

7969-241

05/01/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Daniel J. O'Byrne
Product Registration Manager
BASF Corporation
Agricultural Products
P. O. Box 13528
26 Davis Drive
Research Triangle Park, NC 27709

MAY 1 2009

SUBJECT: Application for Pesticide Notification – Revising Labeling per PR Notices (PRNs 98-10 and 2007-4, and Updating Warranty PTM™ Insecticide EPA Reg. No. 7969-241 Application Dated April 17, 2009

Dear Mr. O'Byrne:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notices (PRNs) 98-10 and 2007-4 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRNs 98-10 and 2007-4, and finds that the label changes requested fall within the scope of these PRNs. 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 me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 7969-241	2. EPA Product Manager Mr. Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) PTM Insecticide	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation 26 Davis Drive, P.O. Box 13528 Research Triangle Park, NC 27709-3528 <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
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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 changes to the Master label for PTM Insecticide as allowed by PR-Notice 2007-4 and 98-10. This notification is consistent with the guidance in PR Notice 2007-4 and 1998-10 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, 156.156 and 152.46. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 144, 156.146, 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 checked="" type="checkbox"/> Yes <input 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 checked="" 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 checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 2.5 gal		5. Location of Label Directions <input checked="" type="checkbox"/> Container	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Daniel J. O'Byrne	Title Product Registration Manager	Telephone No. (Include Area Code) 919-547-2657
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)
Signature <i>Daniel J. O'Byrne</i>	3. Title Product Registration Manager	
4. Typed Name Daniel J. O'Byrne	5. Date Apr. 17, 2009	



The Chemical Company

April 20, 2009

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

Attn: Mr. Richard Gebken
Product Manager, Team 10, Insecticides Branch

RE: PTM Insecticide, EPA Reg. No. 7969-241; Notification Label Changes Allowed by PR-Notice 2007-4 and 98-10, Submission of Final Print Master Label

Dear Mr. Gebken:

On behalf of BASF Corporation I am submitting Notification of changes to the Master label for PTM Insecticide as allowed by PR-Notice 2007-4 and 98-10.

These are changes to the previous Master label that I submitted by Notification on Jul. 17, 2007 and were acknowledged by Linda Arrington on Aug. 24, 2007.

All changes are highlighted for your reference.

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 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."

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.

In support of this Notification I have included with this letter the following:

1. Completed application form 8570-1.
2. Final Print Master Label with changes highlighted.
3. Copy of Aug. 24, 2007 letter from L. Arrington and associated label.
4. Two (2) loose copies of the final print Master label.

If you have any questions concerning this submission please contact me directly at 919-547-2657 or daniel.obyrne@basf.com.

Respectfully Submitted,

Daniel J. O'Byrne
Product Registration Manager

PTMTM

INSECTICIDE

Active Ingredient:

Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-*H*-pyrazole-3-carbonitrile 9.1%

Other Ingredients: 90.9%

Total: 100.0%

One gallon **PTM Insecticide** contains 0.8 lbs Fipronil.

EPA Reg. No. 7969-241

EPA Est. No.

NOTIFICATION

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**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 this label, find someone to explain it to you in detail.)

See inside for complete **First Aid, Precautionary Statements, Directions for Use** and **Conditions of Sale and Warranty.**

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents:

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709

BASF
The Chemical Company

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • DO NOT induce vomiting unless told to do so by a poison control center or doctor. • DO NOT give any liquid to the person. • DO NOT give anything by mouth to an unconscious person.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
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 mouth-to-mouth, if possible. • 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 to 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.
HOT LINE NUMBER	
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).</p>	
<p>NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and in extreme cases possibly convulsions may occur.</p>	

PRECAUTIONARY STATEMENTS

**HAZARDS TO HUMANS
AND DOMESTIC ANIMALS
CAUTION**

Harmful if swallowed, inhaled or absorbed through the skin. **DO NOT** breathe vapor or spray mist. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment (PPE)

All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves.

Follow the 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.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. **DO NOT** reuse them.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users Should:

- Wash thoroughly with soap and water after handling. 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 PPE immediately after handling this product. Wash outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, 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. Runoff may be hazardous to estuarine and aquatic organisms in water adjacent to treated areas. Care must be taken to avoid runoff. **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.

PTM™ Insecticide cannot be used to formulate, reformulate or repackage into any other pesticide product without the written permission of BASF Corporation.

Read entire label before using this product.

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.

AGRICULTURAL USE REQUIREMENTS
<p>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.</p> <p>It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on the label about personal protective equipment and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.</p> <p>DO NOT enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours. For early entry into 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, wear overalls, shoes plus socks and chemical resistant gloves. Exception: If the product is soil-injected or soil incorporated, the Worker Protection Standard, under certain circumstances allows workers to enter the treated area if there will be no contact with anything that has been treated.</p>

STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal.

STORAGE

Store unused product in original container only, out of reach of children and animals.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide 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

Nonrefillable Container. DO NOT reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

Triple rinse containers small enough to shake

(capacity ≤ 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

In case of minor spills or leaks, soak up with sand, earth or other suitable material and dispose of as pesticide waste.

In Case of Spill

In case of large-scale spillage regarding this product, call:
CHEMTREC 1-800-424-9300
BASF Corporation 1-800-832-HELP (4357)

GENERAL INSTRUCTIONS

For application by injection to soil at the base of pine trees.

USE RESTRICTIONS

Make one application per year. **DO NOT** apply more than 21 fl oz (0.13 lb ai) **PTM™ Insecticide** per acre per year.

DO NOT apply this product through any kind of irrigation system.

DO NOT apply within 20 yards (in New York State, **DO NOT** apply within 100 feet or 33 yards) of lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries, commercial aquaculture facilities or other bodies of water that convey water to these areas. Protection of aquatic areas may be enhanced by maintaining all or a portion of this buffer in vegetative cover.

DO NOT apply to trees raised for pine nuts.

Apply only as a soil injection. **DO NOT** apply to the soil surface.

PREPARING DILUTION FOR APPLICATION

Prior to mixing, remove oil, rust, scale, pesticide residues and foreign matter from application equipment including the strainer. Flush with clean water. Use 50 mesh screens or equivalent in application system.

Fill tank with approximately 1/2 the needed volume of water and start agitation if available. Pour measured amount of **PTM Insecticide** into tank. Add remaining water needed to make the final dilution.

Small handheld or backpack applicator tanks should be shaken after filling and before each application to ensure that the active ingredient is evenly suspended in the mixture. Tank lids must be sufficiently tight before shaking to avoid spillage.

Applicator tanks too large to manually shake should be equipped with a sparge tube agitator. Alternative agitator designs may be used if they can adequately cleanse the bottom of the tank and provide sufficient agitation required for product mixing. Approximately 10% of the tank capacity should be pumped per minute back into the tank through the agitator. Agitate to ensure thorough mixing. Periodic agitation of the final dilution is important to keep the active ingredient evenly suspended in the mixture.

PTM™ Insecticide can be tank mixed in accordance with the most restrictive of label limitations and precautions. No label dosage rates should be exceeded. This product cannot be mixed with any product whose label

contains a prohibition against such mixing. If tank mixes with other products are to be used, evaluate tank mix compatibility with **PTM Insecticide** in a small container before mixing larger quantities in the application tank.

PESTS CONTROLLED

Nantucket pine tip moth (*Rhyacionia frustrana*) and pine bark aphids (*Cinara* spp.)

APPLICATION

Apply a dilution of water and 21 fl oz **PTM Insecticide** per acre at the time of planting or soon after planting. Spot treat by injecting an amount of dilution at least 3 inches below ground into the rooting zone of each pine seedling. Divide the total number of target trees to be treated per acre by 21 fl oz to obtain the amount of **PTM Insecticide** dilution to apply per tree. Dilute the required amount of fipronil with water to apply between 0.1 and 1.0 fl oz of total dilution per tree.

Examples of Application Volumes Based on Number of Trees Planted per Acre Use Directions

Number of trees per acre	Total volume of water + PTM Insecticide to be applied per tree	Total volume of water + PTM Insecticide per acre	Mix for 1 acre	
			PTM Insecticide	Water
fl oz				
400	0.1	40	21	19
	0.5	200	21	179
	1.0	400	21	379
500	0.1	50	21	29
	0.5	250	21	229
	1.0	500	21	479
600	0.1	60	21	39
	0.5	300	21	279
	1.0	600	21	579

NOTE: Use the higher total dilution volumes when soil moisture levels are low.

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF 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, BASF makes no other express or implied warranty of fitness or merchantability or any other express or implied warranty.

To the extent consistent with applicable law, Buyer's exclusive remedy and BASF's exclusive liability, whether in contract, tort, negligence, strict liability, or otherwise, shall be limited to repayment of the purchase price of the product.

To the extent consistent with applicable law, BASF and the Seller disclaim any liability for consequential, special or indirect damages resulting from the use or handling of this product.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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LABEL LICENSE FOR PTM™ Insecticide

PTM Insecticide is specially formulated and sold by BASF Corporation for the control of the listed pests on this label according to the directions on this label. The purchase price of **PTM Insecticide** includes a royalty whereby the purchaser acquires a prepaid license under U.S. Patent No. 5,232,940 under which purchaser agrees to employ the purchased quantity of **PTM Insecticide** only for the above-specified uses under BASF Corporation's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of **PTM Insecticide** other than those specified on this label are not licensed through the purchase of this product and the use of this product for other purposes may violate this license and patent rights of BASF.

NOTIFICATION
MAY 01 2009

PTM is a trademark of BASF.

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Supersedes: NVA 2008-04-220-0256

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709



The Chemical Company