

499-533

1/6/2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dana M. Thomas
BASF Corporation
3568 Tree Court Industrial Blvd.
St. Louis, MO 63122

JAN 6 2010

Subject: **Notification:** Addition of Alternate Brand Name "Beethoven TR"
EPA Reg. No. 499-533

Dear Ms. Thomas:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 5, 2010 for the product EPA Reg. No. 499-533. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls 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 contact me at 703 306-0415 or davis.kable@epa.gov.

Sincerely,

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Office of Pesticide Programs

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060

Print Form



United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 499-533	2. EPA Product Manager Kable Bo Davis	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product Name TC 279	FMS Team 7	
5. Name and Address of Applicant (Include ZIP Code) Whitmire Micro-Gen Research Laboratories, Inc. 3568 Tree Court Industrial Blvd. St. Louis, MO 63122-6682 <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. _____ Product Name NOTIFICATION	

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.

JAN 6 2010
NOTIFICATION
JAN 6 2010

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

Label Notification per PR Notice 98-10 to add alternate brand name: Beethoven TR. The revised label includes the revisions required by EPA with the Notice of Pesticide Registration dated 7/31/09. Final printed labeling bearing the alternate brand name noted herein will be submitted in the near future.

This notification is consistent with the provisions of PRN 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

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
* 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 Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Dana Thomas	Title Product Regulatory Mgr	Telephone No. (Include Area Code) 636-861-4223
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.		8. Date Application Received (Stamped)
2. Signature <i>Dana M Thomas</i>	3. Title Product Regulatory Mgr.	
4. Typed Name Dana M. Thomas	5. Date January 5, 2010.	



The Chemical Company

January 5, 2010

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

**Re: Label Notification – Addition of Alternate Brand Name per PR Notice 98-10
TC 279, EPA Reg. No. 499-533**

Dear Ms. Arrington:

Enclosed in support of this action is a completed application (EPA Form 8570-1) and two copies revised labeling (one is highlighted for easy reference and review).

We are adding the alternate brand name, Beethoven™ TR, and descriptor "Miticide/Insecticide".

The enclosed label also includes the revisions required by EPA with the Notice of Pesticide Registration dated July 31, 2009.

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.

Revisions allowed via non-notification include revised EPA Est. No., emergency contact telephone number located in the First Aid statements and the company "branding" at the bottom of page 3.

Final printed labeling bearing the alternate brand name noted herein will be submitted in the near future.

Thank you for your assistance in this matter. Please do not hesitate to contact me at 636-861-4223 or, via electronic mail at dana.thomas@basf.com, should you have any questions or require additional information.

Sincerely,

Dana M. Thomas
Product Regulatory Manager
Authorized Agent for Whitmire Micro-Gen
Research Laboratories, Inc.
Encl.

BASF Corporation
Pest Control Solutions
3568 Tree Court Industrial Blvd.
St. Louis, MO 63122
Tel: (800) 777-8570
www.PestControl.basf.us

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TC 279

NOTIFICATION

TREATS UP TO 3,000 ft² (50,000 ft³)
KILLS MITES AND SUPPRESSES WHITEFLIES

JAN - 6 2010

[ALTERNATE BRAND NAME: Beethoven™ TR]
[DESCRIPTOR: Miticide/Insecticide]

FOR USE IN: Commercial Greenhouses and fully enclosed Garden Centers

MAY BE USED ON: Bedding Plants, Cut Flowers, Flowering Hanging Baskets, Foliage, Potted Flowering Plants and Ornamentals

ACTIVE INGREDIENT:

Etoxazole 5.0%

OTHER INGREDIENTS: 95.0%

TOTAL: 100.0%

EPA Reg. No. 499-533 EPA Est. No. 7969-MO-1

KEEP OUT OF REACH OF CHILDREN

CAUTION • PRECAUCIÓN

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.)

FIRST AID

IF IN EYES: Hold eyes open and rinse slowly and gently with water for 15-20 min. Remove contact lenses, if present, after the first 5 min, then continue rinsing eyes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-832-HELP for emergency medical treatment information.

[ALTERNATE TEXT: See inside booklet for First Aid, Precautionary Statements, Directions for Use and Storage and Disposal.]

NET WEIGHT: 2 oz

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove personal protective equipment (PPE) immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

PERSONAL PROTECTIVE EQUIPMENT

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

APPLICATORS AND OTHER HANDLERS MUST WEAR: Baseline PPE consisting of a long-sleeved shirt, long pants and shoes plus socks. 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.

PHYSICAL OR CHEMICAL HAZARDS

Flammable. Contents under pressure. Keep away from heat, sparks and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting. This product contains a highly flammable ingredient. It may cause a fire or explosion if not used properly. Follow the "Directions for Use" on this label very carefully.



Highly Flammable Ingredient
 Ingrediente Altamente Inflamable

DIRECTIONS FOR USE

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING.

Read and follow all label directions.

Control of target pests is best achieved before populations reach economically damaging levels. Use an alternative class of chemistry in a continuing treatment program to prevent or delay pest resistance.

USE RESTRICTIONS

- Do not use this product in greenhouses with unvented or defective gas heating systems or when open combustion exists.
- Do not proceed with application if plants are under stress, such as but not limited to, extreme temperatures and humidity created by tightly closed greenhouses.
- Do not use on crops grown for food or feed.
- Do not make more than 2 applications per crop cycle or within a 6 mo period of time.

AGRICULTURAL USE REQUIREMENTS

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 State or Tribal agency responsible for pesticide regulation.

Use this product only in accordance with its labeling and with the Worker Protection Standard (WPS), 40 CFR Part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), restricted-entry interval (REI) and notification to workers (as applicable). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas until after the REI of 24 hr (with no ventilation). Early entry to treated areas is permissible after 4 hr (per 40 CFR 170.112) to perform short-term activities, such as ventilation procedures, provided personal protective equipment is worn as specified below. You may ventilate the treated areas per 40 CFR 170.110(c)(3) after 4 hr (i.e. 10 air exchanges are completed; or 2 hr of ventilation using fans or other mechanical ventilating systems; or 4 hr of ventilation using vents, windows or other passive ventilation). The REI is equivalent to completion of ventilation (as described above) or 24 hr (with no ventilation) and no PPE is required after this time.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water is: coveralls, chemical resistant gloves (made of any waterproof material) and shoes plus socks.

Notify workers of the application, by warning them orally and by posting warning signs outside all entrances to the greenhouse.

PLANT SAFETY INFORMATION: This product has been tested on a wide variety of plants and in our opinion has demonstrated excellent plant safety. However, not all varieties or strains of the plants listed have been tested. Therefore, before treating a large number of plants, treat a few plants and observe for plant damage and for performance prior to full scale application.

Growers should collect a variety of sample plants, flowers, foliage or ornamentals of concern, place them in an empty greenhouse (or designated testing area) and activate one can of product per the Directions for Use.

PREAPPLICATION DIRECTIONS: For best results, apply during early evening when foliage is dry and greenhouse temperature is between 60° – 80°F. Keep canister at room temperature (about 65°F). Shut off all exhaust fans and close all windows, doors and ventilators. Turn off all ignition sources such as pilot lights (shut off gas valves), other open flames or running electrical appliances that cycle off and on. Prepare a 3 ft plant free zone in which to place canister(s). Elevate canister(s) above the top of plants; common practice is to place the canister(s) on a stool or overturned pot to elevate it. Place cans evenly throughout the area to be treated, positioned to allow uninhibited release. To treat hanging baskets, an empty basket can be used to hold the canister and elevate it to the hanging basket level. Low volume horizontal air flow may help optimize performance.

TOTAL RELEASE DOSAGE

Apply product when pest (or plant damage typical of an indicated pest) is seen.

The total release canister will dispense the entire contents of the can in about 2 min. Thorough coverage is achieved by the normal air movement within your greenhouse. The chemical will move around and throughout the plant foliage due to the small particle size produced, and the normal ebb and flow movement of the air. Both top and bottom of the plant foliage is covered with particles.

Use one 2 oz can/3,000 ft² (25,000 – 50,000 ft³). For greenhouses with numerous hanging baskets or tough-to-control insects, it is permissible to use 2 cans per 3,000 ft² (25,000 – 50,000 ft³). For smaller greenhouses, use one can per 1,500 ft² (12,000 – 25,000 ft³).

TO ACTIVATE CANS: Hold the canister away from you and depress the actuator until it is locked down. Place the canister in the plant free zone and leave the treatment area. If activating more than 1 canister in the treatment area, start at the far end of the area, opposite from the exit door, activating and placing cans as you move across the area until you have reached the exit door.

Once all cans have been activated, immediately leave the treatment area and close the door. Use low volume horizontal air flow or have fans off for a minimum of 4 hr or all night if possible.

FOR USE ON

Bedding plants (such as): impatiens, marigolds, petunias, geraniums and garden mums

Cut flowers (such as): roses, chrysanthemums, carnations, snapdragons and orchids

Flowering hanging baskets (such as): fuchsia, lantana, New Guinea impatiens, ivy and geraniums

Foliage (such as): Boston fern, dracaena, ficus, schefflera and philodendron

Potted flowering plants (such as): poinsettia, chrysanthemums, florist's azaleas, lilies, African violets, geraniums, hibiscus, kalanchoes and begonias

Ornamentals (such as): azalea, barberry, cotoneaster, euonymus, ilex, juniper, oak, pine, rhododendron, roses, spiraea, spruce, viburnum and yew

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry place away from heat or open flame.

PESTICIDE DISPOSAL: Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Do not puncture or incinerate! Empty container by using the product in accordance with the label directions.

Offer empty container for recycling, if available, or place in trash if allowed by state and local regulations. If container is partly full, contact your local solid waste agency for disposal instructions.

Contains no CFCs or other ozone depleting substances.
Federal regulations prohibit CFC propellants in aerosols.



CONDITIONS OF SALE AND WARRANTY

Follow the **Directions for Use**. It is impossible to eliminate all risks inherently associated with use of this product, and therefore all such risk shall be assumed by the Buyer. Whitmire warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions for Use**, subject to the inherent risks, referred to above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW: (A) WHITMIRE MAKES NO OTHER WARRANTIES EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY, (B) BUYER'S EXCLUSIVE REMEDY AND WHITMIRE'S AND SELLER'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT, AND (C) WHITMIRE AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. Whitmire and the Seller offer this product, and the Buyer accepts it, subject to these **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of Whitmire.

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by BASF Corporation
3568 Tree Court Industrial Blvd.
St. Louis, MO 63122-6682

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