

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

**OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES****DEC 17 2003**

**Mr. Darryl E. Brock
AMVAC Chemical Corporation
4695 MacArthur Court, Suite 1250
Newport Beach, CA 92660**

**Subject: Amendment Adding New Uses, Including Food Handling Establishments,
Herb Bananas (Import), Pears, Citrus, Tomato, Spinach, and Tree Nuts
Technical Bifenthrin Insecticide/Miticide
EPA Reg. No.: 5481-505
Your Submission, Dated October 27, 2003, as Amended October 30, 2003**

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable subject to the comments below. Two copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. Add the following dermal sensitization statement under "Hazards to Humans and Domestic Animals":

"Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals."

FMC Corporation recently submitted a new dermal sensitization study for Bifenthrin Technical (EPA Reg. No. 279-3055). Based on the results of the study, FMC's technical has been classified as a dermal sensitizer and the above statement has been added to the product label. Since your product was registered based on its substantial similarity to FMC's technical, it is also classified as a dermal sensitizer. Accordingly, you must also add the statement shown above to your product label.

2. In the Directions for Use, under "Food Handling Establishments", delete the paragraph "Non-Food/Feed Areas". The statements in this paragraph imply that the product may only be used to formulate insecticides for use in non-food/feed areas of food handling establishments. It is our understanding that you intend to allow formulation into products for use in both non-food/feed and food/feed areas of food handling establishments.

3. Revise the last sentence of the third paragraph under "Limited Warranty and Disclaimer" to read "To the extent allowed by law, manufacturer or seller shall not be liable for any special, indirect or consequential damages resulting from the use or handling of this product." As currently written ("In no event, shall manufacturer or seller be liable ...") the statement negates and/or detracts from labeling requirements as set forth by the Agency in 40 CFR Part 156, and is, therefore, considered misbranding.

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

Sincerely,



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

Enclosure

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

DEC 17 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
5481-505

Technical Bifenthrin

Insecticide/Miticide

ACTIVE INGREDIENT:

Bifenthrin (2-methyl [1,1'-biphenyl]-3-yl) methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-cyclopropanecarboxylate* 96.2 %

INERT INGREDIENTS: 3.8 %
Total 100.0%

*Cis isomer 97% minimum, trans isomers 3% maximum

KEEP OUT OF REACH OF CHILDREN

WARNING

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING: May be fatal if swallowed. Harmful if inhaled or absorbed through skin. Causes moderate eye irritation. Avoid breathing vapor or spray mist. Avoid contact with skin, eyes, or clothing. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco.

FIRST AID	
If swallowed	<ul style="list-style-type: none">• 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 do so by the poison control center or doctor.• Do not give anything by mouth to an unconscious person.
If inhaled	<ul style="list-style-type: none">• Move person to fresh air.• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.• Call a poison control center or doctor for further treatment advice.
If on skin or clothing	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15-20 minutes.• Call a poison control center or doctor for treatment advice.
If in eyes	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15-20 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.
EMERGENCY INFORMATION	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. FOR THE FOLLOWING EMERGENCIES, PHONE 24 HOURS A DAY: Transportation: CHEMTREC 1-800-424-9300 Other: AMVAC..... 1-323-264-3910	

See other panels for additional Precautionary Statements and Directions for Use.

EPA Reg. No. 5481-505

EPA Est. No.

NET CONTENTS: _____



4100 E. Washington Blvd.
Los Angeles, CA 90023 U.S.A
1-323-264-3910 • www.amvac-chemical.com

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or public 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 Environmental Protection Agency.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This material requires further mixing before use.

Only for formulation into an insecticide/miticide for

- (1) The following uses: Sweet Corn, Succulent Peas and Beans, Head and Stem Brassica Vegetables, Globe Artichoke, Cucurbits, Herbs, Bananas (import only), Legume Vegetables, Cotton, Field Corn (Grain and Silage), Popcorn, Field Corn Grown for Seed, Hops, Greenhouse Grown Ornamental Trees, Shrubs, Plants, Flowers, Non-Bearing Fruit and Nut Trees, Rapeseed, Canola, Crambe, Strawberries, Caneberries, Pears, Citrus, Tomato, Lettuce (head), Peppers (bell and non bell), Eggplant, Spinach, Tree Nuts.
- (2) **Terrestrial Non-food:**
 - Termiticide and Soil Contact Non-fumigation Treatment
 - Wood Treatment & Protection
 - Outdoor Insect Control
 - Ornamental plants, trees, shrubs and vines (woody)
 - Residential Lawns
 - Indoor Insect Control

Food Handling Establishments: Places other than private residences in which food is held, processed, prepared or served.

Non-Food/Feed Areas: May be used to manufacture end-use products for use as a spot or crack and crevice treatment in non-food areas. Similar areas where insects hide or through which insects may enter can be treated. Examples of non-food areas include: garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage (after canning or bottling).

- (3) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and
- (4) Uses for experimental purposes that are in compliance with USEPA requirements.

Formulators using this product are responsible for obtaining USEPA registration for their formulated product which may be labeled for the use patterns as found listed on this label.

STORAGE AND DISPOSAL

Pesticide Storage

Do not freeze. Do not store below 40°F. If solid crystals are observed, warm material to above 60°F by placing container in warm location. Shake or roll container periodically to redissolve solids.

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use, replace lids and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food, or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call Chemtrec (800) 424-9300.

To confine spill: If liquid, dike surrounding area or absorb with sand, cat litter or commercial clay. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

Pesticide Disposal: Pesticide wastes are toxic. Do not contaminate water, food or feed by storage or disposal. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. Dispose of excess waste or pesticide by use according to label directions, or contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal:

Metal or Plastic Container: 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. Do not cut or weld metal containers.

LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants (a) that this product conforms to the chemical description on the label; (b) that this product is reasonably fit for the purposes set forth in the directions for use, subject to the inherent risks referred to herein, when it is used in accordance with such directions; and (c) that the directions, warnings, and other statements on this label are based upon responsible experts' evaluations of reasonable tests of effectiveness, of toxicity to laboratory animals and to plants and residues on food crops, and upon reports of field experience. Tests have not been made on all varieties of food crops and plants, or in all states or under all conditions.

THERE ARE NO EXPRESS WARRANTIES OTHER THAN THOSE SET FORTH HEREIN. THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE, TO MAKE ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR PURPOSE, OR ANY WARRANTY OF QUALITY OR PERFORMANCE. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS OR CAUTIONS.

BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF, OR THE REPAYMENT OF THE PURCHASE PRICE FOR, THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT, SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

AMVAC offers this product, and Buyer accepts it, subject to the foregoing Limited Warranty which may be varied only by agreement in writing signed by an authorized representative of AMVAC.

AMVAC Chemical Corporation
4100 E. Washington Boulevard
Los Angeles, CA 90023 U.S.A.
1-323-264-3910
www.amvac-chemical.com