink that reads 'Jamin Huang'. The signature is written in a cursive, flowing style.

Jamin Huang, Ph.D.
Registration Product Manager

Bayer CropScience
2 T.W. Alexander Drive
Phone 919-549-2000



4/7

NOTIFICATION

NOV 17 2007

PONCHO® BETA

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

ACTIVE INGREDIENTS:

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

INERT INGREDIENTS:.....	61.1%
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TOTAL:	100.0%
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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. 264-1056

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>For <u>MEDICAL</u> Emergencies Call 24 Hours A Day 1-800-334-7577.</p> <p>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.

NOTE: For all workers that handle all seed treatment steps like loading, treating, bagging and sewing/boxing, 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.

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.

Intended for use by commercial treaters. 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 ¼ 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 SUGARBEET:

To provide early season protection of seeds and seedlings against injury by wireworm, cutworms, sugarbeet leafhopper (including to reduce potential for spread of beet curly top virus due to the leafhopper vector), leafminers, sugarbeet root maggot, flea beetle, black bean aphid, and subterranean springtails, 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.

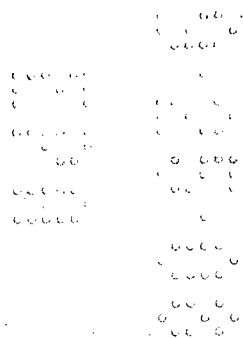
LABELING OF TREATED SEED

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 doublesown 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, and dried peas. Do not plant any other crop in the treated area for at least one year after treated seeds are planted.

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.



2/2

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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<http://www.bayercropscienceus.com>

Poncho® Beta (MASTER) Approved 03/07/08, Notification 09/24/08

