

279-3288

2-2-2004

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg. Number:
279-3288

Date of Issuance:
FEB 2 2004

Term of Issuance: **Conditional:**

Name of Pesticide Product:
Biflex® 10 WP Insecticide

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

**FMC Corporation
Agricultural Products Group
1735 Market Street
Philadelphia, PA 19103**

Change in labeling, etc., for a pesticide registered under the Federal Insecticide, Fungicide and Rodenticide Act.

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 sec. 3(c)(7)(A), subject to the following provisions:

1. You must submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of you product under FIFRA section 4.
2. You must make the following label change:
 - a. Revise the first sentence of the second-to-last paragraph of the Warranty and Liability statements to read **"To the extent allowed by law, FMC or seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product."** As currently written ("In no event shall FMC or seller be liable ...") the statement negates and/or detracts from labeling requirements as set forth by the Agency in 40 CFR Part 156, and is, therefore, considered misbranding.
3. Please submit two copies of your final printed label before you release the product for shipment. Refer to the A-79 enclosure for a further description of final printed labeling.

Signature of Approving Official:

Susan L. Stanton for George T. LaRocca

Date:

FEB 2 2004

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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 bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact me at (703)- 305-6100.

Sincerely,

George T. LaRocca
Product Manager (13)
Insecticide Branch
Registration Division (7505C)

Enclosures

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Biflex 10 WP[®] Insecticide

For Commercial Use Only

To control mosquitoes outdoors on residential, institutional, public, commercial and industrial buildings, and lawns, ornamentals, parks, recreational areas and athletic fields.

To control pests outdoors on residential, institutional, public, commercial and industrial buildings, and lawns, ornamentals, parks, recreational areas and athletic fields.

Controls Ants, Fleas, Ticks & other pests.

For outdoor use only.

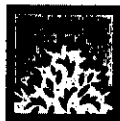
This product is for adult mosquito control.

Product is highly effective against *Culex spp.*, *Aedes spp.* and *Anopheles spp.*

This product is packaged in child resistant packaging.
For effective adult mosquito (including organophosphate resistant species) control.
Fast and effective control of adult mosquitoes.
Provides quick knockdown and effective control of mosquitoes.



LAWN



ORNAMENTAL



PERIMETER

EPA Reg. No. 279-3288

EPA Est. 279-

Active Ingredients:

By Wt.

Bifenthrin:*..... 10.0%

Inert Ingredients:..... 90.0%

100.0%

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

KEEP OUT OF REACH OF CHILDREN

WARNING AVISO

Si usted no entiende la etiqueta, busque a alguien a quien 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.)

See other panels for additional precautionary information.



FMC Corporation
Agricultural Products Group
Philadelphia PA 19103

Net Contents: 1 Pound

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ACCEPTED
with COMMENTS
In EPA Letter Dated:

FEB 2 2004

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
279-3288

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • Call 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.
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.
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 inhaled	<ul style="list-style-type: none"> • 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.
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	
<p>Note to Physician: This product is a pyrethroid. If large amounts have been ingested, the stomach and intestine should be evacuated. Treatment is symptomatic and supportive. Digestible fats, oils or alcohol may increase absorption and so should be avoided.</p>	
For information Regarding the Use of this Product Call 1-800-321-1FMC (1362).	

PRECAUTIONARY STATEMENTS Hazards to Human (and Domestic Animals)

WARNING

May be fatal if swallowed. Harmful if inhaled or absorbed through skin. Causes moderate eye irritation. Avoid breathing vapor or spray mist. 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 plus socks

After the product is diluted in accordance with label directions for use, shirts, pants, socks, shoes and waterproof gloves are sufficient.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. 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.

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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 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. 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. Care should be used when spraying to avoid fish and reptile pets in/around ornamental ponds.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow to drift to blooming crops if bees are 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.

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended only for aesthetic purposes or climatic modifications and being grown in ornamental gardens or parks, or lawns and grounds.

Not for use on sod farm turf, golf course turf or grass grown for seed.

Do not apply this product through any kind of irrigation system including lawn sprinkler systems.

Do not allow people or pets on treated surfaces until spray has dried.

Let surfaces dry before allowing people and pets to contact surfaces.

STORAGE AND DISPOSAL

Prohibitions: Do not contaminate water, food or feed by storage or disposal.

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 replace lids and close tightly. Do not put concentrate or dilute material into food or drink container.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call FMC: 1-800-331-3148.

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: Pesticide wastes are toxic. Do not contaminate water, food or feed by storage or disposal. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of federal law. Dispose of excess or waste pesticide by use according to label directions, or contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal Plastic Container: Triple rinse (or equivalent). 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.

General Application Instructions

Biflex® 10 WP Insecticide is a 10% wettable powder formulation, which mixes readily with water and may be used with hand-held and back pack sprayers and mist blowers, ground sprayers, power sprayers, truck mounted sprayers and mist blowers. Do not apply with hand-held or truck mounted cold aerosol ULV sprayers and thermal fogging devices. Do not tank mix with other pesticide products. Remove all exposed food and cooking utensils. Cover all food handling surfaces or wash thoroughly after treatment and before use. Do not use on edible crops.

Pest Control on Outside Surfaces and Around Buildings

For control of Ants, Carpenter Ants, Fire Ants, Armyworms, Bees, Beetles, Biting Flies, Boxelder Bugs, Centipedes, Chiggers, Chinch Bugs, Clover Mites, Crickets, Cutworms, Dichondra Flea Beetles, Earwigs, Elm Leaf Beetles, Firebrats, Fleas, Flies, Gnats, Grasshoppers, Hornets, Japanese Beetles, Midges, Millipedes, Mosquitoes, Moths, Roaches (Including Cockroaches), Scorpions, Silverfish, Sod Webworms, Sowbugs (Pillbugs), Spider Mites, Spiders (Including Black Widow Spiders), Springtails, Ticks (Including Brown Dog Ticks), and Wasps.

*Not for use in California.

Apply Biflex® 10 WP Insecticide using a 0.02 to 0.06% suspension as a residual spray to outside surfaces of buildings including, but not limited to, exterior siding, foundations, porches, window frames, eaves, patios, garages, refuse dumps, lawns such as grass areas adjacent or around private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, garages, fence lines, storage sheds, barns, and other residential and non-commercial structures, soil, trunks of woody ornamentals and other areas where pests congregate or have been seen. Use a spray volume of up to 10 gallons of suspension per 1,000 square feet. Higher application volumes may be used to obtain the desired coverage of dense vegetation or landscaping materials.

Mixing Directions: For 0.02% suspension, mix 0.27 oz. of this product per gallon of water. For 0.06% suspension, mix 0.82 oz. of this product per gallon of water. Do not use household utensils to measure this product. Use the higher rate for heavy pest infestation, quicker knock-down or longer residual control. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed insect activity. Repeat application should be limited to no more than once per seven days.

Perimeter Treatment: Apply to a band of soil and vegetation 6 to 10 feet wide around and adjacent to the structure. Also, treat the foundation of the structure to a height of 2 to 3 feet. Apply 0.27 to 0.82 oz. of this product per 1,000 square feet in sufficient water to provide adequate coverage.

For Ant and Fire Ant Mounds use Biflex 10 WP 0.06% suspension as Drench Method: Apply 1-2 gallons of suspension to each mound area by sprinkling the mound until it is wet and treat a 4 foot diameter circle around the mound. Use the higher volume for mounds larger than 12". For best results, apply in cool weather, such as in early morning or late evening hours, but not in the heat of the day.

Mosquito Control: Dilute 0.27 to 0.82 oz. of this product per gallon of water and apply at the rate of one gallon of dilution per 1,000 square feet as a general spray around landscapes, lawn and buildings to control mosquitoes. For higher volume applications, this product may be diluted at lower concentrations and applied at greater volumes to deliver the desired amount of product per area.

Attention

Do not apply by aircraft.

Do not apply indoors.

Do not apply in greenhouses or nurseries.

Do not apply this product through any kind of irrigation system including lawn sprinkler systems.

Do not apply to pets or crops.

Biflex 10 WP insecticide will not stain any surface that water alone will not stain or damage.

Do not apply this product in livestock buildings (barns).

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 should 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. 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.

In no event shall FMC or seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. 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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