

279-3294

06/18/2007

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

June 18, 2007

Christopher Davis
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Subject: Amendment – add additional efficacy claims (Ants)
Talstar 2% MB Insecticide
EPA Reg. No. 279-3294
Your submission dated January 15, 2007 and e-mail dated June 14, 2007

Dear Mr. Davis:


The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. You have agreed to the following conditions of registration:
 - a. You will submit field data within 18 months from the date of this letter demonstration protection against ants under various conditions. Prior to initiation of this study you will contact us (Mark Suarez) regarding the submitted product.
2. Make the following revisions to the Conditions of Sale and Limitation of Warranty and Liability section:
 - a. Replace "The Directions for Use of this product should be followed carefully" with "The Directions for Use of this product must be followed carefully".
 - b. Replace "To the extent permitted by law ... etc" with "To the extent consistent with applicable law etc". Also add the phrase "To the extent consistent with applicable law" to the beginning of the sentences: "FMC makes no warranties of merchantability or of fitness etc" and "The exclusive remedy of the user or buyer etc".

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

If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.

Sincerely,

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

Enclosure

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Talstar 2% MB Insecticide

Master Batch for Manufacturing Use Only

To be used in the production of plastic films in contact with bananas for importation only, or for the manufacture of plastic film to protect it from subterranean termites and ants.

EPA Reg. No. 279-3294

EPA Est.

Active Ingredient:

Bifenthrin* 2%

Other Ingredients: 98%

100%

*Cis isomers 97% minimum, trans isomers 3% maximum.

U.S. Patent No. 4,238,505

KEEP OUT OF REACH OF CHILDREN

WARNING

See other panels for additional precautionary statements and directions for use.

[FMC Logo]

FMC Corporation
Agricultural Products Group
Philadelphia, PA 19103

Net Contents: 25 Kg

ACCEPTED
with COMMENTS
In EPA Letter Dated
JUN 18 2007
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
279-3294

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FIRST AID (Pyrethroid)	
IF SWALLOWED	<ul style="list-style-type: none"> • Call a poison control center immediately for treatment advice. • Have a 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. • <i>Do not give anything by mouth to an unconscious person.</i>
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 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 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.
HOT LINE NUMBER (Pyrethroid)	
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, the milk, cream or 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)****Warning**

May be fatal if swallowed. Harmful if inhaled or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking or using tobacco. Remove and wash contaminated clothing before reuse.

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Environmental Hazards

This pesticide is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or public waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

STORAGE AND DISPOSAL

Prohibitions: Do not contaminate other pesticides, fertilizers, 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, replace lids and 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: 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. Improper disposal of excess pesticide or rinsate is a violation of Federal law. Dispose of excess waste or 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 Bags: Completely empty bag into equipment. Then disposed of empty bags in a sanitary landfill, or by other procedures approved by State and local authorities.

Only for formulation into an insecticide for

- 1) The following uses:
 - a. In plastic films to be used in contact with bananas for importation only where the product is registered for use in the foreign country;
- 2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and
- 3) Use in the manufacture of plastic sheeting (film) to protect it from subterranean termites and ants. Incorporate Talstar 2% MB Insecticide into plastic sheeting to a maximum concentration of 0.1% wt/wt and a minimum film thickness of 0.5 mm.

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Formulators using this product are responsible for obtaining USEPA registration for their formulated product which may be labeled for the use patterns as found listed on this label.

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 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 permitted by law, FMC or seller shall not 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.

FMC & Talstar Trademarks of FMC Corporation