

53263-28

06/18/2009

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JUN 18 2009

Cognis Corporation
c/o Christinia Swick
Lewis & Harrison
122 C Street, N.W., Suite 740
Washington, DC 20001

Dear Ms. Swick:

Subject: Amendment of label to add dilution instructions for products marketed to commercial and intuitional users.
Agnique MMF Mosquito Larvicide & Pupicide
EPA Registration No. 53263-28
Your Submission Dated: April 6, 2009

The labeling referred to above submitted in connection with the Federal Insecticide, Fungicide and Rodenticide Act, is amended as acceptable provided you make the following changes:

On page 1:

1. Under the "Active Ingredient" statement, include the common name under the chemical name.
2. Under "Directions for Use," revise the second sentence to read: "Intended to be used in governmental..."
3. Under "Application Directions," revise the sentence that reads: "For large areas with dense vegetation it is recommended that application is made in several locations..." to read: "For large areas with dense vegetation, apply in several locations..." to make the sentence definitive.

On page 2:

4. In the table, revise the heading: "Suggested Rate Range" to read "Application Rates" since rates are mandatory.
5. In the first asterisk (*) of the table, to make the statement definitive, revise the sentence to read: "Use the lower rate (.2 gallons/acre) when only pupae control is desired and in sites with no emergent vegetation and low organic content."
6. Revise each heading that reads "Application Notes" to read "Application Information" since the information following is mandatory.
7. Under "Indicator Oil," revise the sentence that reads: "...add a drop of Agnique MMF Indicator Oil to several locations..." to read: "...add a drop of indicator oil to several

locations..." since you may not specify or endorse a specific brands or products on a label.

- 8. Under "Dilution" (for products marketed to commercial and institutional users), delete specific brand names and replace with generic terms since you may not endorse other products on a label.
- 9. Under "Dilution" (for products marketed to commercial and institutional users), revise the last sentence to read: "Do not use less than 4 parts diluents to 1 part MMF because it may not form a stable..." so that the sentence is definitive.
- 10. Under "Dilution" (for products marketed to household users), delete the first sentence: "Agnique MMF is typically applied to the water's surface without dilution" since it conflicts with the second sentence.

On page 3:

- 11. In the table, revise the heading: "Suggested Rate Range" to read "Application Rates" since rates are mandatory.
- 12. To increase the prominence of the storage and disposal section, please enclose these statements in a box as per the Label Review Manual.
- 13. Under "Notice," add the phrase: "To the extent consistent with applicable law" to the beginning of the sentence "User assumes all risks..."

A stamped copy of the labeling is enclosed for your records. Please submit one final printed copy of the labeling before releasing the product for shipment. If you have any questions regarding this label, please contact Autumn Metzger at (703) 305-5314 or metzger.autumn@epa.gov.

Sincerely,



Venus Eagle
Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

(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. AGNIQUE® MMF may also be diluted in AGNIQUE® MMF Diluent or Eco-Ash A. AGNIQUE® MMF may be diluted 1 part MMF to 4 parts or greater of diluents. Fill the spray tank or container with the desired amount of AGNIQUE® MMF Diluent or Eco-Ash A and then add the correct amount of AGNIQUE® MMF. Agitate to ensure a homogeneous solution. When diluting with AGNIQUE® MMF Diluent or Eco-Ash A, the use of metering pumps, injector systems or other mixing systems is optional.

Application rates based on two dilution options:

<u>MMF to Diluent</u>	<u>Application Rate of Diluted Product</u>
1 part to 4 parts	1 – 5 gallons/acre
1 part to 9 parts	2 – 10 gallons/acre

When a different dilution rate is used, adjust the application rate accordingly. Using less than 4 parts diluents to 1 part MMF is not recommended because it may not form a stable, homogenous solution.

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 on 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

Nonrefillable container. If empty: Do not reuse or refill 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.

Revised 3-06-09

Container Disposal: Nonrefillable container. Do not reuse or refill this container. Triple rinse (or equivalent) promptly after emptying. 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) _____



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