

432-1277

11/14/2006

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

OFFICE OF
PREVENTION OF PESTICIDES AND
TOXIC SUBSTANCES

November 14, 2006

Dr. Jan Brill
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

NOV 14 2006

Dear Dr. Brill,

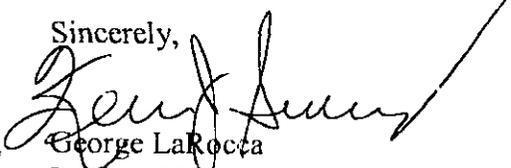
Subject: Agency Initiated Action PR Notice 2005-1 – Product Labeling
Permethrin Ready-To-Use Insecticide
EPA Reg. No. 432-1277
Submission dated November 1, 2006

The label amendment above, submitted in connection with the Federal Insecticide, Rodenticide, and Fungicide Act (FIFRA) is acceptable provided you make the following change:

1. Under the section entitled "Aerial Application" change the sentence "Do not apply by fixed wing aircraft at a height less than 100 feet, or by helicopter at a height less than 75 feet unless specifically approved by the state or tribe based on public health needs" to "Do not apply by fixed wing aircraft at a height less than 100 feet, or by helicopter at a height less than 75 feet."

Please note that the availability of EPA's reregistration eligibility document (RED) for products containing permethrin was published in the FR on June 28, 2006 (Vol. 71 No. 124 pg. 36788). Additional data or labeling changes may be required for products containing permethrin.

A stamped copy is enclosed for your records. Please submit two (2) copies of the final printed label before releasing the product for shipment. If you have any questions, please contact Kevin Sweeney at (703) 305-5063.

Sincerely,

George LaRocca
for Product Manager 13
Registration Division (7505P)
Insecticides Branch

Enclosure

PERMANONE® READY-TO-USE INSECTICIDE

FOR USE ONLY BY FEDERAL, STATE, TRIBAL OR LOCAL GOVERNMENT OFFICIALS RESPONSIBLE FOR PUBLIC HEALTH AND VECTOR CONTROL, OR BY PERSONS CERTIFIED BY THE STATE OR TRIBAL LEAD PESTICIDE REGULATORY AGENCY TO PERFORM ADULT MOSQUITO CONTROL APPLICATION, OR BY PERSONS UNDER THEIR DIRECT SUPERVISION

- * CONTROL OF INSECT PESTS IN RESIDENTIAL AND RECREATIONAL AREAS
- * QUICK KNOCKDOWN
- * CONTAINS 0.289 LBS/GALLON PERMANONE®
- * KILLS: MOSQUITOES, GNATS, BITING AND NON-BITING MIDGES, BLACKFLIES, AND OTHER BITING FLIES.
- * APPLICATION SITES: ANIMAL HOUSES, CORRALS, DRIVE-IN THEATERS, FEEDLOTS, GARDENS, GOLF COURSES, PARKS, PLAYGROUNDS, RECREATIONAL AREAS, ROADSIDES, TIRE DUMPS, URBAN AREAS AND ZOOS.

ACCEPTED
with COMMENTS
In EPA Letter Dated
NOV 14 2000
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
432-1277

ACTIVE INGREDIENTS:

Permethrin*	3.98%
Piperonyl Butoxide Technical**	8.48%
OTHER INGREDIENTS†	87.54%
TOTAL	100.00%

*3-(phenoxyphenyl) methyl (+/-) cis/trans 3-(2,2-dichloroethenyl) 2,2-dimethyl cyclopropanecarboxylate, Cis/trans ratio: Max. 65% (+/-) trans and min. 35% (+/-) cis.
**Equivalent to min. 6.784% (butylcarbityl)(6-propylpiperonyl) ether and 1.686% related compounds.

†Contains petroleum distillate

PRECAUCION AL CONSUMIDOR: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.
(TO THE USER: If you cannot read English, do not use this product until the label has been fully explained to you.)

EPA REG. NO.: 432-1277

EPA EST. NO.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
[Synthetic Pyrethroid]	
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 damaged containers, information may be obtained by calling 1-800-334-7577.	
Note To Physician: Contain petroleum distillates - vomiting may cause aspiration pneumonia.	

**See Side Panel For Additional
Precautionary Statements.**

NET CONTENTS:

PRECAUTIONARY STATEMENTS
Hazards To Humans & Domestic Animals

CAUTION

Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body. Do not contaminate water when disposing of equipment wash waters.

This pesticide is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow drift when bees are actively visiting the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes, or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort. Applications should be timed to provide the maximum possible interval between treatment and the next period of bee activity.

Physical or Chemical Hazards

Combustible. 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.
READ ENTIRE LABEL FOR DIRECTIONS

GENERAL

Do not exceed 25 applications at 0.007 pounds of permethrin per acre (not to exceed a total of 0.18 pounds of permethrin per acre) in any given season. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations. Application during the cooler hours of the night or early morning is recommended.

PERMANONE RTU Insecticide is recommended for application as an ultra low volume (U.L.V) nonthermal aerosol (cold fog) to control adult stages of the listed insects in residential, recreational and other areas where these insects are a problem. Best results are expected by application when weather conditions favor an inversion of temperatures in the area treated. For best results, treat when mosquitoes are most active and weather conditions are conducive to keeping the fog in the air column close to the ground, e.g. cool temperatures and wind speeds are equal to or greater than 1 mph. Early morning and evening are the best times for application. All types of applications should be conducted at temperatures above 50°F.

Do not allow spray treatment to drift on pastureland, cropland, poultry ranges or potable water supplies. Do not use on crops for food, forage or pasture.

In treatment of corrals, feed lots, swine lots and zoos, cover any exposed drinking water, drinking fountains and animal feed before application.

Before making the first application of the season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

Spray Droplet Size Determination

Ground Equipment:

Spray equipment must be adjusted so that the volume median diameter is less than 30 microns ($D_v 0.5 < 30 \mu m$) and that 90% of the spray is contained in droplets smaller than 50 microns ($D_v 0.9 < 50 \mu m$). Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial Equipment:

Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns ($D_v 0.5 < 60 \mu m$) and that 90% of the spray is contained in droplets smaller than 115 microns ($D_v 0.9 < 115 \mu m$). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

GROUND APPLICATION

Vehicle-Mounted ULV Cold Aerosol Generators or Vehicle-Mounted Non-Thermal Aerosol (Cold Fog): Apply through non-thermal ULV application equipment and base acreage calculations on the equipment manufacturer's recommended swath width. Apply at a rate not to exceed 0.007 pounds of permethrin per acre in a given 24 hour period. An optimum swath is created when Permanone RTU is applied from a truck that is being driven perpendicular to the wind direction. Direct the spray head of equipment to ensure even distribution of the spray cloud throughout the area. For best results, apply when insects are most active and meteorological conditions are conducive to keeping the spray cloud close to the ground. An inversion of air temperatures and a light breeze is preferable. Apply when ground wind speed is equal to or greater than 1 mph. Permanone RTU may be applied through ULV Cold Aerosol Generators, or other equipment designed for non-thermal ULV aerosol applications. The desired application rate may be obtained under different conditions by altering the flow rate of Permanone RTU from the application equipment and the vehicle speed. Examples are given in the following Table.

Target dose rate (lb permethrin per acre)	Fl. Oz. / min @ diff. vehicle speeds		
	5 mph	10 mph	15 mph
0.0015	2	4	6
0.0045	6	12	18
0.007	9	18	-

Vary flow rate according to vegetation density and mosquito population. Use higher flow rate in heavy vegetation or when populations are high. An accurate flow meter must be used to ensure the proper flow rate. For proper application, mount the fog applicator so that the nozzle is at least 4 1/2 feet above ground level and directed out the back of the vehicle. Failure to follow the above directions may result in reduced effectiveness.

AERIAL APPLICATION

Permanone RTU may be applied at rates of 0.0035 to 0.007 pounds permethrin per acre by fixed wing or rotary aircraft that are capable of making a ULV application. Do not apply by fixed wing aircraft at a height less than 100 feet, or by helicopter at a height less than 75 feet unless specifically approved by the state or tribe based on public health needs. For best results, treat when insects are most active and meteorological conditions are conducive to keeping the spray cloud in the air column close to the ground. In order to compensate for windy conditions and ensure drift onto the target area aerial application with aircraft equipped with Global Positioning Systems (GPS) is recommended.

IN FLORIDA: Do not apply by aircraft unless approved by the Florida Department of Agriculture & Consumer Services.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE AND SPILL PROCEDURES: Store upright at room temperature. Avoid exposure to extreme temperatures. 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 on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Metal Containers - Triple rinse or equivalent.

Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities.

Plastic Containers - 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. Then dispose of in a sanitary landfill or by other approved state and local procedures.

CONTAINER DISPOSAL FOR RETURNABLE CONTAINERS: Replace the dry disconnect cap if applicable, and seal all openings which have been opened during use. Return empty container to a collection site designated by Bayer Environmental Science. If container has been damaged and cannot be returned according to the recommended procedures, contact Bayer Environmental Science Customer Service Center at 800-843-1702.

RETURNABLE/REFILLABLE SEALED CONTAINER: Do not rinse container. Do not empty remaining formulated product. Do not break seals. Return intact to point of purchase.

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, 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: 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. BAYER CROPSCIENCE LP DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

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Produced for

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

Permanone RTU (PENDING) SUBMITTED TO EPA 5-15-06, RESUBMITTED 11-01-06