

APR 23 1992

Mr. Mike Compton
C.J. Martin Company
606 West Main Street
P.O. Box 631090
Nacogdoches, TX 75963

Subject: Amendment - Revise per Diazinon Registration Standard
Martin's Fire Ant Killer
EPA Reg. No. 299-215
Your submission received April 23, 1990

Dear Mr. Compton:

The amendment referred to above, submitted in connection with a registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable provided the following revisions are made prior to release for shipment under the amended labeling:

- 1) The Diazinon Registration Standard stipulates that diazinon outdoor use products are classified as Restricted Use due to avian and aquatic toxicity unless they are registered for application by homeowners to the home yard and/or home garden or by commercial applicators only to home yards. You can clarify the intended use site for this product by revising the front panel claim to read "Aids in Controlling Fire Ants. For Use on Home Lawns and Other Outdoor Home Recreation Areas Only."
- 2) The text of the Hazards to Humans and Domestic Animals should be revised as follows to reflect the toxicology data you are relying upon to support reregistration of this product:

Harmful if swallowed or absorbed through skin. Causes moderate eye injury. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating or smoking. Do not store near food or feed products. Food utensils such as spoons or measuring cups should not be used for food purposes after use in measuring pesticides.

- 3) Based on Ciba-Geigy's toxicology data submitted in support of reregistration of their 5% diazinon granular products, and upon which you are relying for reregistration of the subject product, in the Statement of Practical Treatment add "Get medical attention." to the end of the "If on skin" advice.
- 4) Revise the Environmental Hazards text to read as follows:

This pesticide is highly toxic to birds fish, and other wildlife. Birds, especially waterfowl, feeding or drinking on treated areas may be killed. Do not exceed maximum permitted label rates. Application rates above those recommended significantly increase potential hazards to birds and waterfowl. Keep out of lakes, streams, ponds, tidal marshes, and estuaries. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Runoff may be hazardous to aquatic organisms in neighboring areas. Shrimp and crab may be killed at application rates recommended on this label. Do not apply where fish, shrimp, crab, and other aquatic life are important resources. Do not contaminate water by cleaning of equipment or disposal of equipment wash waters.

- 5) If your company has an emergency telephone number for major spills, fire, or other emergencies, this should appear in the Storage and Disposal directions. Do not list Ciba-Geigy's emergency telephone number, unless you have reached an agreement with them to do so.
- 6) The "Conditions of Sale and Warranty will have to be modified, if you choose to retain them on your label. Firstly, all references to "Ciba-Geigy" must be replaced by the name of your company. Secondly, the statement you copied is intended for a label with crop uses. Reference to "crop injury" is entirely inappropriate, given the use sites for your product. Your company should evaluate the rest of the text to determine the appropriateness of the remainder of the text.
- 7) Revise the first sentence of the directions for aiding in control of fire ants to read as follows to clearly indicate the home-use nature of this product:

To aid in the control of fire ants in home lawns and other outdoor home recreational areas, apply 1/2 cups over, and 2 ft. around, each fire ant mound.

A stamped copy of the label is enclosed for your records. Please submit five copies of the revised amended label prior to release for shipment under the amended label. Labeling released for shipment after the August 31, 1992 deadline imposed by the Diazinon Registration Standard should be the revised amended label.

Sincerely yours,

George T. LaRocca
Product Manager (13)
Insecticide Rodenticide Branch
Registration Division (H7505C)

Storage and Disposal

Storage: Store in original container in a cool, dry, well-ventilated area. Store product in an area inaccessible to children and domestic animals. Do not store near fertilizers, herbicides, other insecticides, seeds, food, or feed.

Pesticide Disposal: Securely wrap original container in several layers of newspaper and discard in trash.

Container Disposal: Do not reuse empty bag. Discard bag in trash.

For minor spills, leaks, etc., follow all precautions indicated on this label and clean up immediately. Take special care to avoid contamination of equipment and facilities during cleanup and disposal of wastes. In the event of a major spill, fire or other emergency, call 1-800-886-8372 day or night.

DIRECTIONS FOR USE AND CONDITIONS OF SALE AND WARRANTY

IMPORTANT: Read the entire Directions for Use and the Conditions of Sale and Warranty before using this product.

Conditions of Sale and Warranty

The Directions for Use of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with 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 CIBA-GEIGY or the Seller. All such risks shall be assumed by the Buyer.

CIBA-GEIGY warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use subject to the inherent risks referred to above. CIBA-GEIGY makes no other express or implied warranty of Fitness or Merchantability or any other express or implied warranty. In no case shall CIBA-GEIGY or the Seller be liable for consequential, special, or indirect damages resulting from the use or handling of this product. CIBA-GEIGY and the Seller offer this product, and the Buyer and user accept it, subject to the foregoing Conditions of Sale and Warranty, which may be varied only by agreement in writing signed by a duly authorized representative of CIBA-GEIGY.

DIRECTIONS FOR USE

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

Spot Treatment

Fire ants: To aid in the control of fire ants in lawns and other recreational areas apply 1/2 cup over, and 2 ft. around, each fire ant mound. Immediately after application, water in thoroughly. Apply gently to avoid disturbing ants. Use of high pressure watering equipment may disturb the ants and cause migration, reducing product effectiveness. A minimum of 1 gallon of water should be applied to each mound area. Resapply as necessary.

Notes: For best results, apply in cool weather, 65-80°F. or in early morning or late evening hours. Works within 24 hours. No waiting for days or weeks. Treat new mounds as they appear.

Working Copy of New Label

yellow



Martin's

ESTABLISHED 1883

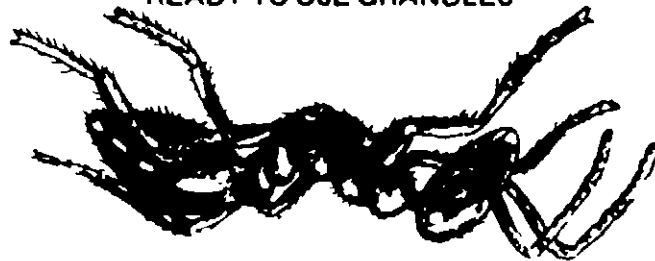
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4991

FIRE ANT KILLER

Aids in Controlling Fire Ants in Lawns and Recreational Areas

READY TO USE GRANULES



KEEP OUT OF REACH OF CHILDREN CAUTION

See Additional Precautionary Statements on Side Panel

NET WEIGHT 25 POUNDS

Active Ingredient:	
Diazinon: 0,0 Diethyl 0-(2-Isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate	5.002
Inert Ingredients:	95.002
Total	100.002

C. J. Martin Company

Precautions Hazards to H

Harmful if breathing dust. Wash thoroughly after contact. Avoid contact with skin. Avoid contact with eyes. Avoid contact with clothing. Avoid contact with food. Avoid contact with feed. Avoid contact with treated areas. Avoid contact with grass or soil.

Statement of Hazard: If swallowed: Wash mouth with water and spit out. If on skin: Wash with soap and water. If in eyes: Rinse with water. If inhaled: Remove to fresh air. See label for first aid instructions.

If on skin: Wash with soap and water. If in eyes: Rinse with water. If inhaled: Remove to fresh air.

Note to Phys: This product contains cholinesterase inhibitors. 2-Pyridyl phosphorothioate in conjunction with diazinon.

Environment: This product is especially toxic to birds. Because of its low volatility, do not apply between November 1st and April 30th. Increase pot granules. With caution or if water treated areas of 1/2 inch of irrigation beak tidal marshes.

Do not apply and pollutes neighboring areas.

Shrimp and crabs are highly sensitive to this label. Do not use in areas where shrimp and crabs are important.

306 W. Main Street

NOT AVAILABLE COPY