

39039-8

06/11/2007

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Mr. Joe D. Kellerby
Y- Tex Corporation
P.O. Box 1450
1825 Big Horn Avenue
Cody, Wyoming 82414-1450

JUN 11 2007

Dear Mr. Kellerby:

Subject: Amendment-include language to prevent movement of imported fire ants in or out of bee equipment that is transported across state lines for purposes of commercial pollination
GardStar 40% Livestock and Premise Insecticide
EPA Registration Number 39039-8
Your submission dated February 15, 2007

The amendment referred to above, submitted in connection with registration under FIFRA section 3(c)(7)(a), is acceptable provided that you:

1. Submit and/or cite all data or other material required for registration/reregistration of your product under FIFRA section 3(c)(5) or FIFRA section 4 when the Agency requires all registrants of similar products to submit such data.
2. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:
 - a) You should state a re-application interval on the label for pallet and soil treatments. (Re-treatment of a pallet is likely each season while re-treatment of soil may or may not take place depending on needs of the commercial bee keeper.)
 - b) The application rate for a 0.05% permethrin treatment should be changed to 6 gallons per 100 square feet or 1 gallon per 16.5 square feet tested in the submitted study.
 - c) The pallet treatment should indicate that approximate fraction of a gallon of finished dilution usually required to treat the bottom of one four square foot pallet. The label should also state approximately how many four square foot pallets consist of a treatment area of 750 to 1,000 square feet stated on the label.

Please note that a notice of availability of EPA's registration eligibility document (RED) for product containing Permethrin was published in the FR on June 28, 2006 (Vol71 No. 124 page 36788). Additional data and/or labeling changes may be required for products containing Permethrin.

3. Submit two (2) copies of your final printed labeling before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

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

If you have any questions regarding this action, please contact Linda A. DeLuise of my team at (703) 305-5428.

Sincerely,

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

Enclosure

GardStar® 40% L
Livestock and Premise Insecticide

PRECAUTIONARY STATEMENTS
 Hazards to Humans & Domestic Animals
DANGER

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- For Agricultural/Commercial, Vector Control Agency, Pest Control Operator Use Only.
- For Control of Flies, Lice, Mites, and Ticks on livestock and their premises.
- Can be used on Lactating and Non-Lactating Dairy Cattle and Goats, Beef Cattle, Sheep, Swine, Poultry and Horses.
- Can be used in all areas of Dairy Barns, including Milk Rooms.
- For Control of Fleas and Ticks on Dogs by dip wash or dip tank.
- For Control of Fire Ants as a mound drench.
- For aid in Control of Small Hive Beetles around Honey Bee Hives.

ACTIVE INGREDIENT

Permethrin* 40.00%

INERT INGREDIENTS: 60.00%

*(3-Phenoxyphenyl)methyl(±)cis/trans-3-(2,2-dichloroethyl)-2,2-dimethylcyclopropanecarboxylate.
 cis/trans ratio: Min. 35%(±)cis and Max. 65%(±) trans.

†Contains Petroleum Distillate

GardStar-Registered Trademark of Y-TEX Corporation.

APPROVED with COMMENTS to EPA Label Dated JUN 11 2007
 Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

EPA Reg. No. 39039-8
 EPA Est. No. 39578-TX-1

KEEP OUT OF REACH OF CHILDREN 39039-8
DANGER

Corrosive. Causes irreversible eye damage. Do not get in eyes or on clothing. Wear goggles or face shield. Harmful if swallowed. Avoid contact with skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

Do not use on dogs under twelve (12) weeks old. Consult a veterinarian before using this product on medicated, debilitated, aged, pregnant or nursing animals. Sensitivities may occur after using any pesticide product for pets. If signs of sensitivity occur, bathe your pet with mild soap and rinse with large amounts of water. If signs continue, consult a veterinarian immediately.

Environmental Hazards

This product is extremely toxic to fish and other aquatic organisms. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in treated areas. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area.

Physical Hazards

Do not use or store near heat or open flame.

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly 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.
IF SWALLOWED	<ul style="list-style-type: none"> • Call 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 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 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.
Have the product container or label with you when calling a poison control center or doctor or going for treatment. For information regarding medical emergencies or pesticide incidents, call Chem-Tel, Inc. at 1-800-255-3924. For product information, call 1-307-578-0240 (Y-TEX Corporation).	

NOTE TO PHYSICIAN

This product contains a pyrethroid and a petroleum solvent. The possibility of aspiration pneumonia must be considered. The product can cause severe eye damage; ophthalmology consultation is recommended. Mucosal damage may contraindicate the use of gastric lavage.

SEE SIDE PANEL FOR
 ADDITIONAL PRECAUTIONARY STATEMENTS

NET CONTENTS:

Manufactured for
Y-TEX CORPORATION
 Cody, WY 82414

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. **Pesticide Storage And Spill Procedures:** Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture 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:

CONTAINERS 1 GALLON OR SMALLER:

Do not reuse empty container. Wrap container in several layers of newspaper and discard in trash.

CONTAINERS LARGER THAN 1 GALLON:

Metal Containers: 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.

Plastic Containers: Triple rinse or equivalent. Then offer for recycling or reconditioning and dispose of in a sanitary landfill, or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

NOTICE OF WARRANTY: Y-TEX CORPORATION MAKES NO WARRANTY OF MERCHANTABILITY, FITNESS FOR ANY PURPOSE, OR OTHERWISE, EXPRESSED OR IMPLIED concerning this product or its uses which extend beyond the use of the product under normal conditions in accord with the statements made on this label, and in any case, is limited to replacement of product only.

READ ENTIRE LABEL BEFORE EACH USE

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DIRECTIONS FOR USE

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

TARGET SPECIES	USE	DILUTE (NO. TREATED)	APPLICATION RATE
Lactating and Non-Lactating Dairy Cattle and Goats, Beef Cattle and Sheep			
Horn flies, Face flies, Stable flies, House flies, Horse flies, Deer flies, Black flies, Mosquitoes, Eye gnats, Mange mites, Scabies mites, Ticks, Lice, Sheep keds (Use higher concentrations for longer residual control)	High pressure spray	30 - 118ml to 25 gals. water. (treats 50-100) 0.013 - 0.05% AI (30 ml = 1 fl. oz.) (118 ml = 4 fl. oz.)	1-2 qt. of coarse spray per animal over whole body surface. For Mange, Scabies, Ticks and Lice, thoroughly wet animal. Repeat application 10-14 days for Mites and Lice.
Horn flies, Face flies, Stable flies, Ear ticks, Lice and Sheep Keds (2-3 weeks residual control of horn flies)	Low pressure spray (Hand pump sprayer)	118ml to 2.5 gals. water. (treats 64-80 cattle) (treats 213 sheep or goats) 0.5% AI	For fly, lice, and sheep ked control, spray midline from face to tailhead until wet but do not let runoff occur, 4-5 fl. oz. for cattle and 1.5 fl. oz. for sheep or goats. For ear tick control, spray directly into each ear (0.5 fl. oz. each).
Horn flies, Face flies, Stable flies (Season long control of horn flies)	Backrubber, Self Oiler	118ml to 10 gals. diesel oil or suitable mineral oil. 0.13% AI	Keep rubbing device charged. Results improved by daily forced use.
Poultry			
Northern fowl mites, Lice	High pressure spray	12.5 - 75ml to 2.5 gals. water. (treats 250) 0.05 - 0.32% AI	1 gal. of coarse spray per 100 birds, paying particular attention to vent area.
Swine (Allow 5 days between last treatment and slaughter)			
Lice, Mange	Sprayer or Dip	60 - 118ml to 25 gals. water. (treats 50-100) 0.026 - 0.05% AI	Thoroughly wet or dip animals including ears. For Mange, spray pen floors, sides and bedding. Repeat at 14 days.
Horses & Dogs* (Do not use on cats)			
Horn flies, Face flies, Stable flies, House flies, Horse flies, Black flies, Mosquitoes, Eye gnats, Mange mites, Scabies mites, Ticks, Lice, Fleas	Low Pressure Spray (horses only)	7.5ml to 1 pt. water. 0.64% AI	1-2 fl. oz. (30-60ml) spray per animal. Spot treat back, face, legs, tail and ears. Repeat application every 2 weeks, if necessary.
	Dip Wash	5 - 12.5ml to 2.0 gals. water. 0.026 - 0.067% AI	Thoroughly wet animal to skin with sponge or rag. Let drip dry. Do Not treat the animal's face. Repeat application every 2 weeks, if necessary.
	Dip (dogs only)	118ml to 20 gals. water. 0.064% AI	Make sure all areas are soaked to skin. Let drip dry on animal. Do not rinse off. Repeat application every 2 weeks, if necessary.

*Do not use on dogs under twelve (12) weeks old. Consult a veterinarian before using this product on medicated, debilitated, aged, pregnant or nursing animals. Sensitivities may occur after using ANY pesticide product for pets. If signs of sensitivity occur, bathe your pet with mild soap and rinse with large amounts of water. If signs continue, consult a veterinarian immediately.

DIRECTIONS FOR USE (Continued)

Premises - in and around Horse, Beef, Dairy, Swine, Sheep and Poultry Premises, Animal Hospitals, Pens and Kennels and Outside Meat and Honey Processing Premises**			
House flies, Stable flies, Little house flies (<i>Fannia spp.</i>). Aids in control of Cockroaches, Ants, Spiders, Mosquitoes and Crickets.	Surface Spray	90 - 118ml to 10 gals. water. 0.10 - 0.13% AI (90 ml = 3 fl. oz.) (118 ml = 4 fl. oz.)	Apply until surface is wet but do not let runoff occur (1 gal. per 750-1000 sq. ft.). (Do Not Use in Milk Rooms)
	Space Spray	10 - 45ml to 1 gal. water. 0.11 - 0.48% AI	Apply as fog or fine mist until area is filled with mist, using 2 fl. oz. (60ml) per 1000 cubic ft. (Can be used in Milk Rooms)
	Overhead space spray system	118ml to 10 gals. mineral oil. 0.13% AI	4 fl. oz. (118ml) spray per 1000 cu. ft. of air space. (Do Not Use in Milk Rooms)
Temporary reduction of annoyance from pests mentioned above.	Outdoor space spray	45ml to 1 gal. water. 0.48% AI	Fill area with mist. Apply while the air is still and avoid wetting foliage.
Bed bugs and Chicken mites	Sprayer	118ml to 10 gals. water. For severe infestation it is permissible to use 118ml to 4 gals. 0.13% AI	Spray crevices of roost poles, cracks in walls and cracks in nest and nest boxes.
Ticks, including the Deer tick, Fleas	Indoor spray	90ml to 2 gals. water. 0.48% AI	Treat around windows, doors, porches, screens, eaves, patios, garages, under stairways and in crawl spaces where these pests may occur. Apply until surface is wet but do not let runoff occur (approx. 1 gal. per 750-1000 sq. ft.).
	Outdoor spray	118ml to 100 gals. water. For longer residual, use up to 118ml to 50 gals. water. 0.013 - 0.026% AI	Use enough finished spray to penetrate foliage, usually 50-100 gals. per acre. To prevent infestation of buildings, treat a band of vegetation 6-10 feet adjacent to the structure.
Imported fire ants	Sprinkler Can	5 - 10ml to 1 gal. water. 0.05 - 0.11% AI	Gently sprinkle 1 gal. over the surface of each mound. Thoroughly wet mound and surrounding area to a 4 ft. diameter. For best results, apply in cool weather 65-80°F (early morning or late evening). Pressurized sprayers may disturb ants and cause migration reducing product effectiveness.
For prevention of imported fire ant movement in- or out- of honey bee hives positioned on supports such as pallets	Sprinkler can, hand held pump sprayer or other low pressure sprayer	5 ml to 1 gal water, 0.05% AI Soil Drench	For pre-placement of apiary apply to ground surface 24-48 hours prior to hive support placement. Thoroughly wet ground area (1 gal. solution per 16 to 18 sq. ft. or 5.6 to 6.3 gal per 100 sq. ft.) to make a treated square large enough to place the support plus a 2 to 4 ft. treated buffer around the structure, such as a 10 sq. ft. area with a 4 sq. ft. pallet to be placed in the center. Prior to moving support pallets onto trailer for transport, assure that no treated soil remains on pallet that may result in bees contacting treated surfaces during transport.
	Low pressure sprayer	90-118 ml to 10 gals. water, 0.1-0.13% AI Surface spray	Apply to bottom pallet of two support pallets until surface is wet but do not let runoff occur (1 gal. per 750-1000 sq. ft.) and let dry before placing pallet supporting bee hives on top. For transport, move only non-treated hive support pallet onto trailer. Leave treated (bottom) pallet on site, properly discard or transport separately to new site.

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DIRECTIONS FOR USE (Continued)

Premises - in and around Horse, Beef, Dairy, Swine, Sheep and Poultry Premises, Animal Hospitals, Pens and Kennels and Outside Meat and Honey Processing Premises**

For Aid in Control of the Small Hive Beetle, <i>Aethina tumida</i> .	Sprinkler Can	5 ml to 1 gal. water. 0.05% AI	For treatment of existing infestations, apply as soon as beetles or larvae are observed in or around the hive. Thoroughly wet ground in an area 18-24 inches wide in front of each hive (1 gal. per 6 hives). Apply spray in late evening after bees become inactive.
	Sprinkler can, hand pump sprayer or other low pressure sprayer	5 ml to 1 gal. water. 0.05% AI	For pre-placement cleanup of apiary, apply to entire ground surface 24-48 hrs. prior to hive placement.

NOTE: Permethrin is highly toxic to bees and extreme caution must be taken to avoid contact by spray or spray drift with the bees, hive or any other surfaces that bees may contact. When hives are present, applications may only be made with a sprinkler can. Hand pump sprayers may only be used when hives are not present and only for pre-placement cleanup of apiary. Do not contaminate any water or food source that may be in the area or apply during windy conditions. For better soil penetration and improved efficacy, cut grass around hive prior to application.

****Do not apply dilutions for premise treatment directly on livestock or poultry. Ensure that feed and water are not contaminated by spray drift. For space spraying, do not remain in treated areas and, upon reentry, open windows and ventilate the area for at least 2 hours. Animals should be removed from area prior to treatment. The use of any residual fly spray should be supplemented with proper manure management and general sanitation to reduce or eliminate fly breeding sites.**