

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



OFFICE OF  
PREVENTION, PESTICIDES,  
AND TOXIC SUBSTANCES

August 18, 2006

Dr. Norma C. Pangilinan  
Bayer CropScience  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709

Dear Dr. Pangilinan:

Subject: Submission of label amendment to delete pet and agricultural uses  
New primary brand name  
BES Garden Dust 5%  
EPA Registration No. 432-1239  
Your submission dated June 14, 2005

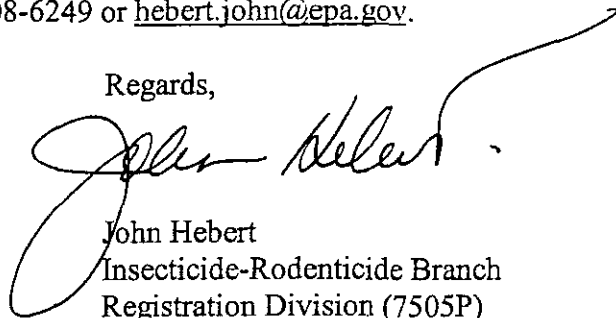
The labeling amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable with the following provisions:

1. The warranty and liability statement for *small packages* should be modified to read, "...**To the extent consistent with applicable law**, Manufacturer makes no other express or implied warranty of fitness or merchantability or any other express or implied warranty. **To the extent consistent with applicable law**, in no case shall Manufacturer be liable for consequential, special or indirect damages resulting from the use, handling or application of this product. **To the extent consistent with applicable law**, Manufacturer at its discretion shall only be liable for the replacement of the product or refund of the purchase price."
2. The "Limitations of Liability" paragraph of the alternate warranty and liability statement for *large packages* should be modified to read, "**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 of the price paid, or at Bayer CropScience's LP election, the replacement of product."

State and local laws may not allow certain disclaimers of liability or damages. Therefore, the user/buyer may have a remedy under other law governing warranties. For this reason, the phrase "to the extent consistent with applicable law" must be added to avoid the statements being false or misleading.

Submit two copies of your final printed labeling before you release the product for shipment. A stamped copy is enclosed for your records. If you have any questions, please contact me at (703) 308-6249 or [hebert.john@epa.gov](mailto:hebert.john@epa.gov).

Regards,

A handwritten signature in black ink, appearing to read "John Hebert", with a long, sweeping flourish extending to the right.

John Hebert  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

(Enclosure)

AUG 18 2006

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
an amendment for the pesticide  
registered under FIFRA Reg. No.  
432-1239

# BES GARDEN DUST 5%

For use on Vegetables, Fruits, Ornamentals and  
Lawns.  
For Flea and Tick Control.  
Kills Japanese Beetles.

Kills Over 65 Insects on Vegetables, Fruits,  
Ornamentals and Lawns.  
Ready-to-Use 5% Dust  
Bug Killer

**ACTIVE INGREDIENT:**

Carbaryl (1-naphthyl N-methylcarbamate).....	5.0%
INERT INGREDIENTS.....	95.0%
Total.....	100.0%

EPA Reg. No. 432-1239

EPA Est. 67572-GA-I

**Keep Out of Reach of Children**

**CAUTION**

See back panel for additional  
Precautionary statements.

<b>FIRST AID</b>	
This product is a N-methyl carbamate and is a cholinesterase inhibitor	
<b>If Swallowed</b>	<ul style="list-style-type: none"> <li>• Call 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>
<b>If Inhaled</b>	<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>
<b>If in Eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If on Skin or Clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>HOTLINE NUMBER</b>	
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 treatment information.	
<b>NOTE TO PHYSICIAN</b>	
CARBARYL is an N-methyl carbamate insecticide which is a cholinesterase inhibitor. Specific antidote is atropine. Narcotics and other sedatives should not be used. Drugs like 2-PAM (pyridine-2-aldoxime methiodide) are NOT recommended.	

**PRECAUTIONARY STATEMENTS**

**HAZARDS TO HUMANS & DOMESTIC ANIMALS**

**CAUTION**

Harmful if swallowed or inhaled. Avoid breathing dust. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

**Environmental Hazards**

This pesticide is extremely toxic to aquatic and estuarine invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of waste. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

**User Safety Requirements**

- Wear long-sleeved shirt, long pants, shoes plus socks and household latex or rubber gloves when applying this product.
- Wash the outside of gloves before removing. As with any pesticide product, wash hands thoroughly immediately after handling and before eating, smoking or using the toilet.
- Do not allow children or pets to contact treated area until dust has settled.

**DIRECTIONS FOR USE**

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

**Storage and Disposal**

**Storage:** Store pesticide in original container and place in a locked storage area

**Disposal:** If empty: Do not reuse this container. Place in trash or offer for recycling if available.

**If partly filled:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

**General Directions**

Do not apply this product through any type of irrigation system. Subsequent planting of food and feed plants in treated soil must be made with plants on this or other carbaryl labels. Some phytotoxicity may occur on tender foliage in the presence of rain or high humidity of several days' duration following application. Begin applications when insect or damage is first observed and repeat as directed below.

Wearing household latex or rubber gloves, use a dust applicator such as a shaker can, dust gun, puffer or other bulbous duster, rotary duster or other appropriate duster as available. Dust lightly to cover both upper and lower leaf surfaces with a thin, even film of dust apply when air is calm to avoid drift and contact with eyes and skin. Start applying at the farthest corner of the treatment area and work backward to avoid contact with dusted surfaces. Allow dust to settle in treated areas before reentering. For plants above chest light, consider using a liquid carbaryl product. Do not repeat applications more than once a week.

Preharvest Use Limitation: Observe the following preharvest intervals (number of days between last application and harvest) for application during the growing season:

Crop	Preharvest Interval (Days)	Crop	Preharvest Interval (Days)
Sweet Corn	2	Dried beans	21
Garden beets (roots), radishes, rutabagas, turnips (roots), carrots, potato, blackberries, boysenberries, dewberries, loganberries, raspberries blueberries, grapes and strawberries	7	Fresh beans, broccoli, brussel sprouts, cabbage, cauliflower, kohlrabi, cantaloupe, cucumber, melons, pumpkins, squash, eggplant, pepper and tomato	3
Collards, garden beets (tops), kale lettuce (head and leaf), mustard greens, spinach and turnip (tops)	14		
VEGETABLES			
Plant	Insect Pests	Rate Pounds Per 1000 Sq. Ft.	Comments
Beans	Bean leaf beetle, cucumber corn earworm, flea beetles, Japanese beetles, leafhoppers, Mexican bean beetle	0.5	Where Mexican bean beetle is the only problem a rate of 0.25 pound per 1000 sq. ft. is sufficient
	Lygus bug, Lima bean pod borer, stink bugs	1.0	
Broccoli, brussel sprouts, cabbage cauliflower, kohlrabi	Flea beetles, harlequin bugs	0.25-0.5	
	Armyworms, corn earworm. diamond-back moth larvae. imported cabbageworm	0.50-1.0	Will not control cabbage loopers.
Collards, garden beets, kale, lettuce, mustard greens, radishes, rutabagas spinach, turnips	Flea beetles, harlequin bug. leafhoppers	0.25 -0.5	
	Armyworms, corn earworm Diamond-back moth larvae. Imported cabbageworm, stink Bugs, tarnished plant bug	0.5-1.0	For best control of corn earworm after lettuce heads begin to form use 1.0 lbs. per 1000 sq. ft. will not control cabbage loopers.
Cantaloupe, cucumbers, melons, pumpkins, squash	Cucumber beetles, flea beetles melonworms, pickleworm, squash bug	0.50	
corn	Corn earworm. European Corn borer. Fall armyworm. Japanese beetles. Sap beetles	0.75-1.0	For budworm damage in the whorl, apply to entire plant. For insects attacking silks and ears apply at 2 to 3 day intervals making first application when first silks appear and continues until silks begins to dry. three or more applications may be required depending upon severity of infestation.

Carrots	Flea beetles, leafhoppers lygus bugs, spittlebugs, Stink bugs	0.5-1.0	
Eggplants, pepper tomato	Fall armyworm, flea beetles, leafhoppers, tomato fruitworm	0.5	
	European corn borer, stink bugs, tomato hornworm	0.5-1.0	
potato	Colorado potato beetle flea beetles, leafhoppers	0.25 0.5	
	lygus bugs	1.0	
<b>SMALL FRUIT</b>			
<b>Plant</b>	<b>Insect Pests</b>	<b>Rate Pounds Per 1000 Sq. Ft.</b>	<b>Comments</b>
Blackberries, boysenberries, straw- berries, loganberries	Japanese beetles, leafhoppers, leafrollers raspberry aphid	1.0	
Blueberries	Blueberry maggot, cherry fruitworms, cranberry fruitworms, Japanese beetles	0.75-1.0	Apply 3 weeks before harvest and repeat 10 days later if necessary.
Grapes	Grape leaffolder, grape leafhopper, grape leaf skeletonizer	0.5-1.0	Apply just before first brood leaffolder larvae emerge from rolls and as needed for leafhoppers.
	Grape berry moths, Japanese beetle, June beetle red-banded leafroller	1.0	
Strawberries	meadow spittlebug, strawberry leafroller, strawberry weevil	0.5-1.0	

### ORNAMENTALS

To control bagworm, blister beetles, boxelder bug, boxwood leafminer, flea beetles, Japanese beetle, lacebugs, leafhoppers, leafrollers, periodical cicada, plant bugs, psyllids, rose aphid, rose slug, scale insects in the crawler stage, tent caterpillars and exposed thrips, apply thoroughly to the infested plants at first sign of damage and repeat at 7 day intervals or as necessary for good insect control. To obtain scale control apply in spring and early summer when scale crawlers are present.

### LAWNS

To control ants, chiggers, earwigs, fall armyworm, fleas, leafhoppers, millipedes, sod webworm, sowbugs, spiders and ticks, apply at the rate of 4 pounds per 1000 square feet. For best results, apply after rain or watering and do not water for least 2 days after application. Repeat in 2 to 3 weeks if necessary.

This container is sold by weight, NOT by volume. You can be assured of the proper weight even though some settling of contents normally occurs during transportation and handling.

**IMPORTANT:** Read the entire Directions For Use before using this product. If terms are not acceptable, return the unopened product container at once. Disclaimer: Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the specific purposes referred to in the Directions for Use, subject to the inherent risks referred to above. Manufacturer makes no other express or implied warranty of fitness or merchantability or any other express or implied warranty. In no case shall Manufacturer be liable for consequential, special or indirect damages resulting from the use, handling or application of this product. In any case, Manufacturer at its discretion shall only be liable for the replacement of the product or refund of the purchase price.

*[Alternate wording for large package sizes]*

**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, because of manner of use and other factors beyond Bayer CropScience's LP control it is impossible for Bayer CropScience LP 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:** 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:** 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'S LP ELECTION, THE REPLACEMENT OF PRODUCT.

**Net Contents: \_\_\_\_\_ oz. (lbs.)**

For more information to [www. Gardening123.com/productinfo](http://www.Gardening123.com/productinfo)

**Manufactured by:  
CONTRACT PACKAGING, INC.  
P.O. Box 1508  
Covington, GA 30209-1508**



**Bayer Environmental Science**

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

BES Garden Dust 5% (PENDING) Submitted 06/14/05, Resubmitted 08/14/06