

JUN - 4 2003

Joseph A. Conti
Director, Regulatory Affairs
Bayer Environmental Science
95 Chestnut Ridge Road
Montvale, NJ 07645

Subject: Amendment - Label Revisions/Fenthion Cancellation
Baytex Technical Insecticide
EPA Registration No. 432-1290
Your submission dated March 31, 2003

Dear Mr. Conti:

The Agency has received your request for amended registration and accepts the following terms and conditions for conditional registration under Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

1. You requested a voluntary cancellation for this registration on March 31, 2003. A notice will issue in the Federal Register shortly announcing the receipt of your request. The notice provides for a 60-day comment period. Following the comment period, the Agency will determine whether to grant or deny your request. If the Agency grants the voluntary cancellation request, EPA intends to issue the cancellation order with an effective date of June 30, 2004.
2. If a cancellation order issues, the order will contain a provision to allow Bayer to accept returns of all unopened material until December 31, 2004.
3. As of the effective date of this amended registration, all pesticide product released for shipment must be labeled in accordance with the terms and conditions set forth in this amended registration.
4. No later than 30 days from the effective date of the approval of the amended label, all pesticide product in the possession of distributors or users must be relabeled in accordance with the terms and conditions set forth in this amended registration.

5. All relabeling must occur within a registered establishment or the registrant must receive approval from EPA's Office of Enforcement and Compliance Assurance to deviate from this requirement.
6. Bayer Environmental Science will have the right as the exclusive data submitter to grant access to their existing data package, in the event the Agency grants a follow-on registration.
7. The amended labeling for Fenthion must contain the following language: "Use of this product is prohibited after November 30, 2004."
8. In addition to the above agreed upon conditions the Agency is requesting the following label changes:
 - a. Revise the first sentence under Environmental Hazards to read: "this pesticide is toxic to fish and very highly toxic to birds and aquatic invertebrates."

If you fail to satisfy any of the terms or conditions imposed by this registration EPA may issue a notice of intent to cancel the registration under FIFRA Sect 6(e). Your release for shipment of the product constitutes acceptance of these conditions. Submit three copies of the revised final printed label for the record. A stamped copy of the label is enclosed for your records. If you have any questions please feel free to call at 703-305-6100.

Sincerely,

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

Enclosure

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Bayer Environmental Science

Baytex Technical Insecticide

For use only in the manufacture of insecticides.

Use of this product is prohibited after November 30, 2004.

ACTIVE INGREDIENT:

fenthion [0,0-Dimethyl 0-(3-methyl-4-(methylthio)phenyl) phosphorothioate] 95%

INERT INGREDIENTS: 5%

100%

Do not store below 45 °F.

Keep in a cool, dry place.

EPA Reg. No. 432-1290

EPA Est. No. _____

**STOP - Read The Label Before Use
KEEP OUT OF REACH OF CHILDREN
WARNING**

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING: May be fatal if swallowed, inhaled, or absorbed through the skin. Rapidly absorbed through the skin. Do not get in eyes, on skin, or on clothing. Do not breathe vapor or spray mist. Avoid contamination of feed or food. Keep out of reach of children. Wear protective clothing and rubber gloves. Wash thoroughly with soap and water after handling and before eating and smoking.

STATEMENTS OF PRACTICAL TREATMENT

If swallowed: Vomiting should be induced. Administer water freely and induce vomiting by giving one dose (1/2 oz or 15 mL) of syrup of ipecac. If vomiting does not occur within 10 to 20 minutes, administer second dose. If syrup of ipecac is not available, induce vomiting by sticking finger down throat. Repeat until vomit fluid is clear. Never give anything by mouth to an unconscious person. Professional medical assistance should be secured immediately. **If on skin and clothing:** Wash with plenty of soap and water after handling. Wash clothing with soap and hot water before reuse. Get medical attention. **If inhaled:** Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.

Note to Physician: Fenthion is an organophosphate insecticide. If symptoms of cholinesterase inhibition are present, atropine sulfate by injection is antidotal. 2-PAM is also antidotal and may be administered, but only in conjunction with atropine.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and wildlife. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or public waters unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

DIRECTIONS FOR USE

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

1. Only for formulation into an insecticide for the following uses:
BAYTEX Technical is intended for formulation into end-use products for adult mosquito control in Florida only.
2. This product may be used to formulate products for specific use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).
3. This product may be used to formulate products for experimental purposes that are in compliance with U.S. EPA requirements.

ACCEPTED
with COMMENTS
in EPA Letter Dated

JUN - 4 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

432-1290

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STORAGE AND DISPOSAL

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

Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide, 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.

Container Disposal: Do not use container in connection with food, feed, or drinking water. Completely empty container into the processing equipment. Then dispose of empty container in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Handle and open container in a manner as to prevent spillage. If the container is leaking or material is spilled for any reason or cause, carefully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Dispose of pesticide as directed above. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Environmental Science Emergency Response Telephone No. is 1-800-334-7577, or contact Chemtrec at 800-424-9300.

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 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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Net Weight: ___ Pounds

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