

432-821

4-22-2004

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

APR 22 2004

Mr. Adrian Krygsman
Bayer Environmental Science
95 Chestnut Ridge Road
Montvale, NJ 07645

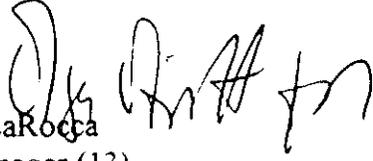
Subject: Label Amendment to Update First Aid Statements (PR Notice 2001-1)
EPA Reg. No. 432- 821
Deltamethrin 5 SC Concentrate
Your Submission Dated December 12, 2003

Dear Mr. Krygsman:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, 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. Since this product is in acute toxicity category IV for the oral route of exposure, the "If swallowed" first aid statement is not required.
2. Under Disclaimer of Warranties revise the statement beginning with: "Bayer Environmental Science disclaims any liability whatsoever..." to read: "To the extent permitted by law Bayer Environmental Science disclaims any liability whatsoever...". As currently written 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. Under Directions for Use delete "...and is not for resale under this label". This statement conflicts with the formulator exemption rights under FIFRA.

If you have any questions regarding this action, please contact Olga Odiott of my team at (703) 308-9369.

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

Enclosure

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# Deltamethrin 5 SC Concentrate

- \* MANUFACTURING USE PRODUCT
- \* AN INSECTICIDE FOR FORMULATION PURPOSES ONLY

**ACTIVE INGREDIENTS:**

\*Deltamethrin\*\* ..... 4.75%

**INERT INGREDIENTS:** ..... 95.25%  
100.00%

\*(s)-alpha-cyano-3-phenoxybenzyl-(1R,3R)-3-(2-2dibromovinyl)-2,2-dimethyl-cyclopropanecarboxylate  
\*\*Contains 2 pounds of Deltamethrin per gallon.

**ACCEPTED**  
**with COMMENTS**  
**In EPA Letter Dated**  
**APR 22 2004**  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
432-821

EPA REG. NO. 432-821

EPA EST. NO.

**KEEP OUT OF REACH OF CHILDREN**

## CAUTION

FIRST AID	
IF INHALED:	<ul style="list-style-type: none"> <li>● Move person to fresh air.</li> <li>● If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>● Call a poison control center or doctor for further treatment advice.</li> </ul>
IF SWALLOWED:	<ul style="list-style-type: none"> <li>● Call a poison control center or doctor immediately for treatment advice.</li> <li>● Have person sip a glass of water if able to swallow.</li> <li>● Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>● Do not give anything by mouth to an unconscious person.</li> </ul>
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of medical emergencies or health and safety inquiries or in case of fire, leaking or damage containers, call 1-800-334-7577.	

See Side Panel For Additional Precautionary Statements

NET CONTENTS:

### BAYER ENVIRONMENTAL SCIENCE

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## PRECAUTIONARY STATEMENTS Hazards To Humans And Animals

### CAUTION

Harmful if inhaled. Avoid breathing vapors or spray mist. Contact with product may result in transient tingling and reddening of the skin. Remove contaminated clothing and wash before reuse.

### Environmental Hazards

This product is extremely toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other 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 local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

### DIRECTIONS FOR USE

#### FOR FORMULATION OF INSECTICIDES ONLY

It is a violation of Federal law to use this product in a manner inconsistent with this label. This product is for the formulation of insecticides only and is not for resale under this label.

#### INSTRUCTION TO FORMULATORS

Formulators using this product are responsible for obtaining EPA registrations for their formulated product(s).

Only For Formulation Into An Insecticide For The Following: In and Around Non-Food Areas of Residential, Industrial and Institutional Structures and Their Immediate Surroundings and Various Modes of Transportation.

### STORAGE AND DISPOSAL

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

**Storage:** Mix as needed. Store in original container in a secured dry storage area. Avoid extremes in temperatures. Prevent cross-contamination with other pesticides and fertilizers. If the container is leaking and/or material is spilled, on floor or paved surfaces, absorb on swadust or other commercially available absorbing material, sweep up and remove to chemical waste area for your disposal. Concentrate is stable at normal storage temperatures.

**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:** Triple rinse (or equivalent) then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

### IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following conditions, disclaimer of warranties and limitations of liability.

**CONDITIONS:** The directions for use of this product are believed to be adequate and should be followed carefully. However, because of manner of use and other factors beyond Bayer Environmental Sciences's control, it is impossible for Bayer Environmental Science to eliminate all risks associated with the use of this product. As a result, crop injury

or ineffectiveness is always possible. All such risks shall be assumed by the user or buyer.

**DISCLAIMER OF WARRANTIES:** BAYER ENVIRONMENTAL SCIENCE MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer Environmental Science USA LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. Aventis Environmental Science disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

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### Bayer Environmental Science

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