



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MAY - 4 2007

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

RE: Revise Warranty Statement
EPA Registration Number: 279-3130
Date of Submission: April 27, 2007

Dear Mr. Davis:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated, April 27, 2007 for the product Talstar Nursery Granular Insecticide. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in cursive script that reads "Linda Arrington".

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



United States
Environmental Protection Agency
 Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 279-3130	2. EPA Product Manager LaRocca	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Talstar Nursery Granular Insecticide	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) FMC Corporation 1735 Market Street Philadelphia, PA 19103 <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.

NOTIFICATION

MAY - 4 2007

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

-Revise warranty statement to be consistent with other Talstar labels (per EPA instructions to say "to the extent consistent with applicable law")
 On behalf of FMC Corporation, I certify that this notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46. I understand that it is a violation of 18 USC 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.

Section - III

1. Material This Product Will Be Packaged In:

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	2. Type of Container <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
 Label Container

4. Size(s) Retail Container

5. Location of Label Directions

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

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

Name Christopher Davis	Title Registration Manager	Telephone No. (Include Area Code) 215-299-6334
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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.

2. Signature

3. Title
Registration Manager

4. Typed Name
Christopher Davis

5. Date
4/27/07

6. Date Application Received (Stamped)

Talstar®

NOTIFICATION

MAY - 4 2007

Nursery Granular Insecticide

For Agricultural or Commercial Use Only
For Use as a Quarantine Treatment Against
Imported Fire Ants and for Balled and Containerized
Nursery Stocks

EPA Reg. No. 279-3130

EPA Est. 279-

Active Ingredient:	By Wt.
Bifenthrin*	0.2%
Other	99.8%
	100.0%

*Cis isomers 97% minimum, trans isomers 3% maximum.
 U.S. Patent No. 4,238,505

KEEP OUT OF REACH OF CHILDREN
CAUTION

See other panels for additional precautionary information.



FMC Corporation
 Agricultural Products Group
 Philadelphia PA 19103

4-25-07

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.
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 Assistance.	
NOTE TO PHYSICIAN	
This product is a pyrethroid. If large amounts have been ingested, milk, cream and other digestible fats and oils may increase absorption and so should be avoided.	
For Information Regarding the Use of this Product Call 1-800-321-1FMC (1362).	

PRECAUTIONARY STATEMENTS Hazards to Humans (and Domestic Animals)

Caution
 Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing.

- Personal Protective Equipment:**
 Applicators and other handlers must wear:
- Long sleeved shirt and long pants
 - Waterproof gloves
 - Shoes and 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:

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

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 restricted entry interval (REI) of 12 hours. **Exception: if the product 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
- Waterproof gloves
- Shoes and socks

STORAGE AND DISPOSAL

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

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 close tightly.

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: 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: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

ORNAMENTAL USE

(For soil incorporation into potting media used in containerized plantings of ornamental trees, shrubs, plants, flowers, conifers, Christmas trees, and non-bearing fruit and nut trees, and bushes.)

HERB USE

For soil incorporation into potting media used in containerized plantings of the following herbs: Angelica; balm; basil; borage; burnet; camomile; catnip; chervil; chive; chive, chinese; clary; coriander (leaf); costmary; culantro (leaf); curry (leaf); dillweed; horehound; hys-sop; lavender; lemongrass; lovage (leaf); marigold; marloram; nastur-tium; parsley; pennyroyal; rosemary; rue; sage; savory, summer and winter; sweet bay; tansy; tarragon; thyme; wintergreen; woodruff; and wormwood. Minimum preshipment interval is 70 days for herbs listed above.

Application Instructions for Potting Media: Determine bulk density of the potting media by measuring the dry weight of a unit volume of the mix. Based on the length of control required, thoroughly mix the appropriate quantity of the Talstar® Granular insecticide with equipment suitable to give uniform distribution in the potting media. Talstar Granular insecticide may be pre-mixed with an appropriate amount of sand (1:10) to ensure adequate distribution of the product of the mix.

Talstar Granular insecticide is approved under the USDA Plant Protection Imported Fire Ant Quarantine Certification program when used in accordance with USDA guidelines. Use the recommended application rates given in the table below to determine the length of control required for certification.

Pest	USDA IFA Certification Period (mo)	App. Rate (ppm)	Potting Media Bulk Density* (lbs. Talstar Granular insecticide Per Cubic Yard)				
			200	300	400	500	600
Imported Fire Ant	0-6	10	1.0	1.5	2.0	2.5	3.0
	7-12	12	1.2	1.8	2.4	3.0	3.6
	13-24	15	1.5	2.25	3.0	3.75	4.5
	Continuous	25	2.5	3.75	5.0	6.25	7.5

Comments: Incorporate appropriate amount of Talstar Granular insecticide in one cubic yard of potting media based on the known bulk density.

For General Use On Ornamental Plants outside the scope of USDA guidelines

For Fungus Gnat larvae & Mealybugs use 5 to 10 ppm. For Black Vine Weevil larvae, Root Weevil larvae, White Grubs (including Japanese Beetle, oriental beetle and European chafer larvae), & Imported Fire Ants use 10 to 25 ppm. Use the higher rates for extended residual control.

Pest	App. Rate (ppm)	Potting Media Bulk Density* (lbs. Talstar Granular insecticide Per Cubic Yard)				
		200	300	400	500	600
Fungus Gnat larvae Mealybugs	5	0.5	0.75	1.0	1.25	1.5
	10	1.0	1.5	2.0	2.5	3.0
Black Vine Weevil Root Weevil larvae	10	1.0	1.5	2.0	2.5	3.0
	15	1.5	2.25	3.0	3.75	4.5
White Grubs Imported Fire Ants	25	2.5	3.75	5.0	6.25	7.5

Comments: Incorporate appropriate amount of Talstar Granular insecticide in one cubic yard of potting media based on the known bulk density.

*lbs. of Talstar Granular insecticide per cubic yard

$$= \frac{\text{bulk density of potting media} \times \text{ppm}}{2000}$$

(bulk density = laboratory determined dry weight of a unit volume of potting media.)

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 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. EXCEPT AS WARRANTED BY THIS LABEL, 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 buyer assumes the risk of any such use.

To the extent consistent with applicable law, FMC or seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. TO THE EXTENT CONSISTENT WITH 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.

Talstar and FMC—FMC Trademarks

(1684 - 5/7/03)

April 27, 2007

Ms. Sherada Hobgood
United States Environmental Protection Agency
Document Processing Desk (NOTIF)
Office of Pesticide Programs (H7504P)
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Dear Ms. Hobgood:

**Subject: Talstar® Nursery Granular Insecticide
EPA Reg. No. 279-3130**

Notification of Revised Warranty per PR Notice 98-10.

FMC is interested in revising the warranty for the subject registration. FMC believes that the changes in full compliance with PR Notice 98-10, section II Notifications, part J Changes in Warranty Statements. The warranty statement is being revised to be consistent with our other Talstar labels, and these changes were made per instructions from the Agency. It includes using wording such as "...to the extent consistent with applicable law." and "...except as warranted on this label."


To support this submission and to process this request, enclosed please find the following:

- Application for Pesticide (EPA Form 8570-1)
- One copy of the amended label

To expedite this request, I have supplied a postage-paid self-addressed postcard for the Agency to acknowledge this amendment.

We trust this information will assist the Agency in its effort to complete this amendment. If you have any questions concerning this matter, please feel free to contact me at (215) 299-6334 or e-mail at chris_davis@fmc.com.

Sincerely,


Christopher Davis
Registration Manager
APG Specialty Products Business

FMC