

53263-28

04/04/2005

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other: Notification

OPP Identifier Number
265394

Application for Pesticide - Section I

1. Company/Product Number
53263-28

2. EPA Product Manager
Cynthia Giles-Parker

3. Proposed Classification

4. Company/Product (Name)
Agnique MMF Mosquito Larvicide & Pupicide

PM#
Insecticide Branch

☒ None ☐ Restricted

5. Name and Address of Applicant (Include ZIP Code)
Cognis Corporation
4900 Este Avenue
Cincinnati, OH 45232

**PLEASE DIRECT ALL CORRESPONDENCE TO
"CONTACT POINT" LISTED BELOW**

☐ 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

☐ Amendment - Explain below.

☐ Resubmission in response to Agency letter dated _____

☒ Notification - Explain below.

NOTIFICATION

APR 4 2005

☐ Final printed labels in response to Agency letter dated _____

☐ "Me Too" Application

☐ Other - Explain below

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Notification to add language requested by the New York State Department of Environmental Conservation

Accordance With PR Notice 98-10

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 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be the subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Signature: Georgia Anastasiou

Date: 3/16/2005

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging

☐ Yes*

☐ No

Unit Packaging

☐ Yes

☐ No

Water Soluble Packaging

☐ Yes

☐ No

2. Type of Container

☐ Metal

☐ Plastic

☐ Glass

☐ Paper

☐ Other (Specify)

***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

☐ Label

☐ Container

4. Size(s) Retail Container

5. Location of Label Directions

☐ On Label

☐ On labeling accompanying product

6. Manner in Which Label is Affixed to Product

☐ Lithograph

☐ Paper glued

☐ Stenciled

☐ Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)

Name: Georgia Anastasiou, Lewis and Harrison, LLC
122 C St., NW Suite 740
Washington, DC 20001

Title: Agent for Cognis Corporation

Telephone No. (include Area Code): (202) 393-3903 x.19

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.

2. Signature

3. Title: Agent for Cognis Corporation

4. Typed Name

Georgia Anastasiou, Lewis & Harrison LLC

5. Date

3/16/2005

6. Date Application
Received
(Stamped)

AGNIQUE® MMF

MOSQUITO LARVICIDE & PUPICIDE

Monomolecular Surface Film for Control of Immature Mosquitoes and Midges

ACTIVE INGREDIENT:

Poly (oxy-1,2-ethanediyl), α -Isooctadecyl- ω -hydroxyl 100%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Back Panel for Additional Precautions and Product Information

FIRST AID (TREATMENT)	
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 plenty of 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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

NOTIFICATION

APR 4 2005

EPA Reg. No. 53263-28

EPA Establishment No. _____

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMAN AND DOMESTIC ANIMALS

CAUTION: Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. To be used in governmental mosquito control program, by professional pest control operators, by homeowners, or in other mosquito or midge control operations.

APPLICATION DIRECTIONS

This product may be applied by both ground and aerial applications. To use, calculate the desired rate based on water surface area. The water depth is not a factor in rate determination. Spray the desired rate of AGNIQUE® MMF onto the surface of the water. No dilution is required and a fan spray is recommended. The MMF will spread to cover hard to access areas. For large areas with dense vegetation it is recommended that application is made in several locations to assist in the spreading action. Do not pour or inject a stream spray directly into water. AGNIQUE® MMF is not visible on the surface of the water. Excess MMF on the water surface will form a white globule.

APPLICATION SITES

This product is for the control of immature mosquitoes and midges in areas where they breed and develop. This product may be used in habitats including potable water and irrigation waters, permanent and semi-permanent waters, irrigated croplands and pastures, and waters with outlets to natural water bodies. The following habitats provide examples of where the product can be applied but is not intended to be all inclusive.

Fresh and Brackish Water: fresh water and salt marshes, [containerized] ponds, lakes, storm water, drainage systems and retention & detention basins, roadside ditches, grassy swales, flooded fields and pastures, potable water containers, reservoirs, irrigated croplands, temporary and semi-permanent woodland pools, tidal water, and other areas where water accumulates.

Residential Areas: [Containerized] ponds, storm water basins, tree holes, rain barrels, landscape and ornamental ponds, tires, storm drains, stationary flower pots, pot holes, gutters, tarps, potable water containers and residential areas where water accumulates and provides ideal breeding habitats for mosquitoes or midges. **Not for Homeowner Use in the State of New York.**

Polluted Waters: Sewage lagoons, percolation ponds, animal waste effluent lagoons, septic ditches, waste treatment facility areas, etc.

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(Note to Review: the following chart will be used on containers larger than 1 gallon in size:)

MOSQUITO HABITAT	Suggested Rate Range
Fresh and Brackish Water*	0.2–1.0 gallons/acre (2 – 10 liters/hectare)
Polluted Waters**	0.35–1.0 gallons/acre (3.5–10 liters/hectare)
MIDGE HABITAT	Suggested Rate Range^
Fresh and Polluted Waters	0.5–1.0 gallons/acre (5 – 10 liter/hectare)
<p>* The lower rate (0.2 gallons/acre) is recommended when only pupae control is desired and in sites with no emergent vegetation and low organic content</p> <p>* Use higher rates when emergent or surface vegetation is present, due to the wicking action of the product. The more vegetation or the drier the vegetation, the higher the required rate.</p> <p>** Use higher rates in polluted water habitats for effective control</p> <p>^ Reapplication is recommended every two weeks during the midge season</p>	

(Note to Review: the following use directions will be provided on product marketed to commercial and institutional users:)

APPLICATION NOTES

Rate of Kill: The rate of kill when using MMF is dependent on the species, the life stage, the habitat and the temperature. Pupicidal action will typically result in 24 hours. Larvicidal action will usually result in 24-96 hours. If the film is present, as indicated by the indicator oil, control will be achieved.

Indicator Oil: AGNIQUE® MMF is not visible on the surface of the water. To check the habitat for the presence and persistence of the product, add a drop of AGNIQUE® MMF Indicator Oil to several locations in the habitat. If the Indicator Oil forms a tight bead on the surface of the water, then the MMF is present for control.

Persistence: The AGNIQUE® MMF surface film typically persists on the water's surface for 5 to 22 days. Polluted waters will cause more rapid degradation of the film. Higher application rates will prolong film life and extend the interval between retreatment.

Species: Mosquitoes and midges that require little or no surface contact for breathing will be affected by the product during the pupae and emerging adult life stages.

Wind: The high end of the dosage rate is recommended when spraying habitats where multi-directional winds of 10mph (16km/hr) or greater are expected to persist. While the film will be pushed by the winds, it will re-spread quickly once the winds have subsided. If persistent unidirectional winds of 10 mph (16km/hr) or greater are expected, the displacement of the surface film may result in poor control.

Spray Tanks: Thoroughly clean and dry the spray system of contaminants such as petroleum oils, water, detergents and conventional toxicants prior to adding AGNIQUE® MMF. Detergents will destroy the film-forming of the AGNIQUE® MMF; other contaminants (water and oil) can result in the formation of an unsprayable paste.

Dilution: AGNIQUE® MMF is typically applied to the water's surface without dilution. However, if it is desired to spray higher volumes of liquid, AGNIQUE®

MMF may be diluted using a high shear injection system that dilutes the MMF at the nozzle to a maximum of 10% in water. Do not add AGNIQUE® MMF to water in non-agitated spray systems. Conventional bypass recirculation will not provide adequate agitation to effectively mix MMF in water.

Expanding Waters: Significant expansion of the habitat's surface due to rain or tidal fluxes can be compensated for by using a dosage that is based on the largest expected surface area. This will ensure complete coverage, and eliminate the need for re-treatment of the flooded area.

(Note to Review: the following use directions will be provided on product marketed to household users:)

APPLICATION NOTES

Rate of Kill: The rate of kill when using MMF is dependent on the species, the life stage, the habitat and the temperature. Pupicidal action will typically result in 24 hours. Larvicidal action will usually result in 24-96 hours. If the film is present, control will be achieved.

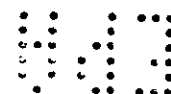
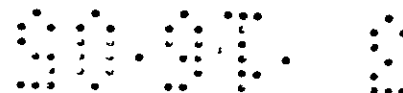
Persistence: The AGNIQUE® MMF film typically persists on the water's surface for 5 to 22 days. Polluted waters will cause more rapid degradation of the film. Higher application rates will prolong film life and extend the interval between retreatment.

Species: Mosquitoes and midges that require little or no surface contact for breathing will be affected by the product during the pupae and emerging adult life stages.

Wind: The high end of the dosage rate is recommended when spraying habitats where multi-directional winds of 10mph (16km/hr) or greater are expected to persist. While the film will be pushed by the winds, it will re-spread quickly once the winds have subsided. If persistent unidirectional winds of 10 mph (16km/hr) or greater are expected, the displacement of the surface film may result in poor control.

Dilution: AGNIQUE® MMF is typically applied to the water's surface without dilution. Do not dilute product with water or other products.

Expanding Waters: Significant expansion of the habitat's surface area due to rain or tidal fluxes can be compensated for by using a dosage that is based on the largest expected surface area. This will ensure complete coverage, and eliminate the need for re-treatment of the flooded area.



(Note to Review: the following chart will be used containers less than 16 oz.)

Surface Area of Standing Water	Suggested Quantity of AGNIQUE® MMF
1 to 75 square feet	Four full trigger applications of the spray bottle containing AGNIQUE® MMF*
75-100 square feet	Six full trigger applications of the spray bottle containing AGNIQUE® MMF*
Every additional 100 square feet	Four to six full trigger applications of the spray bottle containing AGNIQUE® MMF*
1,000 square feet	40 to 60 full trigger applications (1-1.5 oz.)
* The application rate can vary between 1 and 3.0 oz. per 1000 sq. ft. (0.1 to 0.3 oz. /100 sq. ft.). Maximum application rate is 3.0 oz per 1000 sq. ft.	

(Note to Review: the following chart will be used on 16 to 32 oz. containers.)

Surface Area of Standing Water	Suggested Quantity of AGNIQUE® MMF
1 to 75 square feet	One full trigger application of the spray bottle containing AGNIQUE® MMF*
75-100 square feet	Two full trigger applications of the spray bottle containing AGNIQUE® MMF*
Every additional 100 square feet	Two to three full trigger applications of the spray bottle containing AGNIQUE® MMF*
1,000 square feet	20-25 full trigger applications (1-1.5 oz.)
*The application rate can vary between 1 and 3.0 oz. per 1000 sq. ft. (0.1 to 0.3 oz. /100 sq. ft.). Maximum application rate is 3.0 oz per 1000 sq. ft.	

(Note to Review: the following storage and disposal language will appear on household containers.)

STORAGE AND DISPOSAL

If empty: Do not reuse this container. Place in trash or offer for recycling if available. Do not allow product to freeze.

If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

(Note to Review: the following chart will be used on containers larger than 1 gallon in size.)

STORAGE AND DISPOSAL

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

Pesticide Storage: Do not allow storage containers to rust. Rust contaminants may clog spray nozzles. Do not allow product to freeze.

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: Triple rinse, 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.

NOTICE

Cognis Corporation makes no warranty, express or implied of merchantability, fitness or otherwise concerning the use of this product other than as indicated on the label. User assumes all risks, storage or handling not in strict accordance with the label.

For information on this pesticide product (including health) concerns, medical emergencies or pesticide incidents, call the National Pesticide Telecommunication Net work at 1-800-858-7378.

{-OR-}

For assistance call the _____ Help Line 1-800-____-____ Monday through Friday 7 am to 5 pm Central Time.

Stops Mosquitoes from Breeding
Stop Mosquitoes Before they Start

Stops Mosquito Emergence

Standing Water Treatment

Spreads to cover hard to reach areas

Can be used in habitats containing birds, fish, pets and wildlife

Use every two weeks or as needed

Biodegradable

Peel Here for Directions

See pull out label for additional use instructions

See pull out label for First Aid Treatment

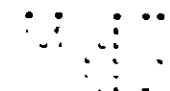
May be used in potable water

Use on: [Containerized] ponds, pools, ditches, irrigation water, flood water areas, other areas where mosquitoes breed and develop

Net (Contents) (WT) _____



Cognis Corporation
4900 Este Avenue
Cincinnati, OH 45232-1419
1-800-254-1029



5/15

LEWIS & HARRISON

Consultants in Government Affairs

122 C Street, N.W., Suite 740
Washington, D.C. 20001

telephone 202.393.3903
fax 202.393.3906

March 16, 2005

HAND DELIVERED

US EPA
Office of Pesticide Programs (7504C)
Document Processing Desk (NOTIF)
US Environmental Protection Agency
Room 266A, Crystal Mall 2
1801 Bell Street
Arlington VA 22202

ATTENTION: Cynthia Giles-Parker
Chief, Insecticide Branch

SUBJECT: Cognis Corporation
Agnique MMF Mosquito Larvicide & Pupicide (EPA Reg. No. 53263-28)
Notification per PR Notice 98-10

Dear Ms. Giles-Parker:

On behalf of Cognis Corporation ("Cognis"), we are submitting a "Notification" pursuant to PR Notice 98-10 for their product **Agnique MMF Mosquito Larvicide & Pupicide (EPA Reg. No. 53263-28)**. The purpose of this notification is to add language requested by the New York State Department of Environmental Conservation:

The proposed language will read:

✓ *"Not for Homeowner Use in the State of New York."*

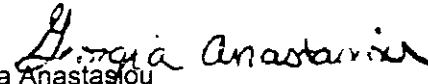
Please note that this addition does not involve any changes to the ingredients statement, signal word, use classification, precautionary statements, or first aid. Furthermore, the additions do not substitute for or conflict with label text, and are not false or misleading.

Enclosed please find the following documents in support of this Notification:

1. Application for Pesticide Notification (OPP ID No. 265394), which includes a signed statement certifying compliance with PR Notice 98-10;
2. One (1) copy of the product label with changes highlighted; and,
3. Two (2) clean copies of the label.

Thank you for your assistance with this Notification. If you have any questions or need additional information, please call me at 202-393-3903 ext. 19 or e-mail me at georgia@lewisharrison.com.

Sincerely,


Georgia Anastasiou
Agent for Cognis Corporation

Enclosures

cc: Tom Wells, Cognis Corporation

Agnique MMF Mosquito Larvicide & Pupicide (EPA Reg. No. 53263-28)
Notification per PR Notice 98-10