

53263-28

10/22/2009

1 of 4

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



OCT 22 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

Dear Ms. Swick:

Subject: Amendment of label based on comments from Agency letter dated June 18, 2009
Agnique MMF Mosquito Larvicide & Pupicide
EPA Registration No. 53263-28
Your Submission Dated: September 23, 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:

1. 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 Agnique MMF indicator oil or another appropriate indicator oil to several locations..."
2. Under "Dilution" (for products marketed to commercial and institutional users), after each specific brand names used, add a statement to allow for other generic products to be used such as "Agnique MMF Diluent or another appropriate diluent..."

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,

A handwritten signature in black ink that reads "Venus Eagle".

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

AGNIQUE[®] MMF

MOSQUITO LARVICIDE & PUPICIDE

Monomolecular Surface Film for Control of Immature Mosquitoes and Midges

ACTIVE INGREDIENT:

Poly (oxy-1,2-ethanediyl), α -(C₁₆₋₂₀ branched and linear alkyl)- 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. | |

ACCEPTED
With COMMENTS
In EPA Letter Dated:
OCT 22 2009

Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:

53263-28

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. Intended 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, apply 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 States of CA and NY.**

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

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

| MOSQUITO HABITAT | Application Rates |
|---------------------------|---|
| 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 | Application Rates^ |
| Fresh and Polluted Waters | 0.5–1.0 gallons/acre (5 – 10 liter/hectare) |

* Use the lower rate (0.2 gallons/acre) when only pupae control is desired and in sites with no emergent vegetation and low organic content.
 * 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.
 ** Use higher rates in polluted water habitats for effective control.
 ^ Reapply every two weeks during the midge season.

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

APPLICATION INFORMATION

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:

| MMF to Diluent | Application Rate of Diluted Product |
|-------------------|-------------------------------------|
| 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. Do not use less than 4 parts diluents to 1 part MMF 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 INFORMATION

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: 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

3044

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 | Application Rates |
|----------------------------------|--|
| 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 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 | Application Rates |
|----------------------------------|---|
| 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.
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. To the extent consistent with applicable law 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

40014