

2935-366

5 / 2 / 2013 ( )

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**NOTIFICATION**

**MAY 02 2013**

Anne Downs  
Wilbur-Ellis Company  
PO Box 1286  
Fresno, CA 93725

Subject: Notification to add CA Proposition 65 Statement  
Sevin 5 Bait  
EPA Registration # 2935-366  
Submission Date: March 12, 2013

Dear Ms. Downs:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 received March 12, 2013. The Registration Division (RD) has reviewed these requests and finds that this action 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 Jessica Rogala at (703) 347-0263 or via email at [rogala.jessica@epa.gov](mailto:rogala.jessica@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Jessica Rogala".

Jessica Rogala  
Environmental Protection Specialist  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

 <p>United States <b>Environmental Protection Agency</b> Washington, DC 20460</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"><input type="checkbox"/></td> <td style="padding: 2px;">Registration</td> </tr> <tr> <td style="width: 20px; height: 20px;"><input checked="" type="checkbox"/></td> <td style="padding: 2px;">Amendment</td> </tr> <tr> <td style="width: 20px; height: 20px;"><input type="checkbox"/></td> <td style="padding: 2px;">Other</td> </tr> </table>	<input type="checkbox"/>	Registration	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Other	OPP Identifier Number
<input type="checkbox"/>	Registration							
<input checked="" type="checkbox"/>	Amendment							
<input type="checkbox"/>	Other							

**Application for Pesticide - Section I**

1. Company/Product Number 2935-366	2. EPA Product Manager Venus Eagle	3. Proposed Classification  <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Sevin 5 Bait	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Wilbur-Ellis Company PO Box 1286 Fresno, CA 93725  <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:  <input checked="" type="checkbox"/> EPA Reg. No. _____  Product Name _____	

**Section - II**

<input checked="" type="checkbox"/> Amendment - Explain below.  <input type="checkbox"/> Resubmission in response to Agency letter dated _____  <input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application.  <input type="checkbox"/> Other - Explain below.
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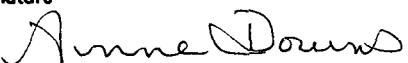
**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Amendment to add Proposition 65 Statement to Sevin 5 Bait Label, EPA Reg. No. 2935-366.

**Section - III**

<b>1. Material This Product Will Be Packaged In:</b>				<b>2. Type of Container</b>	
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 <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.    No. per container	If "Yes" Package wgt    No. per container		
<b>3. Location of Net Contents Information</b>		<b>4. Size(s) Retail Container</b>		<b>5. Location of Label Directions</b>	
<input type="checkbox"/> Label <input type="checkbox"/> Container				<input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
<b>6. Manner in Which Label is Affixed to Product</b>			<input type="checkbox"/> Other _____		
<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

**Section - IV**

<b>1. Contact Point</b> (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Anne Downs	Title Registration Specialist	Telephone No. (include Area Code) (916) 991-9816
<b>Certification</b>		6. Date Application Received (Stamped)
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.		
2. Signature  	3. Title Senior Registration Specialist	
4. Typed Name Anne Downs	5. Date February 26, 2013	



# WILBUR-ELLIS®

March 4, 2013

Ms. Venus Eagle  
Product Manager 01  
U. S. Environmental Protection Agency  
Office of Pesticide Programs (7504P)  
Document Processing Desk (**AMEND**)  
Insecticide-Rodenticide Branch, Registration Division  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Re: Amendment to Sevin 5 Bait label, EPA Reg. No. 2935-366 by Wilbur-Ellis Company,  
P. O. Box 1286, Fresno, CA 93715

Dear Ms. Eagle:

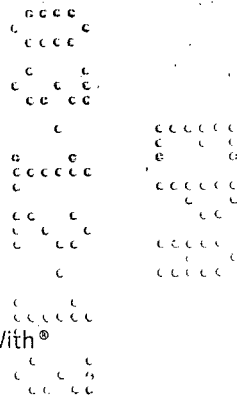
Wilbur-Ellis Company requests to amend our Sevin 5 Bait label, EPA Reg. No. 2935-366, by adding a California Proposition 65 warning statement. Please find enclosed the following documents in support of this action.

- Completed Form 8570-1
- Five copies of the draft labeling; one with the proposed change highlighted (F-030113)

If you should have any questions, please contact me by email at [adowns@wilburellis.com](mailto:adowns@wilburellis.com) or by telephone at (916) 991-9816.

Sincerely,

Anne Downs  
Senior Registration Specialist  
Wilbur-Ellis Company



Ideas to Grow With®



# SEVIN® 5 BAIT



WILBUR-ELLIS®

N-METHYL CARBAMATE

## NOTIFICATION

<b>ACTIVE INGREDIENT:</b>	By Wt.
Carbaryl (1-naphthyl N-methylcarbamate).....	5%
<b>OTHER INGREDIENTS.....</b>	95%
	<u>100%</u>

MAY 02 2013

EPA Reg. No. 2935-366

EPA Est. No. 2935-CA-1

### KEEP OUT OF REACH OF CHILDREN CAUTION

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

<b>FIRST AID</b>	
Have product container or label with you when calling a poison control center or doctor, or going for treatment. Poison Control Center: 1-800-222-1222	
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>•Call a 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 a poison control center or doctor.</li> <li>•Do not give anything by mouth to an unconscious person.</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>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>Note To Physician:</b> Carbaryl is an N-methyl carbamate insecticide which is a cholinesterase inhibitor. Specific antidote consists of atropine. Narcotics and other sedatives should not be used. Drugs like 2-PAM (pyridine-2-aldoxime methiodide) are NOT recommended.	

Some materials that are chemical-resistant to this product are natural rubber, polyethylene or neoprene. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Loaders, applicators, and other handlers must wear:  
•Long-sleeved shirt and long pants,  
•Chemical-resistant gloves, and  
•Shoes plus socks.

In addition, handlers loading bait formulations into airplanes under the auspices of the Animal and Plant Health Inspection Service (APHIS) Rangeland Grasshopper and Mormon Cricket Suppression Program, and allied state programs must wear a NIOSH-approved dust/mist filtering respirator with NIOSH/MSHA approved number prefix TC-21C or a NIOSH-approved respirator with any N, R, P or HE filter.

**Aerial application is prohibited, except for aerial applications under the auspices of the Animal and Plant Health Inspection Service (APHIS) Rangeland Grasshopper and Mormon Cricket Suppression Program, and/or allied state programs.**

**See engineering controls for additional requirements and exceptions.**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

### ENGINEERING CONTROLS

Pilots applying applications under the auspices of the Animal and Plant Health Inspection Service (APHIS) Rangeland Grasshopper and Mormon Cricket Suppression Program or related state programs must use an enclosed cockpit in a manner that is consistent with the WPS for Agricultural Pesticides [40 CFR 170.240(d)(6)]. In addition, the cockpit air intake must be located above the bait release point and the bait bin must be completely separate from the cockpit.

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS and DOMESTIC ANIMALS

**Caution:** Harmful if swallowed. Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

NET CONTENTS: 50 LBS.

Flaggers supporting aerial applications permitted above must use an enclosed cab that meets the definition in the Worker Protection Standard for Agricultural Pesticides [40 CFR 170.240(d)(5)] for dermal protection. In addition, flaggers must:

- wear long-sleeve shirt, long pants, shoes, and socks,
- either wear a NIOSH-approved dust/mist filtering respirator with NIOSH/MSHA approval number prefix TC-21C or a NIOSH-approved respirator with an N, R, P, or HE filter **OR** use an enclosed cab that is declared in writing by the manufacturer or by a government agency to provide at least as much respiratory protection as this type of respirator,
- be provided and have immediately available for use in an emergency when they must exit the cab in the treated area: chemical-resistant gloves and chemical-resistant headgear and, if using an enclosed cab that provides respiratory protection, a respirator of the type specified above,
- take off any PPE that was worn in the treated area before reentering the cab, and
- store all such PPE in a chemical-resistant container, such as a plastic bag, to prevent contamination of the inside of the cab.

When applicators use enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(5)), the handler PPE requirements may be reduced or modified as specified in the WPS.

#### USER SAFETY RECOMMENDATIONS

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

#### ENVIRONMENTAL HAZARDS

This product is extremely toxic to aquatic invertebrates. For terrestrial uses, 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 apply when weather conditions favor drift from area treated. Drift and run-off may kill aquatic invertebrates in water adjacent to treated areas. Do not contaminate water by cleaning equipment or disposal of wastes. Do not contaminate water when disposing of equipment washwaters.

#### DIRECTIONS FOR USE

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

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 agency responsible for pesticide regulation.

#### AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 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), notification to workers and restricted-entry interval. 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 during the "Restricted-entry interval (REI)". The REI for carbaryl is 12 hours unless otherwise specified in the directions for use associated with each crop.

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, are:

- Coveralls over short-sleeve shirt and short-pants
- Chemical-resistant footwear plus socks
- Chemical-resistant gloves made of any waterproof material
- Chemical-resistant headgear if overhead exposure

When the Restricted-Entry Interval for a crop is 7 days or longer, you must notify workers of the application by warning them orally and by posting warning signs at entrances to treated area.

For the control of cutworms, armyworms, field crickets, house crickets, mole crickets, darkling beetles, grasshoppers, sowbugs and ants (except fire ants, harvester ants, pharaoh ants and carpenter ants).

#### IMPORTANT PRE-HARVEST AND GRAZING USE INFORMATION

Tolerances established under the Federal Food, Drug and Cosmetic Act permit the sale of crops bearing probable Carbaryl residues when Carbaryl is used in accordance with label directions.

If Carbaryl insecticide is used in accordance with label directions, carrot tops, sugar beet tops and corn forage may be grazed or harvested for use as feed for dairy and meat animals without resulting in illegal residues in milk or meat.

#### APPLICATION METHOD

This product may be applied only by ground using a mechanical spreader or underground shank applicator. Do not apply by hand, spoon or belly grinder. **EXCEPTION:** Aerial applications only to rangeland are allowed only under the auspices of the Animal and Plant Health Inspection Service (APHIS) Rangeland Grasshopper and Mormon Cricket Suppression Program, and/or allied state programs.

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Commodity	Use Rate
Asparagus	<p><u>Application to Spears:</u> Apply 20 lbs. per acre per application with a maximum yearly usage of 60 lbs. per acre.</p> <p><u>Applications to Ferns (after harvest of spears):</u> Apply 40 lbs. per acre per application with a maximum yearly usage of 80 lbs. per acre.</p> <p><b>•IMPORTANT:</b> Total combined maximum yearly usage for spears and ferns is 100 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Retreatment interval = 3 days</li> <li>•Do not apply within 1 day of harvest.</li> <li>•Do not make more than 3 applications to spears. Do not make more than 2 applications to ferns.</li> </ul>
Garden Beets (roots), Carrots, Horseradish, Radish, Parsnip, Rutabaga, Salsify, Turnips (roots)	<p>Apply 40 lbs. per acre per application with a maximum yearly usage of 120 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Retreatment interval = 7 days.</li> <li>•Do not apply within 7 days of harvest.</li> <li>•Do not make more than 3 applications per year.</li> </ul>
Garden Beets (tops), Turnips (tops)	<p>Apply 40 lbs. per acre per application with a maximum yearly usage of 120 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Retreatment interval = 7 days.</li> <li>•Do not apply within 14 days of harvest.</li> <li>•Do not make more than 3 applications per year.</li> </ul>
Chinese Cabbage, Collards, Kale, Mustard Greens	<p>Apply 40 lbs. per acre per application with a maximum yearly usage of 120 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Make applications only within 30 days of crop emergence or transplanting.</li> <li>•Retreatment interval = 7 days.</li> <li>•Do not apply within 14 days of harvest.</li> <li>•Do not make more than 3 applications per year.</li> </ul>

Commodity	Use Rate
Broccoli, Brussel Sprouts, Cabbage, Cauliflower, Kohlrabi	<p>Apply 40 lbs. per acre per application with a maximum yearly usage of 120 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Make applications only within 30 days of crop emergence or transplanting.</li> <li>•Retreatment interval = 7 days.</li> <li>•Do not apply within 3 days of harvest</li> <li>•Do not make more than 3 applications per year.</li> </ul>
Corn (field & pop)	<p>Apply 40 lbs. per acre per application with a maximum yearly usage of 160 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Retreatment interval = 14 days.</li> <li>•Do not apply within 14 days of harvest (forage, silage).</li> <li>•Do not apply within 48 days of harvest (grain, fodder).</li> <li>•Do not make more than 4 applications per year.</li> <li>•Restricted-entry interval (REI) = 24 hours.</li> <li>•EXCEPTION: the REI is 21 days for workers detassling corn. Hand harvesting is prohibited.</li> </ul>
Corn (sweet)	<p>Apply 40 lbs. per acre per application with a maximum yearly usage of 320 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Retreatment = 3 days.</li> <li>•Do not apply within 2 days of harvest (ears).</li> <li>•Do not apply within 14 days of harvest (forage).</li> <li>•Do not apply within 48 days of harvest (fodder).</li> <li>•Do not make more than 8 applications per year.</li> <li>•Restricted-entry interval (REI) = 24 hours.</li> <li>•EXCEPTION: the REI is 21 days for workers detassling corn. Hand harvesting is prohibited.</li> </ul>
Cucumber, Melon, Squash	<p>Apply 20 lbs. per acre per application with a maximum yearly usage of 120 lbs. per acre.</p> <ul style="list-style-type: none"> <li>•Retreatment interval = 7 days.</li> <li>•Do not apply within 3 days of harvest.</li> <li>•Do not make more than 6 applications per year.</li> </ul>

Commodity	Use Rate
Pistachios (Non-bearing trees only)	Only for use on trees that will not bear fruit for one year from the date of application. Apply 40 lbs. per acre per application with a maximum yearly usage of 200 lbs. per acre. •Retreatment interval = 7 days. •If weed or cover crop bloom is present, mow orchard or between rows prior to applying this product.
Potato	Apply 40 lbs. per acre per application with a maximum yearly usage of 120 lbs. per acre. •Retreatment interval = 7 days. •Do not apply within 7 days of harvest. •Do not make more than 3 applications per year.
Sugar Beets	Apply 30 lbs. per acre per application with a maximum yearly usage of 60 lbs. per acre. •Retreatment interval = 14 days. •Do not apply within 28 days of harvest (roots, forage). •Do not make more than 2 applications per year.
Tomato, Pepper, Eggplant	Apply 40 lbs. per acre per application with a maximum yearly usage of 160 lbs. per acre. •Retreatment interval = 7 days. •Do not apply within 3 days of harvest. •Do not make more than 4 applications per year.
Pasture & grasses (grown for hay or seed)	Apply 30 lbs. per acre per application with a maximum yearly usage of 60 lbs. per acre. •Retreatment interval = 14 days. •Do not apply within 7 days of harvest or grazing. •Do not make more than 2 application per year.

Commodity	Use Rate
Rangeland	
Ground application only	Apply 20 lbs. per acre. • Do not make more than one application per year.
USDA Aphis Program for Mormon Cricket and Grasshopper Suppression	Apply 4 lbs. per acre per application with a maximum yearly usage of 8 lbs. per acre. •Retreatment interval = 14 days •Do not make more than 2 applications per year. •Do not apply within 14 days of grazing •Use of a flaky cereal grain bait is prohibited.  Aerial application is allowed only through USDA Aphis and affiliated state grasshopper and Mormon Cricket suppression programs.

### STORAGE AND DISPOSAL

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

**PESTICIDE STORAGE:** Store in original container only and keep sealed. Store in a cool, dry and closed storage area. Keep container tightly closed when not in use. Reduce stacking height where local conditions, such as humidity or pallet overhang, can affect package strength. Use caution when moving, opening, closing or pouring.

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

**NONREFILLABLE CONTAINER:** Do not reuse or refill this container.

**CONTAINER DISPOSAL:** Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

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Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using the product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

**ALL STATEMENTS MADE HEREIN ARE SUBJECT TO APPLICABLE LAW, AND TO THE EXTENT THERE IS ANY INCONSISTENCY OR CONTENTION, APPLICABLE LAW SHALL GOVERN.**

The Directions for Use of the product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of many different factors including, without limitation, manner of use or application, weather, combination with other products, or crop conditions. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Manufacturer and Seller harmless from any claims relating to such factors

Seller warrants that this product conforms to the chemical description on the label.

**EXCEPT FOR THIS WARRANTY, THE PRODUCT IS FURNISHED "AS-IS," AND NEITHER SELLER NOR MANUFACTURER MAKES ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE SELECTION, PURCHASE OR USE OF THIS PRODUCT; SELLER AND MANUFACTURER SPECIFICALLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEYOND WHAT IS STATED ON THE LABEL. Buyer and User accept all risks arising from any use of this product, including without limitation, uses contrary to label instructions, or under conditions not reasonably foreseeable to (or beyond the control of) Seller or Manufacturer.**

Neither Manufacturer nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE BUYER OR USER, AND THE EXCLUSIVE LIABILITY OF MANUFACTURER AND SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT, OR, AT THE ELECTION OF MANUFACTURER OR SELLER, THE REPLACEMENT OF THE PRODUCT.

These Conditions of Sale and Limitation of Warranty and Liability shall be interpreted, unless otherwise required by the law of the state of purchase, in accordance with the laws of the State of California, excluding its conflicts of laws rules, and may not be amended by any oral or written agreement.

Sevin is a registered trademark of Bayer CropScience.  
WILBUR-ELLIS logo is a registered trademarks of WILBUR-ELLIS Company.

NOTICE: This product contains a chemical known to the State of California to cause cancer and reproductive harm.

**In Case of Emergency,  
Call CHEMTREC: (800) 424-9300**

F-030113

**WILBUR-ELLIS COMPANY  
P.O. BOX 16458 – FRESNO CA 93755**

Batch Code \_\_\_\_\_

