

432-1230

03/11/2009

1/7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MAR 11 2009

Mr. Richard M. Gorrell
Manager, Registrations
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, N.C. 27709

Re: Notification to revise the Warranty Statement per the EPA Warranty Guideline dated
October 17, 2009
EPA Reg No.: 432-1230
Date of Submission: January 13, 2009

Dear Mr. Gorrell:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 13, 2009, for the product, Proxy. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number.

Application for Pesticide - Section I

1. Company/Product Number 432-1230	2. EPA Product Manager Mr. Tony Kish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Proxy	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Drive Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. <u>NOTIFICATION</u> Product Name <u>MAR 11 2009</u>	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

- Notification to revise the warranty statement as per the EPA warranty guideline dated October 17, 2006

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On labelling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph Paper glued Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Richard M. Gorrell		Title Manager, Registrations		Telephone No. (Include Area Code) (919) 549-2423	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature <i>Richard M. Gorrell</i>			3. Title Manager, Registrations		
4. Typed Name Richard M. Gorrell		5. Date January 13, 2009			

3/7



Bayer Environmental Science

January 13, 2009

EPA09RMG0113ProxyNotifWarranty
FEDEX

Ms. Linda Arrington
Document Processing Desk (7504P)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
Arlington, VA 22202-4501

RE: Proxy (432-1230): Notification of revision of the label warranty statement as per the EPA
Warranty Statement Guideline (October 17, 2006)

Dear Ms. Arrington:

Bayer Environmental Science (BES) is notifying the EPA of a revision to the label warranty
statement as prescribed in the warranty statement guideline published by the Agency on
October 17, 2006.

The following documents are enclosed with this letter:

- Application Form 8570-1
- 1 highlighted and 4 plain copies of the revised label

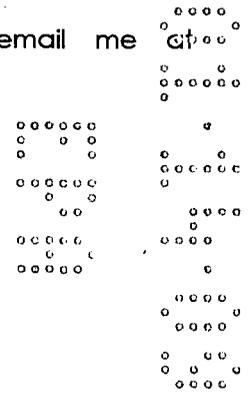
Bayer Environmental
Science
2 T.W. Alexander Dr.
RTP, NC 27709
Phone : 919.549.2000

If you have any questions, contact me at (919) 549-2423 or email me
mike.gorrell@bayercropscience.com.

Sincerely,

Richard M. Gorrell
Manager, Registrations

Cc: Karen Shearer
Scott Welge



A Business Group of
Bayer CropScience

4/7

NOTIFICATION

MAR 11 2009

PROXY®

**For Commercial Use on Turf including Golf, Parks, and Sports Turf.
Not For Residential Use.**

ACTIVE INGREDIENT: Ethephon [(2-chloroethyl)phosphonic acid]* 21.7%

OTHER INGREDIENTS: 78.3%

*Contains 2 pounds ethephon per gallon.

EPA Reg. No. 432-1230

EPA Est. No. 264-PA-01

KEEP OUT OF REACH OF CHILDREN DANGER PELIGRO

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

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577

For PRODUCT USE Information Call 1-800-334-9745

FIRST AID

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 SWALLOWED:	<ul style="list-style-type: none"> • 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 a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 ambulance, and then give artificial respiration preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.

NOTE TO PHYSICIAN

Probable mucosal damage may contraindicate the use of gastric lavage. No specific antidote is available. All treatments should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred.

Victims of severe overexposure, by inhalation, should be kept under medical observation for up to 72 hours for delayed onset of pulmonary edema. In a victim of overexposure by ingestion, careful gastric lavage is required due to the possibility of stomach or esophageal perforation. This material is an acid, but the use of alkaline substances to neutralize it is contraindicated.

PRECAUTIONARY STATEMENTS

DANGER HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Corrosive: Causes irreversible eye damage. Wear safety goggles when handling. Harmful if swallowed or absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Do not inhale vapors, as this product will irritate mucous membranes.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical-resistance selection chart.

Applicators and other handlers must wear long-sleeved shirts and long pants, chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride, shoes plus socks and protective eyewear.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product 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.

User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Users should remove clothing immediately if pesticide gets inside. Then wash body thoroughly and change into clean clothing. The contaminated clothing should be washed before reuse.

Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing. Wash the outside of gloves before removing.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations. Read entire label before using this product.

STORAGE AND DISPOSAL

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

STORAGE

Store in original container and keep tightly closed. Store in a cool dry place.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. 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.

GENERAL USE

Proxy is a plant growth regulator that may be used to suppress the formation of seedheads of various plants including *Poa annua* and white clover and also to suppress the growth of certain cool season grasses. PROXY is foliarly absorbed and is most effective on actively growing healthy turf. For best results, apply in sufficient volume of water to provide uniform coverage. Use of a spreader/sticker with an application of PROXY is not necessary. PROXY is rainfast within 2 hours. Do not allow entry into treated area until PROXY has dried. For maximum performance, delay mowing until the day after application.

PRECAUTIONS AND RESTRICTIONS

Do not use this product for purposes other than those listed on the label.

Do not treat turfgrass with poor root systems or growing under stress due to poor soil conditions, drought, disease, or insect damage.

Do not use PROXY in areas where excessive thatch has accumulated.

Do not contaminate water used for irrigation or domestic purposes.

Do not apply PROXY through any type of irrigation system.

Avoid spray drift to nearby crops, as this product will cause modifications in plant growth. Plant injury may result.

Scalping may occur on creeping bentgrass cultivars after more than 2 applications of Proxy for *Poa* seedhead suppression.

Proxy has been used successfully on many bentgrass cultivars. Tolerance testing should be done on new cultivars before extensive use.

Mix only the amount of spray you expect to use each day. Do not allow mixed solution to stand overnight.

Do not buffer spray solutions.

Test tank mixes with other products on a small area before using widely.

IMMEDIATELY RINSE ANY SPILLS WITH PLENTY OF WATER AS PROXY® IS CORROSIVE.

DO NOT MIX PROXY WITH AMMONIUM THIOSULFATE. SUCH TANK MIXTURES MAY RESULT IN FORMATION OF TOXIC FUMES

DO NOT EXCEED A MAXIMUM OF 30 OZ OF PROXY PER 1,000 SQ FT PER YEAR.

EQUIPMENT CLEANING

Prolonged exposure to spray deposits will damage acrylic plastics, certain paints, and metals because of the acidic nature of this product.

Rinse thoroughly all exposed acrylic-plastic materials and painted surfaces with a detergent and water within one hour after exposure to spray deposits.

TURF

Seedhead Suppression: Foliar application of Proxy will provide suppression of *Poa annua* and white clover seedheads. Make the initial application prior to the emergence of new seedheads. A period of 2-3 weeks after application is required for maximum performance. Repeat applications may be made to predominately *Poa annua* or white clover sites as needed, but not less than two weeks after the previous application. Follow other general recommendations and precautions on the label.

APPLICATION	SITES	RATE	SPRAY VOLUME
<u>Poa annua and White Clover Seedhead Suppression:</u> Reapplication interval: 2 weeks or greater for all labeled grasses	Golf course turf including Greens, Tees, Fairways, and Roughs Commercial Turfgrasses including Bentgrass, Kentucky Bluegrass, Perennial Ryegrass, Tall & Fine Fescue, and Bermudagrass	5 fl oz/1,000 sq ft	1.0-2.0 gal/1,000 sq ft

Tank Mixture with Primo MAXX: Tank mixtures of Proxy at 5 oz per 1,000 sq ft and Primo MAXX at 0.125 or 0.25 ounce per 1,000 sq ft can be used to promote seedhead suppression as well as turfgrass quality. Multiple applications of the tank mix combination may be needed. The number of applications must not exceed recommendations for rates or timings for either product applied once. Follow the recommendation on each product label for the most restrictive application interval for each turfgrass. Application of this tank mixture during frost periods may cause temporary turf discoloration.

Growth Suppression: An application of PROXY® slows the growth of turfgrasses, thus reducing the required frequency of mowing and the volume of clippings collected. For best turfgrass growth regulation, apply Proxy when daytime air temperatures are 65°F and rising. Proxy should only be applied once turfgrass mowing heights have been established for the season. Avoid multiple applications of Proxy in areas where excessive thatch has accumulated.

APPLICATION	SITES	RATE	SPRAY VOLUME
<u>Turfgrass Growth Regulation</u> Reapplication intervals: <ul style="list-style-type: none"> • Kentucky Bluegrass-7 weeks • Perennial Ryegrass-7 weeks • Tall/Fine Fescue-4 weeks • Bentgrass-4 weeks 	Golf course turf including Greens, Tees, Fairways, and Roughs Commercial Turfgrasses including Bentgrass, Kentucky Bluegrass, Perennial Ryegrass, Tall & Fine Fescue	5 fl oz per 1,000 sq ft	1.0-2.0 gal per 1,000 sq ft

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 must be followed carefully. However, it is impossible to eliminate all risks associated with the 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 Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE 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 CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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 CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

PROXY is a registered trademark of the Bayer Group

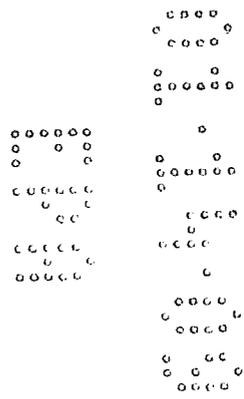
Net Contents:



Bayer Environmental Science

Bayer Environmental Science

**A Business Group of Bayer CropScience LP
PO Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, NC 27709**



PROXY GROWTH REGULATOR (MASTER) 04/26/05, Notif 01/13/09