

5905-567

9/2/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

September 2, 2010

Ms. Cheryl Wagner
Helena Chemical Company
c/o Wagner Regulatory Associates, Inc.
P.O. Box 640
Hockessin, DE 19707

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4
Updating the Storage & Disposal Language

Dear Ms. Wagner:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 5, 2010 for the following product(s):

Diazinon AG 500 Insecticide EPA Reg. No. 5905-248
Pro-Mate Bifenthrin GC 0.069% Plus Fertilizer EPA Reg. No. 5905-567 ✓

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN 98-10. 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 Regina Foushee'-Smith at 703-605-0780.

Sincerely,

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)

2010

 <p>United States Environmental Protection Agency Washington, DC 20460</p>	<input checked="" type="checkbox"/> Registration	OPP Identifier Number
	<input type="checkbox"/> Amendment	
	<input type="checkbox"/> Other	

Application for Pesticide - Section I

1. Company/Product Number 5905-567	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Pro-Mate Bifenthrin GC 0.069% Plus Fertilizer	PM# 13	
5. Name and Address of Applicant (Include Zip Code) Helena Chemical Company c/o Wagner Regulatory Associates, Inc. P.O. Box 640 Hockessin, DE 19707 <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

Section - II

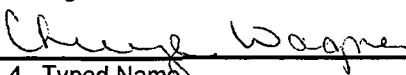
<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> 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 provisions of PR Notice 2007-4 and EPA Regulations at 40 CFR 156.10, 154.140, 156.144, 156.146, and 156.156. 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 requirements 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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) HDPE lined bags	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 50 lb. bag		5. Location of Label Directions <input checked="" 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"/> Other ___ adhesive backed label _____	
				<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 Cheryl Wagner	Title Agent for Helena Chemical Company	Telephone No. (Include Area Code) (302) 234 8551
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 Agent for Helena Chemical Company	
4. Typed Name Cheryl Wagner	5. Date August 5, 2010	

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August 5, 2010



Wagner Regulatory Associates, Inc.
P.O. Box 640
7460 Lancaster Pike, Suite 9
Hockessin, Delaware 19707

Document Processing Desk (NOTIF)
ATTN: Mr. Mark Suarez PM 13
Registration Division (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, Virginia 22202-4501

Dear Mr. Suarez:

Re: Pro-Mate Bifenthrin GC 0.069% Plus Fertilizer
EPA Registration Number 5905-567
Notice of Revised Storage & Disposal Label Language

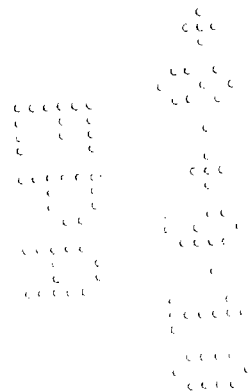
Wagner Regulatory Associates, Inc., on behalf of Helena Chemical Company, hereby notifies the Agency that the storage and disposal section of the subject label as been revised in accordance with PR Notice 2007-4. Enclosed for the Agency's file is:

- Letter from Helena Chemical Company authorizing Wagner Regulatory to serve as Agent
- EPA Notification form (EPA Form 8570-1)
- One copy of revised labeling

Please feel free to contact me at (302) 234-8551 if you have any questions or require additional information.

Respectfully submitted,

Cheryl Wagner
Agent for Helena Chemical Company





HELENA CHEMICAL COMPANY
225 Schilling Blvd., Suite 300
Collierville, Tennessee 38017
Phone: (901) 761-0050

May 3, 2010

US Environmental Protection Agency
Office of Pesticide Programs
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Re: Designation of Agent for:
Helena Chemical Company (EPA Company no. 5905)
664 Moore Road
Memphis, TN 38120

Dear Sir or Madam:

This letter serves as notification that our company has appointed Wagner Regulatory Associates, Inc. ("WRA") to serve as Agent on our company's behalf regarding US EPA regulatory matters relative to Helena's existing registered products, products pending registration and future registration applications. WRA is based at 7460 Lancaster Pike, Suite 9, Hockessin, Delaware 19707.

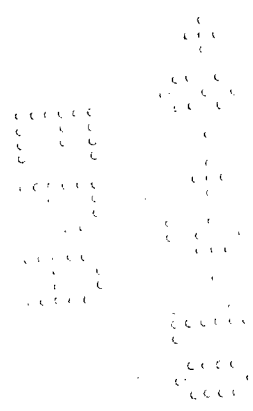
Helena requests the EPA to accept registration submissions and inquiries from WRA for Helena products and authorizes the EPA to provide registration correspondence to WRA for Helena products.

Thank you for your time and assistance. Please feel free to call me at if you have any questions. This appointment will remain in effect until such time as it is revoked in writing by Helena.

Respectfully submitted,

Dave Thomas
Vice President – Marketing

cc: WRA Inc.



SPECIMEN LABEL

RESTRICTED USE PESTICIDE

Toxic to Fish and Aquatic Organisms

For retail sale to and use only by certified applicators, or persons under their direct supervision and only for those uses covered by the certified applicator's certification.

PRO-MATE® BIFENTHRIN GC 0.069% PLUS FERTILIZER

For use to control ants (including imported fire ants), mole crickets and other listed pests on grass in landscaped areas around residential, institutional, public, commercial and industrial buildings, parks, recreational areas, golf courses and athletic fields.

Active Ingredient: By Wt.

Bifenthrin*.....	0.069%
Other Ingredients	99.931%
TOTAL	100.0%

Cis isomers 97% minimum, trans isomers 3% maximum.

U.S. Patent No. 4,238,505

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE INSIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA Reg. No. 5905-567

EPA Est. No: First letters of product batch code indicate producing establishment. 5905-NC-018; 5905-FL-003

PRECAUTIONARY STATEMENTS

Hazards to Humans (and Domestic Animals)

CAUTION

Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash hands 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.

FIRST AID

IF ON SKIN OR CLOTHING:

- 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.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 for Emergency Assistance.

NOTE TO PHYSICIAN

This product is a pyrethroid. If large amounts have been ingested, milk, cream and

Disclaimer: Always refer to the label on the product before using Helena or any other product.

other digestible fats and oils may increase absorption and so should be avoided. For Emergency Assistance Call: (800) 424-9300.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes, or in/on nurseries, or grass grown for seed.

Do not apply more than 580 pounds of PRO-MATE® BIFENTHRIN GC 0.069% PLUS FERTILIZER per acre per year.

Do not apply by air.

Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm ponds.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and 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 apply when weather conditions favor drift from treated areas. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

STORAGE AND DISPOSAL

PROHIBITIONS:

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

PESTICIDE STORAGE

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 close tightly. In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills.

Call: (800) 424-9300.

TO CONFINE SPILL: Cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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

Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or 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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SPECIMEN LABEL

GRASS AND PERIMETER APPLICATIONS (Including Golf Courses)

Perimeter Application: Apply to grass area 6 to 10 feet wide around and adjacent to the structure using an application rate of 3.33 to 6.66 pounds per 1,000 square feet.

Grass Application: Broadcast PRO-MATE® BIFENTHRIN GC 0.069% PLUS FERTILIZER with suitable application equipment to ensure uniform coverage over the treatment area. Apply 3.33 to 6.66 pounds per 1,000 square feet to control the following pests.

Annual Bluegrass Weevils (Hyperodes) (Adult)
Armyworms
Black Turfgrass Ataenius (Adult)
Chinch Bugs²
Fleas²
Leafhoppers
Millipedes²
Sod Webworms

Ants²
Billbugs (Adult)
Centipedes²
Cutworms
Imported Fire Ants^{1,2}
Mealybugs
Mole Crickets²
Ticks²

Comments

¹ **Imported Fire Ants:** Control will be optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound treatments (using BIFENTHRIN GL Flowable-EPA Reg. No. 279-3156) that will control existing colonies.

² The higher application rate may be required to control Ants, Centipedes, Chinch Bugs, Fleas, Imported Fire Ants, Millipedes, Mole Crickets & Ticks.

In New York, this product may not be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland or drainage ditch). In New York State, do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

CONDITIONS OF SALE - LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES

Read the Conditions of Sale - Warranty and Limitations of Liability and Remedies before using this product. If the terms are not acceptable, return the product, unopened, and the full purchase price will be refunded.

The Directions for Use of this product must be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions or the failure to follow the label directions or good application practices, all of which are beyond the control of Helena Chemical Company (the "Company") or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. The Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use subject to the factors noted above which are beyond the control of the Company. To the extent consistent with applicable law, the Company makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose.

The exclusive remedy against the Company for any cause of action relating to the handling or use of this product shall be limited to, at Helena Chemical Company's election, one of the following:

1. Refund of the purchase price paid by buyer or user for product bought, or
2. Replacement of the product used

To the extent consistent with applicable law, the Company shall not be liable and any and all claims against the Company are waived for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income. The Company and the seller offer this product and the buyer and user accept it, subject to the foregoing conditions of sale and limitation of warranty, liability and remedies.

© Copyright Helena Holding Company, 2010

PRO-MATE® is a registered trademark of Helena Holding Company.

**MANUFACTURED FOR:
HELENA CHEMICAL COMPANY
225 SCHILLING BOULEVARD, SUITE 300
COLLIERVILLE, TENNESSEE 38017**

Disclaimer: Always refer to the label on the product before using Helena or any other product.

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