

48273-19

1-25-2001

Final copy 1/7

IF SWALLOWED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JAN 25 2001

Ms. Kim Davis
Agent for Marman USA, Inc.
c/o RegWest Company
30856 Rocky road
Greeley, CO 80631-9375

Subject: Chlorpyrifos MOU dated June 7, 2000
Pestban 4E
EPA Reg No.: 48273-19
Submission Dated: 11/16/00

Dear Ms. Davis:

The revised labeling referenced to above, submitted in connection with the registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, is acceptable, provided you incorporate the Agency's conditions as enumerated in this letter below and submit one copy of your final printed label prior to releasing the product for shipment.

1). The "First Aid" statements must be revised on the label to reflect verbatim the language appearing in PR Notice 2001-1. The required revisions are noted in the table below in **bold type**.

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> •<u>Call poison control center or doctor immediately for treatment advice.</u> •Have person sip a glass of water if able to swallow. •<u>Do not induce vomiting unless told to do so by the poison control center or doctor.</u> •Do not give anything by mouth to an unconscious person.
IF ON SKIN OR ON CLOTHES	<ul style="list-style-type: none"> •Take off contaminated clothing. •<u>Rinse skin immediately with plenty of water for 15-20 minutes.</u> •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.
IF INHALED	<ul style="list-style-type: none"> •Move person to fresh air. •<u>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</u> •Call a poison control center or doctor for further treatment advice.

2). Also under first aid, you must include the 1-800 telephone number that will be used for emergency medical treatment information.

3). In the "Environmental Hazards" section, the second sentence must be revised to read as follows:

"Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark."

The fifth sentence must be revised to read:

"Do not contaminate water when **cleaning equipment** or disposing of equipment washwaters."

4). We strongly recommend that you delete mosquitoes from the lists of pests controlled on Page 3 of the draft table. You may, however, retain the specific information under item #3, stating that "mosquitoes coming to rest on areas treated for control of turf pests will be killed for varying periods of time after treatment, depending on exposure of treated areas to weathering conditions."

5). Add the following after wear eye protection "(goggles, face shield, or safety glasses with front, brow, and temple protection)."

6). The fourth sentence on Page 3, must be revised to read "or other commercial use, or for commercial seed production, or research purposes."

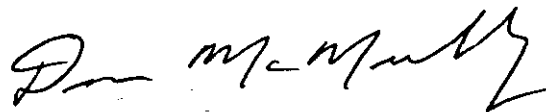
7). Per the Label Review Manual (13-9), the "Plastic Container Disposal" statement should be revised to read:

"Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke."

Submit one copy of the revised final printed label before releasing the product for shipment. If the conditions enumerated above are not complied with, the registration will be subject to cancellation in accordance with FIFRA Section 6(e).

A stamped copy of the label is enclosed for your records. If you have questions about this label review, please contact me at (703) 308-6742 or electronically at McNeilly.Dennis@EPA.gov. You may also contact Judy Loranger at (703)-308-8056 if you have specific questions regarding this letter.

Sincerely,



Dennis McNeilly, Chemist
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure: stamped label

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RESTRICTED USE PESTICIDE

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.

PESTBAN 4E

ACCEPTED
with COMMENTS
In EPA Letter Dated:

JAN 25 2001

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

~~48273-19~~

ACTIVE INGREDIENT:

chlorpyrifos (CAS No. 2921-88-2) 44.9%

OTHER INGREDIENTS 55.1%

Total 100.0%

Contains 4 pounds of chlorpyrifos per gallon.

Keep Out of Reach of Children

WARNING AVISO

Precaucion al usuario: Si usted no lee inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

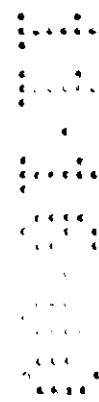
See back panel for additional precautionary statements.

Net Contents: _____ gal.

EPA Reg. No. 48273-19

EPA Est. 48273-FL-1

MARMAN USA, INC.
P.O. Box 22829
Tampa, FL 33622-2829



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PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

WARNING: May be fatal if swallowed. Absorption through skin may be fatal. Causes substantial but temporary eye injury. Causes skin irritation. This product may cause skin sensitization reactions in certain individuals. Do not get in eyes, on skin or clothing. Avoid breathing vapors and spray mist. Handle concentrate in a ventilated area. When handling concentrate, wear eye protection and protective clothing such as long-sleeved shirt, long-legged pants, rubber gloves and footwear, i.e., neoprene or nitrile butadiene rubber, resistant to aromatic solvents. Wash thoroughly with soap and water after handling and before eating or smoking. Remove contaminated clothing and wash before reuse. Keep away from food, feedstuffs and water supplies.

First Aid

If Swallowed	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor 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. • Immediately rinse skin 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.
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 further treatment advice.

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-xxx-xxxx for emergency medical treatment information.

Note to Physician: Chlorpyrifos is a cholinesterase inhibitor. Treat symptomatically. If exposed, plasma and red blood cell cholinesterase tests may indicate significance of exposure (baseline data are useful). Atropine, only by injection, is the preferable antidote. Oximes, such as 2-PAM/protopam, may be therapeutic if used early; however, use only in conjunction with atropine. In case of severe acute poisoning, use antidote immediately after establishing an open airway and respiration.

Environmental Hazards

This pesticide is toxic to birds and wildlife, and extremely toxic to fish and 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 adjacent aquatic sites. Cover or incorporate spills. Do not contaminate water when disposing of equipment washwaters. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

Physical or Chemical Hazards

Do not use or store near heat or open flame. Do not cut or weld container.

[Refer to label booklet for additional precautionary information and Directions for Use.]

Notice: Read the entire label. Use only according to label directions. Before buying or using this product, read the *Warranty Disclaimer and Limitation of Remedies* elsewhere on this label [inside label booklet].

DIRECTIONS FOR USE

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

Storage and Disposal

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

Storage: Store in original container in secured dry storage area. Prevent cross-contamination with fertilizers and other pesticides. Do not store above 100°F for extended periods of time. Storage below 20°F may result in formation of crystals. If product crystallizes, store at 50 to 70°F and agitate to redissolve crystals. If container is damaged or spill occurs, use product immediately or dispose of product and damaged container as indicated below. **Pesticide Disposal:** Pesticide wastes are toxic. 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: Metal:** 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 or local authorities. **Plastic:** Triple rinse (or equivalent). Then puncture 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. **Reusable Portable Container:** Do not rinse or put any other material into container. When returning reusable portable container, seal all openings and return to Marman USA.

Carefully read all *Directions for Use* before applying.
Chemigation: Do not apply this product through any type of irrigation system.
 Do not formulate this product into other end-use products.

Not for use on plants grown for sale or other commercial use, for commercial seed production, or research purposes.

General Information

Pestban 4E insecticide in an emulsifiable concentrate for use as a spray to control various insect pests. The pests controlled are listed in the accompanying tables. Pestban 4E is compatible with commonly recommended insecticides, miticides and fungicides except for alkaline materials such as Bordeaux mixture and lime. A small amount of spray mixture should be prepared to check for compatibility before a large volume of spray is mixed. **Attention:** Do not allow public access to treated areas until spray has dried. Keep out of fishpools and other bodies of water. Do not treat vegetable gardens. Do not allow livestock to graze in treated areas. Do not feed grass cuttings (hay) or seed screenings to livestock or use hay for livestock bedding. Do not use in poultry houses.

Turf in Golf Courses, Road Medians and Industrial Plant Sites (Maximum Use Rate of 1 qt. [1 lb. a.i.]/Acre)

Within the specified use sites, use Pestban 4E to control the pests listed in the following table by applying at the recommended dosages and in accordance with the directions given below. Dilute Pestban 4E in water and apply as a coarse, low-pressure spray using suitable application equipment. Thoroughly water immediately after treatment to wash the insecticide into the turf, except as noted. For best results, the turf should be moist at time of treatment. Spray when pests first appear; re-treat when needed.

Pest ^a	Amount of Pestban 4E Per		Specific Directions
	1,000 sq. ft.	Acre	
Ants (including foraging fire ants), Armyworms (Beet, Fall Yellowstriped), Centipedes, Chiggers ¹ , Chinch bugs, Clover mites, Cutworms, Crickets, Earwigs, Fiery skipper, Fire ants (mounds) ² , Fleas, Gnats, Grasshoppers, Greenbugs, June beetles, Leafhoppers, Lucerne moths, Millipedes, Mites (Clover, Formula grass, Winter grain), Mosquitoes ³ , Sod webworms (tawn moths) ⁴ , Sowbugs, Springtails, Ticks ¹	¾ fl. oz.	1 qt.	<ol style="list-style-type: none"> 1. Use Pestban 4E for area control of ticks and chiggers infesting golf courses, road medians and industrial plant sites where these pests are present and create a nuisance of a possible public health problem. Do not allow public use of treated areas during application or until spray has dried. Apply Pestban 4E in water at the rate of ½ pint per acre (equivalent to ½ fl. oz./2,700 sq. ft.) using a hydraulic sprayer, mist applicator, knapsack sprayer or other suitable hand- or power-operated spray equipment. Treat low underbrush, grassy areas, weeds, ground surface and debris using enough spray volume to obtain thorough coverage, usually 40 to 100 gal./acre. 2. For individual fire ant mounds apply Pestban 4E as a drench, diluted at the rate of 1 fl. oz. (30 ml) per 4 gals. of water. Gently sprinkle a total of 1 gal. of the diluted emulsion over the surface of each mound using a gentle spray (such as a sprinkler can). Thoroughly wet mound and surrounding areas to a 4 ft. diameter (12 sq. ft.). For best results, apply in cool weather, 65-80°F, or in early morning or late evening hours. Treat new mounds as they appear. Pressurized sprays may disturb the ants and cause migration, reducing product effectiveness. 3. Mosquitoes coming to rest on areas treated for control of turf pests will be killed for varying periods of time after treatment, depending on exposure of treated areas to weathering conditions. 4. For sod webworms, delay watering and mowing the treated area for 12 to 24 hours after treatment.
Bluegrass billbugs ¹	¾ fl. oz.	1 qt.	<ol style="list-style-type: none"> 1 For bluegrass billbugs, spray early in the season when adults first appear. Retreat as needed.

^aSuperscripts refer to *Specific Directions*

Pest Control on Outside Surfaces and Around Building (Only Industrial Plant Sites)

Apply Pestban 4E as a residual spray to outside surfaces of buildings including window frames, eaves, patios, garages, refuse dumps and other areas where pests congregate or have been seen. Repeat treatment as needed to maintain effectiveness.

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Pest ^a	Amount of Pestban 4E in Water to Make			Specific Directions
	1 gallon	10 gallons	50 gallons	
Ants, Bees, Carpenter ants, Clover mites, Cockroaches ^b , Crickets, Earwigs, Fleas, Flies, Hornets, Millipedes, Mosquitoes, Scorpions ² , Silverfish, Sowbugs, Spiders, Ticks, Wasps, Yellowjackets	For Band Treatment ¹			1. To help prevent infestation of buildings, treat a band of soil 6 to 10 ft. wide around and adjacent to buildings, also the building foundation to a height of 2 to 3 ft. where pests are active and may find entrance. Use 4 fl. oz. of Pestban 4E per 50 gal. of water and apply as a coarse spray at the rate of about 10 gal. spray mixture per 1,000 sq. ft. to thoroughly and uniformly wet the band area. 2. For scorpions treat or remove accumulations of lumber, firewood and other materials that serve as insect harborage sites.
	1/12 fl. oz.	3/4 fl. oz.	4 fl. oz.	
	For Outside Surfaces			
	1-1/3 fl. oz.	13-1/3 fl. oz.	2 qt.	

^aSuperscripts refer to *Specific Directions*

^bControls American and smokey brown cockroaches

Warranty Disclaimer

Marman USA, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. **Marman USA, Inc. makes no other express or implied warranty of merchantability or fitness for a particular purpose or any other express or implied warranty.**

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Marman USA, Inc. or the seller. All such risks shall be assumed by the Buyer.

Limitation of Remedies

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability or other legal theories) shall be limited to, at Marman USA, Inc.'s election, one of the following:

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

Marman USA, Inc. shall not be liable for losses or damages resulting from handling or use of this product unless Marman USA, Inc. is promptly notified of such loss or damage in writing. In no case shall Marman USA, Inc. be liable for consequential or incidental damages or losses.

The terms of the *Warranty Disclaimer* and this *Limitation of Remedies* cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Marman USA, Inc. or the seller is authorized to vary or exceed the terms of the *Warranty Disclaimer* or this *Limitation of Remedies* in any manner.

Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

{Note: The First Aid statements' grid format will be used if market label space permits; otherwise a paragraph format will be used.}