

432-877

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

DEC 29 2006

Joseph A. Conti
Bayer Environmental Science SA
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Response to EPA Letter Dated July 30, 2004

EPA Reg. No. 432-877
Permanone® Technical Insecticide III
Your Submission Dated July 30, 2004

Dear Mr. Conti:

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.

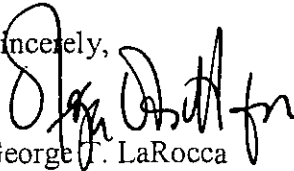
1. Under Directions for Use revise entry No.10 to reflect use for nursery plant containers only. Data supporting other uses (insulation, gaskets, garbage bags, etc) have not been submitted nor has a risk assessment been conducted.
2. Delete the statement beginning "These products depending on their claim and/or integrity..." The end use products associated with this technical are for impregnation of nursery containers only.
3. Under Directions for Use include incorporation into nursery pots at a concentration of 0.5% w/w (500 ppm) also since applications for 1% and 0.5% impregnated pots have been submitted.
4. Under Conditions revise the first sentence to read: "*The directions for use of this product are believed to be adequate and must be followed carefully*".
5. Delete "Not for resale under this label" since it is in conflict with the formulator exemption under 40 CFR 152.85.

6. Under Disclaimer of Warranties and Limitations of Liability add *"To the extent consistent with applicable law"* in front of:
- o *"Bayer Environmental Science USA LP makes no other warranties..."*
 - o *"Bayer Environmental Science disclaims any liability whatsoever..."*
 - o *"The exclusive remedy of the user or buyer for..."*

A copy of the efficacy review memorandum is enclosed for your records.

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 (7505P)

Enclosure



Permanone®

Technical Insecticide III

Specimen Label

- * AN INSECTICIDE FOR MANUFACTURING/FORMULATING USE ONLY
- * NOT FOR RESALE UNDER THIS LABEL

ACTIVE INGREDIENT:

Permethrin 92.00%

OTHER INGREDIENTS: 8.00%

100.00%

EPA REG. NO. 432-877

EPA EST. NO.

KEEP OUT OF REACH OF CHILDREN

CAUTION

ACCEPTED
with COMMENTS
in EPA Letter Dated
DEC 29 2006
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
432-877

FIRST AID

- IF SWALLOWED:**
- Call a 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 ON SKIN:
OR CLOTHING:**
- 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:**
- 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:**
- 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

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-334-7577 for emergency medical treatment information.

For Product Information Call, Toll-Free: 1-800-331-2867

In case of Medical emergencies or health and safety inquiries or in case of fire, leaking or damaged containers, information may be obtained by calling 1-800-334-7577.

See Side Panel for Additional Precautionary Statements

NET CONTENTS:

PRECAUTIONARY STATEMENTS Hazards To Humans & Domestic Animals

CAUTION

Harmful if swallowed or absorbed through skin. Avoid contact with eyes, skin and clothing. Washing hands thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco will reduce exposure. Removing and washing contaminated clothing before reuse may reduce exposure.

Environmental Hazards

This product is toxic to fish. 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. Do not contaminate water by cleaning of equipment or disposal of wastes.

Physical And Chemical Hazards

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

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

Only for formulation into an insecticide for the following uses:

- | | |
|---------------------------------------|----------------------------|
| 1. Food Crops (Domestic Outdoor Only) | |
| Alfalfa | Leafy Vegetables |
| Almonds | Mushrooms |
| Apples | Onions (Dry Bulk & Garlic) |
| Artichokes | Papaya (FL only) |
| Asparagus | Peaches |
| Avocados | Pears |
| Cherries | Peppers, Bell |
| Cole Crops ¹ | Pistachios |
| Cucurbit Vegetables ² | Potatoes |
| Eggplant | Range Grass |
| Field Corn/Popcorn/
Seed Corn | Soybeans |
| Filberts | Sweet Corn |
| Horseradish | Tomatoes |
| | Turnips |
| | Walnuts |

¹COLE CROPS: Broccoli, Chinese broccoli, Brussels, sprouts, cabbage, Chinese cabbage, cauliflower, collards and mustard greens.

²CUCURBIT VEGETABLES: Chayote (fruit); Chinese waxgourd (Chinese preserving melon); citron melon; cucumber, gherkin; gourds, edible (includes hyotan, cucuzza, hechima, Chinese okra); Momordica spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber); muskmelons, including hybrids such as true cantaloupe, cantaloupe, casaba, crenshaw, golden pershaw melon, honeydew melons, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, snake melon); pumpkin; squash, summer (includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini) and winter (butternut squash, calabaza, hubbard squash, acorn

squash, spaghetti squash); watermelon, including hybrids.

³LEAFY VEGETABLES (Except Brassica): Amaranth (leafy amaranth, Chinese spinach, tampala); arrugala (roquette); cardoon; celery; Chinese celery; celtuce; chervil; corn salad; chrysanthemum, edible-leaved; chrysanthemum, garland; cress, garden; cress, upland (yellow rocket, winter cress); dandelion dock (sorrel); endive (escarole); fennel, Florence; lettuce (head and leaf); orach; parsely; purslane, garden; purslane, winter; radicchio (red chicory); rhubarb; spinach; spinach, vine (Malabar spinach, Indian spinach); spinach, New Zealand; Swiss chard.

2. Terrestrial Nonfood:
 - Christmas Trees (container & field-grown)
 - Chrysanthemums
 - Conifers (container & field-grown)
 - Ornamentals/Nursery Stock (field-grown)
 - Pine Seed Orchards
 - Roses (field-grown & greenhouse)
3. Domestic Farm Animals:
 - Cattle
 - Horses
 - Hogs
 - Poultry
4. Agriculture Premise
5. Companion Animals
6. General Outdoor Insect Control
7. Mosquito and biting Fly Control
8. General Indoor Insect Control
 - Food/Feed Handling Establishments Places other than private residences in which food/feed is held, processed, prepared or served.
 - Nonfood/feed Areas: May be used to manufacture end-use products for use as a general spot or crack and crevice treatment in non-food/feed areas. Similar areas where insects hide or through which insects may enter can be treated. Examples of nonfood/feed areas including garage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage (after canning or bottling).
 - Food/Feed Areas: May not be used to manufacture products for use in food/feed areas. Do not use in food areas of food handling establishments, restaurants or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared foods are served such as dining rooms but excluding areas where foods may be prepared or held. In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food should be covered or removed. Examples of food areas are areas for receiving, storage, packing (canning, bottling, wrapping, boxing), preparing, edible waste storage and enclosed processing systems (mills, dairies, edible oils, syrups). Serving areas (when food is exposed and facility is in operation) also would be considered a food area.
9. Fiber Product Protection
 - NOTE: Not for use to formulate products to be used in warehouses where raw or cured tobacco is stored or while raw agricultural com-

modities for food or feed are stored, or in greenhouses where crops for food feed are grown.

- For use in the manufacture of polyethylene products to protect repel and/or control from imported fire ants, these products may include but are not limited to; plant containers insulation, gaskets, garbage bags, etc. These products depending on their claim and/or integrity of the finished product may require specific EPA registration and labeling or may qualify for the treated article exemption. The producer of the finished product is responsible for determining the specific regulatory requirements in conjunction with the US EPA. For optimum performance, permethrin should be incorporated into the polyethylene at the rate of 10% w/w (10000 ppm) active ingredient, to be further diluted in the manufacturing process to a concentration of 1% w/w (1000 ppm) active ingredient. Or permethrin can be added directly to the polyethylene batch to produce a final concentration of 1% (1000 ppm) active ingredient. Red imported fire ants which come into contact with treated polyethylene products will be killed or repelled.

STORAGE & DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
Storage: Keep container closed when not in use. Do not store near food or feed. Protect from freezing. IN case of spill or leak on floor or paved surfaces, soak up with sand, earth or synthetic absorbent. Remove to chemical waste area. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.
Pesticide Disposal: Wastes resulting from the use of this product may be disposed of 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 other approved state and local procedures.

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 Science'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 USA LP 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 is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. Bayer Environmental Science disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER ENVIRONMENTAL SCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.
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