



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 27 2002

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Mr. Gregory C. Mattern  
Bayer CropScience  
8400 Hawthorn Road  
P.O. Box 4913  
Kansas City, MO 64120-0013

Subject: Amendment to Add Additional Use Sites: Soybean, Field Corn, Head and Stem  
Brassica (Subgroup), Mustard Greens, Head and Leaf Lettuce, Dry Peas  
and Southern Peas  
Baythroid® Technical Insecticide  
EPA Registration Number: 3125-356  
Your Resubmission Dated September 25, 2002

Dear Mr. Mattern:

The Agency accepts your application for amended registration to add the subject crops to the subject labeling since you have agreed in writing to the following terms for conditional registration in accordance with FIFRA section 3(c)(7)(B):

1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit responses required for reregistration of your product under FIFRA section 4.
2. The subject amendment is conditioned under the same terms and conditions for data generation as stipulated in our November 15, 1993 letter for use of this product on cotton.
3. Bayer Corporation agreed that the current synthetic pyrethroid mitigation measures are interim in nature and may be reconsidered or modified after review and evaluation of the Spray Drift Task Force.
4. You understand that this registration will expire on November 15, 2003. You further understand that it is EPA's stated intent to, by November 15, 2003, complete its review of all relevant data and other information that are available to the Agency, and to make FIFRA section 3(c)(5) or other appropriate regulatory decisions for cotton-use synthetic pyrethroids and other crops conditionally registered based on the Agency's review of such data/information and considering statutory and regulatory criteria for such decisions.

- 5. You will submit product information (pounds or gallons produced) for this product for the fiscal year in which the added uses are conditionally registered, in accordance with FIFRA section 29. The fiscal year begins October 1 and ends September 30. The production information will be submitted to the Agency no later than November 15 following the end of the preceding fiscal year.

The information should be submitted to:

U.S. Environmental Protection Agency  
 Office of Pesticide Programs (7504C)  
 Document Processing Desk  
 Ariel Rios Building  
 1200 Pennsylvania Avenue, NW  
 Washington, DC 20460

- 6. You have agreed to submit the data listed below, conducted in accordance with the 40CFR Part 158 Test Guidelines:

| Title of Study                    | Guideline Reference No. | Date Due       |
|-----------------------------------|-------------------------|----------------|
| Developmental Neurotoxicity Study | 870.6300                | Sept. 30, 2003 |

- 7. You have agreed to provide market share data for the subject new uses annually and to comply with any risk mitigation measures that may be required if cyfluthrin should capture a significantly greater market share than projected and the estimated dietary and/or aggregate exposure to cyfluthrin becomes unacceptable. Market share data for these new uses must be submitted annually for a period of 5 years, beginning with calendar year 2003. This information must be submitted to the Agency no later than March 15 following the end of the calendar year (January 1 through December 31). The first market share report will be due at the Agency on March 15, 2004 for the year ending December 31, 2003.
- 8. Submit two (2) copies of the revised final printed label for the record before you release the product for shipment. Refer to the A-79 enclosure for a further description of final printed labeling.

You should note that if you fail to satisfy any of the conditions imposed on this registration, e.g., you fail to submit the required information/data by the specified deadlines or the data submitted were not generated in accordance with the applicable test guidelines or you fail to make the required label changes, EPA may issue a notice to cancel this use under FIFRA section 6(e).

You should also note that, regardless of whether you satisfy all applicable conditions, this conditional registration will expire automatically on November 15, 2003. Sale and distribution of the subject product bearing labeling for the subject uses after November 15, 2003 will be illegal.

**Finally, once the required data have been submitted and evaluated, EPA will entertain an application to amend the registration of the subject product to allow the unconditional use on cotton and other crops without any special restrictions on the duration of the registration.**

A stamped copy of the label is enclosed for your records.

If you have any questions regarding these actions, please contact Susan Stanton of my team at (703) 305-5218.

Sincerely,



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

Enclosure

# Baythroid®

## Technical Insecticide

An insecticide for formulating use only.

### ACTIVE INGREDIENT:

Cyano(4-fluoro-3-phenoxyphenyl)methyl -  
-3-(2,2-dichloroethenyl)-2,2dimethylcyclo-  
propanecarboxylate ..... 95%

INERT INGREDIENTS: ..... 5%  
100%

EPA Reg. No. 3125-356 Net Weight \_\_\_ Pounds

**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 inhaled. Harmful if swallowed or absorbed through skin. Do not get in eyes, on skin or on clothing.

Do not breathe vapor. Wear a pesticide respirator jointly approved by the Mining Enforcement and Safety Administration (formerly U.S. Bureau of Mines) and by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

Do not contaminate feed of food. Keep out of reach of children.

Wear protective clothing, rubber gloves and goggles, face shield or safety glasses. Wash hands, arms and face thoroughly with soap and warm water after handling. Wash contaminated clothing with soap and hot water before reuse.

**ACCEPTED  
with COMMENTS  
In EPA Letter Dated:**

**SEP 27 2002**

**Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
3125-356**

| FIRST AID   |  |
|---|--|
| <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 to 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 to 20 minutes. 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>If inhaled</b>   | <ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>  |
| In case of emergency call toll free the Bayer Kansas City Emergency Response Telephone No. 800-414-0244. Have a product container or label with you when calling a poison control center or doctor, or going for treatment. |  |
| <b>Note To Physician:</b> No specific antidote is available. Treat symptomatically.   |  |

**SYMPTOMS OF POISONING:** In case of poisoning, call a physician or Poison Control Center. Have patient lie down and keep quiet.

### ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, fish, and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. 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 EPA.

## DIRECTIONS FOR USE

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

Only for formulation into an insecticide for

(1) the following uses:

Terrestrial Food and Feed Crops: Alfalfa, Brassica Vegetables (Head and Stem ), Carrots, Citrus, Corn, Cotton, Hops, Lettuce, Mustard Greens, Peas (Southern and Dry), Peppers, Potatoes, Radishes, Sorghum, Soybean, Sugarcane, Sunflower, Sweet Corn, Tomatoes, Cereal Grains (Post-Harvest).

Indoor Food, Non-Food and Residential Uses

Greenhouse Non-Food Crop

Terrestrial Non-Food Crop

Residential Outdoor

(2) uses for which US EPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and

(3) uses for experimental or emergency purposes that are in compliance with US EPA requirements.

**BAYER DISCLAIMS ALL LIABILITY BASED ON BREACH OF WARRANTY, NEGLIGENCE, STRICT TORT LIABILITY, OR ANY OTHER THEORY OF LIABILITY FOR CROP DAMAGE OR FAILED EFFICACY RESULTING FROM THE USE OF THIS BAYER PRODUCT AS AN INGREDIENT IN ANY FORMULATION WITH A USE NOT SPECIFICALLY LISTED ON THIS LABEL.**

Labeling for products formulated from this product must conform to that which is currently registered with the U.S. Environmental Protection Agency. For specific information on federally registered uses contact Bayer Corporation. Any variance from the federally registered labeling for products containing BAYTHROID insecticide will have to be supported by data provided by the formulator.

## STORAGE AND DISPOSAL

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

**Pesticide 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.

Handle and open container in a manner as to prevent spillage. If container is leaking, invert to prevent leakage. If the container is leaking or material is spilled for any reason or cause, carefully dam up spilled material to prevent runoff. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides below. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Kansas City Emergency Response Telephone No. is (800) 414-0244, or contact Chemtrec at (800) 424-9300.

**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:** 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.

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Bayer Corporation  
Crop Protection  
Box 4913  
Kansas City, MO 64120-0013  
(800) 842-8020  
<http://uscrop.bayer.com>

