

279-3059

11/26/2008

1/5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

NOV 26 2008

Mr. Christopher Davis
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Dear Mr. Davis:

Subject: Amendment – Response to the Agency’s February 21, 2008 letter implementing spray drift language and Permethrin RED risk mitigation labeling
Pounce 1.5G Insecticide
EPA Reg. No. 279-3059
Your submissions dated July 3 and November 12, 2008

The amendment referred to above, submitted in connection with registration under FIFRA section 3(c)(7)(a), is acceptable provided that you:

1. Submit and/or cite all data or other material required for registration/reregistration of your product under FIFRA section 3(c)(5) or FIFRA section 4 when the Agency requires all registrants of similar products to submit such data.
2. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:
 - a. The paragraphs beginning with “Follow manufacturer’s instructions for cleaning...etc” and “Discard clothing and other absorbent materials...etc” should be enclosed in a box with the heading “User Safety Requirements”. In the next to last sentence of this section, revise “contaminated with this products concentrate” to read “contaminated with this product's concentrate.”.
 - b. Under the heading “Buffer Zones”, correct the website URL (address) for guidance to read as follows: www.in.nrcs.usda.gov/technical/agronomy/newconbuf.pdf . Also, qualify the site “ponds” to read “natural ponds” and qualify “streams” to read “permanent streams” under the subheadings “Buffer Zone for Ground Application” and “Buffer Zone for Aerial Application”.

- c. In the notes under each crop, specify the maximum rate per application and the seasonal maximum application rate, giving both the pounds of formulated product and the pounds active per acre for both entries.
- d. In the Field Corn, Field Corn Grown for Seed, and Popcorn (At Plant Use) directions, for the note revise the maximum pounds a.i. per acre for the 20 inch row spacing to 0.15, which is the maximum rate per application for this crop.
- e. In the "Method of Application" entry for foliar uses on Sweet Corn, after "Apply every 3 days or as needed." add "Do not make applications less than 3 days apart."
- f. In the "Corn Application Rates" paragraph, add as the last sentence "Do not exceed the maximum rate per acre application rate specified in the notes for each crop entry."
- g. On page three, revise "should" to "must", so that the top sentence reads "Dealers Must Sell in Original Packages Only."
- h. In the first sentence of the next-to-last paragraph of the "Conditions of Sale and Limitations of Warranty and Liability", revise "FMC or seller be liable..." to read "FMC or seller shall not be liable..."

A stamped copy of the label is enclosed for your records. Please submit three copies of the amended labeling bearing the above revisions before you release the amended label for shipment. Please note that acceptance of this amendment does not constitute reregistration of the subject product.

Sincerely,

Dana R Pellett

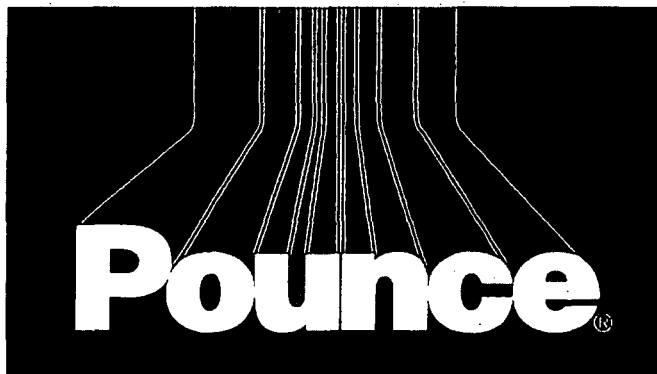
for Richard Gebken.
Product Manager 13
Insecticide Branch
Registration Division (7505P)

Code 1606

3/5

RESTRICTED USE PESTICIDE
 Due to Toxicity to fish and aquatic organisms
 For retail sale to and use only by certified applicators, or persons under their direct supervision and only for those uses covered by the certified applicator's certification.

Net Weight



1.5 G Insecticide

EPA Reg. No. 279-3059

EPA Est. 279-

ACTIVE INGREDIENT:	By Wt.
*Permethrin**	1.50%
OTHER INGREDIENTS:	98.50%
	100.0%

*(3-Phenoxyphenyl)methyl (±) cis-trans 3-(2,2-dichloroethyl)-2,2-dimethylcyclopropanecarboxylate
 **cis/trans ratio: Max. 55% (±) cis and min. 45% (±) trans
 U.S. Patent No. 4,024,163

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

If Inhaled: 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 on Skin or Clothing: 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 in Eyes: 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.

If Swallowed: 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 the poison control center or doctor. Do not give anything by mouth to an unconscious person.

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

NOV 26 2008

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
279-3059

HOTLINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-331-3148 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS

Hazards To Humans (and Domestic Animals)

Caution
Harmful if swallowed or absorbed through skin. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing.

Personal Protective Equipment (PPE)

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

All loaders, applicators and other handlers must wear: Long-sleeve shirt and long pants, shoes plus socks, and chemical-resistant gloves for all handlers except for applicators using motorized ground equipment, pilots, and flaggers.

See engineering controls for more requirements.

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

Discard clothing and other absorbent materials that have been drenched (except as required by directions for use) or heavily contaminated with this products concentrate. Do not reuse them.

Engineering Controls

Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)].

Environmental Hazards

This product is extremely toxic to aquatic organisms, including fish and invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean water mark. Do not apply when weather conditions favor drift from treated areas. Drift and runoff treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters.

Under some conditions, it may also have a potential for transport into surface water in runoff (primarily adsorbed to suspended soil particles), for several months or more after application. These include poorly draining or wet soils with readily visible slopes towards adjacent surface waters, frequently flooded areas, and areas overlying extremely shallow groundwater, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas over-lying tile drainage systems that drain to surface waters.

This pesticide is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area.

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.



FMC Corporation
Agricultural Products Group
 1735 Market Street
 Philadelphia PA 19103

Pounce 1.5G 6-11-08Rev

4/5

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 12 hours.

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, shoes plus socks, and chemical-resistant gloves made of any waterproof material.

STORAGE AND DISPOSAL

Pesticide Storage

Do not store in or around the home.

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use, fold and roll back bags, clamp and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food, or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call FMC: (800) 331-3148.

To confine spill: If liquid, dike surrounding area or absorb with sand, cat litter or commercial clay. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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

Paper and plastic bags: Non-refillable. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling, if available, or dispose of empty bag in a sanitary landfill or by incineration, or by burning. Do not burn unless allowed by state or local authorities. If burned, stay out of smoke.

GENERAL INSTRUCTIONS

Unless otherwise directed by registered supplemental labeling, follow the Directions for Use in each crop group section.

BUFFER ZONES

Vegetative Buffer Strip

Construct and maintain a minimum 10-foot-wide vegetative filter strip of grass or other permanent vegetation between the field edge and down gradient aquatic habitat (such as, but not limited to, lakes; reservoirs; rivers; permanent streams; marshes or natural ponds; estuaries; and commercial fish farm ponds).

Only apply products containing permethrin onto fields where a maintained vegetative buffer strip of at least 10 feet exists between the field and down gradient aquatic habitat.

For guidance, refer to the following publication for information on constructing and maintaining effective buffers: Conservation Buffers to Reduce Pesticides Losses. Natural Resources Conservation Services. USDA, NRCS. 2000. Fort Worth, Texas. 21 pp.

<http://www.in.nrcs.usda.gov/technical/agronomy/newconbuf.pdf>

Buffer Zone for Ground Application (groundboom, overhead chemigation, or airstream): Do not apply within 25 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries, and commercial fish ponds).

Buffer Zone for Aerial Application: Do not apply within 150 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries and commercial fish ponds).

Almonds (7 day phi)

Insects Controlled	Rate of Application	Method of Application
Ants	16.6 pounds (0.25 pound active) per acre	Apply as a broadcast treatment by ground equipment or aircraft when ants appear. Overhead moisture following application will enhance activity.
Do not apply more than 0.50 pound active ingredient or 33.2 pounds of product per acre during hull split. Do not apply more than 0.75 pounds active ingredient or 49.8 pounds of product per acre per season. Do not graze livestock in treated areas. Do not feed cover crops from treated areas to livestock. Do not make applications less than 10 days apart.		

Corn (Field), Field Corn Grown for Seed, Popcorn

Insects Controlled	Rate of Application	Method of Application
<i>Preemergent Use:</i> Armyworms spp. Cutworms Stalk Borers	6.7 to 10 pounds (0.1 to 0.15 pound active) per acre as a broadcast application OR 8 to 12 ounces per 1,000 linear feet row (based on a 4" band and 40" row spacing)	Pounce may be applied as a pre-plant incorporated, pre-emergence, or at planting time application. Apply as a broadcast application by ground or air or 4-15 inch band. Linear row calculations should be used proportional to the standard Band Width/Row Width formula to adjust rates for different band widths or row spacings. Use higher rates of Pounce 1.5 G when incorporating into the soil without exceeding the recommended dosage.
<i>Foliar Use:</i> Armyworms spp. Corn Borer European Southwestern Cutworms Stalk Borers Webworm	6.7 to 10 pounds (0.1 to 0.15 pound active) per acre	When treating for Armyworms, Cutworms, European Corn Borer, Southwestern Corn Borer and Western Bean cutworm apply when eggs begin to hatch. For treatment of Stalk Borers, Pounce 1.5 G must be applied when or shortly before the Stalk Borer larvae are moving into the corn from the surrounding weeds and grasses. Mowing or burndown herbicide is suggested to initiate movement of Stalk Borer larvae. Apply by aircraft broadcasting over corn plants or with ground equipment by directing the granule into the whorl.
Up to 0.45 pound active ingredient or 30 pounds of product may be used per season. Do not make treatments less than 7 days apart or apply less than 30 days prior to harvest of grain or fodder (stover). Forage may be harvested on the day of application.		

Corn (Field), Field Corn Grown for Seed, Popcorn (At Plant Use)

Insects Controlled	Rate of Application	Method of Application
Armyworms Cutworms Seed Corn Maggot* Wireworm*	8 ounces per 1,000 linear feet of row	Apply as an in-furrow, band or T-band treatment using a minimum 4 inch band. Use table below to determine the Pounce 1.5 G needs for each acre.
* Not for use in California.		
Row Spacings (inches)	40	30
Pounce 1.5 G (pounds ai/product per acre)	0.10/6.7	0.15/10
		0.15/10

5/5

Corn, Sweet (1 day phi)

Insects Controlled	Rate of Application	Method of Application
<i>Preemergent Use:</i> Armyworms spp. Cutworms Stalk Borers	6.7 to 13.3 pounds (0.1 to 0.2 pound active) per acre as a broadcast application OR 8 to 16 ounces per 1,000 linear feet row (based on a 4" band and 40" row spacing)	Pounce may be applied as a pre-plant incorporated, pre-emergence, or at planting time application. Apply as a broadcast application by ground or air or 4-15 inch band. Linear row calculations should be used proportional to the standard Band Width/Row Width formula to adjust rates for different band widths or row spacings. Use higher rates of Pounce 1.5 G when incorporating into the soil without exceeding the recommended dosage.
<i>Foliar Use:</i> Cutworms Corn Borer European Southwestern Armyworms spp. Western Bean Cutworm Stalk Borers	6.7 to 13.3 pounds (0.1 to 0.2 pound active) per acre	When treating for Armyworms, Western Bean Cutworm, Southwestern Corn Borer, and European corn Borer apply when eggs begin to hatch. For treatment of Stalk Borer, Pounce 1.5 G must be applied when or shortly before the Stalk Borer larvae are moving into sweet corn from the surrounding weeds and grasses. Mowing or burndown herbicide is suggested to initiate movement of Stalk Borer larvae. Apply by aircraft by broadcasting over sweet corn plants or with ground equipment by directing the granule into the whorl. Apply every 3 days or as needed.

Do not apply more than 0.8 pounds active ingredient per acre per season.

Corn, Sweet (At Plant Use)

Insects Controlled	Rate of Application	Method of Application
Armyworms spp. Cutworms Seed Corn Maggot* Wireworm*	8 ounces per 1,000 linear feet of row	Apply as an in-furrow, band or T-band treatment using a minimum 4" band. Use table below to determine the Pounce 1.5 G needs for each acre.
* Not for use in California.		
Row Spacings (inches)	40	30 20
Pounce 1.5 G (pounds ai per acre)	0.10	0.15 0.20

Pistachios* (0 day phi)

Insects Controlled	Rate of Application	Method of Application
Ants	20 pounds (0.3 pound active) per acre	Apply as a broadcast treatment by ground equipment or aircraft when ants appear. Overhead moisture following application will enhance activity.

Do not apply more than 0.9 pounds active ingredient per acre per crop season.
Do not apply after 10% hull split.
Do not graze livestock in treated areas.
Do not feed cover crops from treated areas to livestock.
Do not make applications less than 10 days apart.
* Not for use in California.

Corn Insecticide Application Settings

Pounce 1.5 G is a dense, free flowing insecticide requiring accurate equipment calibration to apply the recommended amount per acre. Calibrate your planter to the speed at which you plan to travel during planting operation. The following are approximate settings for guidance in calibration:

Application Rate Pounds/Acre	6.7	10.0	13.3
Ounces/1000 Linear Feet	8	12	16
Planter Speed (mph)	4 6 8	4 6 8	4 6 8
Equipment: Gauge Setting			
Gandy Model 901	14 17 20	17 21 25	20 25 28
John Deere MaxEmerge (Even Notch)	8 12 16	12 17 22	15 22 27
(Odd Notch)	7 10 12	10 13 16	12 16 19
1-H Case	1.3 1.5 1.7	1.5 1.7 2.1	1.7 2.2 2.8

Corn Application Rates

When the granular application equipment is set to deliver Pounce 1.5 G at a rate of 12 ounces per 1,000 linear feet (0.15 pound active per acre) the total amount applied per acre will vary depending on row spacings.

Dealers Should Sell in Original Packages Only.

Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions beyond the control of FMC or Seller. All such risks shall be assumed by Buyer and User, and to the extent permitted by applicable law, Buyer and User agree to hold FMC and Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the directions under normal conditions of use. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, FMC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT.** Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) seller or FMC, and to the extent permitted by applicable law, buyer assumes the risk of any such use.

To the extent permitted by applicable law, FMC or seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF FMC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF FMC OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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