

432-1455

8/14/2008

1/9



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

AUG 14 2008

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4

Dear Mr. Brill:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 dated June 26, 2008 for:

EPA Registration 432-1455

BES 0026 Fly Spot Bait

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 2007-4 and finds that the label changes requested falls within the scope of PR Notices 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

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

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

**EPA**
 United States
Environmental Protection Agency
 Washington, DC 20460

- ☐
- Registration**
-
- ☐
- Amendment**
-
- ☒
- Other:**

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1455	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BES 0026 Fly Spot Bait	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T.W. Alexander Dr. Raleigh, 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: NOTIFICATION EPA Reg. No. _____ Product Name AUG 14 2008	

Section - II

- | | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input 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.)**Notification of label change per PR Notice 2007-4**

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Section - III**1. Material This Product Will Be Packaged In:**

Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input checked="" type="checkbox"/> Metal (foil packet) <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
--	--	--	--

***Certification must be submitted**

3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container	4. Size(s) Retail Container 2 oz. through 10 pounds	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input checked="" type="checkbox"/> On labeling accompanying product
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		

Section - IV**1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)**

Name Jan Brill	Title Manager, Registrations	Telephone No. (Include Area Code) 919/549-2421
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 	3. Title Manager, Registrations	
4. Typed Name Jan Brill	5. Date 26 June 2008	

Bayer Environmental Science



Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

ATTN: Venus Eagle, PM #01

Subject: BES 0026 Fly Spot Bait, EPA Reg. No. 432-1455
Notification of Label Change per PR Notice 2007-4

Dear Ms. Eagle,

With this submission, Bayer Environmental Science notifies EPA of Label Changes to bring the subject product into compliance with PR Notice 2007-4, consisting of the following changes to the Container Disposal section of the Storage and Disposal Statement (verbatim from PR Notice);

- Addition of non-refillable advisory & statement to not re-use or refill container.
- For the one pound and larger sizes;
 - Added "if available" and "if appropriate" to the recycling and reconditioning wording.
 - Added the appropriate triple rinsing directions.

June 26, 2008

Bayer Environmental
Science
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park,
NC 27709

Tel. 919 549-2421
Fax. 919-549-3937

To effect this action, enclosed please find the following;

1. EPA Form 8570-1
2. 1 copy of final printed labeling for the subject product
3. 1 copy of final printed labeling with changes highlighted

I trust that this completes the documentation for this registration action. If you have any questions, or require further information, please contact me either by telephone at 919/549-2421 or email at jan.brill@bayercropscience.com

Sincerely,

Manager, Registration

Email; jan.brill@bayercropscience.com

4/9

NOTIFICATION

AUG 14 2008

BES 0026 FLY SPOT Bait

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N nitro-2 imidazolidinimine.....10.0%

Z-9-Tricosene.....0.1%

OTHER INGREDIENTS:89.9%

TOTAL:100.0%

EPA Reg. No. 432-1455

EPA Est. No. ____

STOP - Read the label before use.

Keep out of reach of children.

CAUTION

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 by a poison control center or doctor.
- Do not give anything to an unconscious person.

If on skin or clothing

- 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.

If in eyes

- Hold eye open and rinse slowly and gently with water for 15 to 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.

In case of emergency call toll free the Bayer Environmental Science Emergency Response Telephone No. 1-800-334-7577. Have the product container or label with you when calling a poison control center or doctor or going for treatment.

Note To Physician: No specific antidote is available. Treat the patient symptomatically.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves made of any waterproof material such as, barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton.

ENVIRONMENTAL HAZARDS



This product is highly toxic to aquatic invertebrates.

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 or rinsate. 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. This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

NOTE: Not for Sale, Use, or Distribution in or into Nassau, Suffolk, Queens or King Counties, New York.

PRO FACTS

- Fast acting
- Contains a specially formulated mixture of attractants.
- Controls house flies resistant to organophosphates, carbamates, and pyrethroid insecticides.

BES0026 FLY SPOT BAIT	<ul style="list-style-type: none"> • A bait that is consumed by house flies. • Easy to apply • Fast knockdown • Outdoor residual efficacy up to 14 days unless the bait is completely consumed prior. • In animal facilities and protected areas, residual efficacy can last up to 6 weeks unless the bait is completely consumed. • Contains the attractant muscalure • Contains 2 powerful attractants designed to lure house flies to their death. • Contains Bitrex® bittering agent to help prevent ingestion by non-target animals, children and pets.
WHERE TO APPLY	<ul style="list-style-type: none"> • In and around agricultural livestock production facilities, including but not limited to: poultry houses, turkey and chicken houses, cattle, sheep and goat facilities, feedlots, dairy barns, swine confinement buildings, dog kennels, and horse stables. • Around the outside of commercial and residential structures, or partly enclosed or protected areas • In non-food/feed areas of commercial facilities
HOW TO APPLY	<ul style="list-style-type: none"> • Mix in water and spray or paint on surfaces
COVERAGE	<ul style="list-style-type: none"> • Use 16 oz of product in 1 gallon of finished spray to treat fly-resting surfaces in buildings with 2,000 sq ft of floor space.
RE-APPLY	<ul style="list-style-type: none"> • Re-apply as needed, but not before 7 days.
QUESTIONS ??  	<ul style="list-style-type: none"> • For questions or comments, call toll-free 1-800-633-3796. • For questions or comments, call toll-free 1-800-843-1702.

DIRECTIONS FOR USE

**It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
IMPORTANT: Read entire label before using this product.**

General Information

This product is a bait formulated to control house flies in rural and urban environments, in animal confinement areas (e.g., cattle, poultry, swine), in commercial establishments, and outdoors in residential areas. The product can be used as a spray for treatment of surfaces, such as stable walls or waste containers, or it can be used as a paint-on application to walls and other surfaces such as pillars and compartment walls.

There is no need to spray the complete surface because this bait will attract pests to the treated area. Begin applications at the start of the season before fly populations have reached their peak.

Best results occur when the product is applied to many locations throughout the structure or facility. Spray the product on surfaces where house flies tend to rest. House flies prefer warm, still sites for resting, so avoid cool or windy locations.

Begin applications at the start of the season before fly populations have reached their peak.

Mixing Directions and Use Rates

NOTE: [Bracketed information is optional text.]

Mixing directions for 1 pound or larger

For spray applications, add 16 ounces of this product to one gallon of water and agitate until completely mixed. One gallon of finished spray will treat 1,000 sq ft of fly-resting surfaces.

Mixing directions for 2 ounce packet or product size

[For spray applications, add the contents of one 2 ounce packet of this product to 1 pint of water and agitate until completely mixed. One pint of finished spray will treat 125 sq ft of fly-resting surfaces.]

[Remove sprayer head and add water to fill line then replace sprayer head and agitate until completely mixed. One pint of finished spray will treat 125 sq ft of fly-resting surfaces.]

Mixing directions for 4 ounce packet

[For spray applications, add the contents of one 4 ounce packet of this product to 1 quart of water and agitate until completely mixed. One quart of finished spray will treat 250 sq ft of fly-resting surfaces.]

[Remove sprayer head and add water to fill line then replace sprayer head and agitate until completely mixed. One quart of finished spray will treat 250 sq ft of fly-resting surfaces.]

For paint-on applications, add 8 ounces of this product to 8 ounces of water (approximately 1 cup), and mix to desired consistency for best painting results. Apply this mixture in narrow bands up to 6 inches wide on suitable fly-resting surfaces. Do not apply this product at a rate exceeding 8 ounces for every 1,000 sq ft of floor space.

Application equipment

For spray applications, apply as a coarse fan or cone spray. Apply solution at a low pressure not to exceed 20 psi. Flush spray equipment with water to prevent clogging.

For paint-on applications, use a brush or roller paint applicator to apply solution to surfaces. Clean application and mixing equipment with water after application.

How and where to apply

FOR USE IN broiler houses, turkey houses, caged layer houses, feedlots, dairy barns, swine confinement buildings, horse stables, kennels, and other animal confinement facilities where house flies tend to be a nuisance or a health hazard.

Spray application

Spray diluted product where house flies aggregate: on walls, around windows, on surfaces of pillars and other structures, etc. For best results, apply product in spots of 3 to 12 sq ft where house flies tend to rest. If treating spots 10 sq. ft. in size, you can apply up to 50 such bait spots in a building with 1,000 sq ft of floor space without exceeding the limit of 8 ounces of product for a building of this size.

Paint on application.

For best results, paint the product in small bands up to 6 inches wide, or more, on places where house flies aggregate. Apply this product at a rate of 8 ounces for every 1,000 sq ft of floor space.

Residual efficacy in animal facilities.

Residual efficacy in animal facilities is dependent on the sanitary conditions and fly pressure level, as well as on the quality and cleanliness of the surfaces treated.

Apply as soon as fly pressure exceeds acceptable threshold levels to avoid population build up. Re-apply as needed, typically at 4 to 6 week intervals.

When spraying surfaces, care must be taken only to spray places out of reach of the animals. Do not spray directly on animals, feed and drinking supplies nor on milking equipment. This also applies to empty pens due to be re-stocked within the next few weeks. Do not treat surfaces that people frequently contact. Avoid contact with sprayed surfaces until dry.

FOR USE IN OTHER AREAS such as non-food/non-feed areas of commercial food handling establishments, restaurants, and dining areas, residential backyards, on and around dumpsters and trash collection areas, storage facilities, dog kennels, zoos, animal rearing facilities, schools, hospitals, nursing homes, offices, marinas, and other locations where flies tend to aggregate and are a nuisance or a health hazard.

Spray application

Spray diluted product where house flies aggregate: on walls, around windows, on surfaces of dumpsters or trash collection bins, etc. For best results, apply product on spots of 3 to 12 sq ft where house flies tend to rest.

If treating spots 10 sq ft in size, you can apply up to 50 such bait spots in a building with 1,000 sq ft of floor space without exceeding the limit of 8 ounces of product for a building of this size.

Paint on applications

For best results, paint the product in small bands up to 6 inches wide, or more, on places where house flies aggregate. Apply this product at a rate of 8 ounces for every 1,000 sq ft of floor space.

Food/Feed Handling Establishments

Applications in food/feed handling establishments are permitted ONLY in non-food/non-feed areas. Non-food/non-feed areas include garbage rooms, lavatories, entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, mop closets and storage (after packaging, canning or bottling).

Food/feed handling establishments are defined as places other than private residences in which exposed food/feed is held, processed, prepared or served. Included also are areas for receiving, storing, packing (canning, bottling, wrapping, boxing), preparing, edible waste storage and enclosed processing systems (mills, dairies, edible oils, syrups) of food.

Serving areas, when food is exposed and the facility is in operation, are also considered food/feed areas. However, applications of this product may be made in serving areas ONLY while the facility is not in operation, and provided exposed food has been covered, or removed from the area being treated prior to application. These "spot" applications may cover no more than 2 sq ft per treated area, may not be spaced closer than 10 ft apart, and should be a minimum of 6 feet above floor level.

Contamination of food or food contact surfaces must be avoided. Do not apply this product to any food, food packaging, or any food contact surfaces.

Applications of this product may leave a visible residue or discolor some surfaces. Before treating, it is advisable to test application in a small inconspicuous area.

Restrictions

- Do not apply bait on surfaces accessible to children or pets.
- Do not apply bait in areas where food animals can ingest product.
- Do not allow bait to come in contact with food or water.
- Do not apply to milking equipment at dairy facilities.
- Do not apply inside food processing or manufacturing facilities.
- Do not apply in classrooms or patient rooms.
- Not for Sale, Use, or Distribution in or into Nassau, Suffolk, Queens or King Counties, New York.

For Best Results

- Use the bait as part of an overall Integrated Pest Management program.
- Use proper sanitation and manure management.
- Use environmental controls, such as proper light management.
- Consult with cooperative extension service in your state for advice on fly management practices.

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, or feed. Store in original containers and out of the reach of children, preferably in a locked storage area. Handle and open container in a manner as to prevent spillage.

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:

For less than one pound size. Non-refillable container. Do not reuse or refill this container. Completely empty container. Wrap used container and place in trash can.

Rigid containers with capacities equal to or less than 50 pounds. Completely empty container. Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Dispose of container at an approved waste disposal facility or by incineration if allowed by state and local authorities. Do not use container in connection with food, feed, or drinking water.

Spills:

If the container is leaking or material is spilled, carefully sweep up spilled bait and wash exposed area. 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.

9/9

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 CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

Net Contents _____

Produced for



Bayer Environmental Science

Bayer Environmental Science

A Business Group of Bayer CropScience LP

PO BOX 12014, 2 T. W. Alexander Dr.

Research Triangle Park, NC 27614

BES0026 Fly Spot Bait (MASTER) EPA APPROVED 10/25/06, Notifi 12/01/06, Notifi 06/07/07, Notifi 06/26/08