

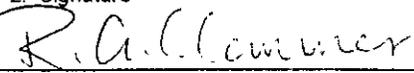
70506-6

11/15/2005

1/5

Please read instructions on reverse before completing form

Form Approved, OMB No. 2070-0060, Approval expires 5-31-98

		United States		<input type="checkbox"/> Registration	OPP Identifier Number 274908
		Environmental Protection Agency		<input type="checkbox"/> Amendment	
		Washington, DC 20460		<input checked="" type="checkbox"/> Other	
Application for Pesticide – Section I					
1. Company/Product Number 70506-6		2. EPA Product Manager LaRocca		3. Proposed Classification	
4. Company/Product (Name) United Phosphorus, Inc/Tengard SFR One-Shot		PM # 13		<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted	
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 423 Riverview Plaza Trenton, NJ 08611		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 _____			
<input type="checkbox"/> Check if this is a new address					
Section - II					
<input type="checkbox"/> Amendment – Explain below		<input type="checkbox"/> Final printed labels in response to Agency letter dated _____			
<input type="checkbox"/> Resubmission in response to Agency letter dated _____		<input type="checkbox"/> "Me Too" Application			
<input checked="" type="checkbox"/> Notification – Explain below		<input type="checkbox"/> Other – Explain below			
NOTIFICATION					
NOV 15 2005					
Explanation: Use additional page(s) if necessary. (For Section I and Section II.) Courtesy copy of Supplemental Label extracting revised use from label approved 9/16/05. 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 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.					
Section III					
1. Material This Product Will be Packaged in:					
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> 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 <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of label directions <input type="checkbox"/> On Label <input type="checkbox"/> On Label accompanying product	
6. Manner in Which Label is Affixed to Product		<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled	<input type="checkbox"/> Other _____		
Section IV					
1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Rebecca A. Clemmer		Title Regulatory Affairs Manager		Telephone No. (Include Area Code) 609-392-8200	
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					6. Date Application Received (Stamped)
2. Signature 		3. Title Regulatory Affairs Manager			
4. Typed Name Rebecca A. Clemmer		5. Date September 29, 2005			

EPA Form 8570-1 (Rev. 8-94) Previous editions are obsolete.

White – EPA File Copy (Original) Yellow – Applicant Copy



SUPPLEMENTAL LABELING

NOTIFICATION

TENGARD® SFR One-Shot
Termiticide/Insecticide
(EPA Reg. No. 70506-6)

NOV 15 2005

Active Ingredient

Table with 2 columns: Ingredient Name and Percentage. Rows include Permethrin* (36.8%), Other Ingredients** (63.2%), and TOTAL (100.0%).

*cis/trans ratio: Max. 42% (±) cis and min. 58% (±) trans
** Contains petroleum distillates.

Contains 3.2 pounds permethrin per gallon as an emulsifiable concentrate.

KEEP OUT OF REACH OF CHILDREN

CAUTION

Table with 2 columns: Hazard Category and First Aid Instructions. Rows include IF SWALLOWED, IF ON SKIN OR CLOTHING, IF IN EYES, IF INHALED, NOTE TO PHYSICIAN, and FOR CHEMICAL EMERGENCY.

PRECAUTIONARY STATEMENTS.

Hazards to Humans & Domestic Animals.

CAUTION. Harmful if swallowed, inhaled or absorbed through the skin. Avoid contact with skin, eyes or clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling.

Environmental Hazards

This product is highly toxic to bees exposed to treatment and for 3 days following treatment. Do not apply this pesticide to blooming, pollen-shedding or nectar-producing parts of plants if bees may forage on the plants during this time period.

This product is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

Physical/Chemical Hazards

Do not use or store near heat or open flame.

Personal Protection Equipment (PPE)

All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves. After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system such as U-Turn, or an in-line injector system, shirt, pants, socks, shoes, and waterproof gloves are sufficient. In addition: all pesticide handlers must wear a respiratory protection device approved by the Mine Safety and Health Administration (MSHA)/National Institute for Occupational Safety and Health (NIOSH) such as TC-23C, TC-21C, TC-19C, TC-13F, and TC-14G when working in a non-ventilated space; all pesticide handlers must wear protective eyewear when working in a non-ventilated space or when applying termiticide by rodding or sub-slab injection.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries and greenhouses.

Do not allow people or pets on treated surfaces until the spray has dried.
Do not touch treated surfaces until the spray has dried.

REVISED DIRECTIONS FOR USE ON ORNAMENTAL TREES

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

Follow all applicable restrictions, precautions and limitations on the federal label. This label must be in the possession of the user at the time of pesticide application.

Not for use on plants being grown for commercial sale or on plants grown for seed production.

Tengard SFR has demonstrated excellent plant safety; however, not all cultivars have been tested. Before treating large numbers of plants of a particular cultivar, treat a few plants and observe prior to full scale application.

Use the higher rates for heavy pest infestations. Use sufficient volume to uniformly cover plant surface. Higher volumes should be used if arid or drought conditions exist.

Tengard SFR is not for use on commercial fruit and nut trees.

Note: the revised information on this Supplemental Label has not been approved by the state of California

Recommended Application Rates for Ornamental Plants and Trees

PLANT	PEST	TREATMENT RATE	SPECIFIC APPLICATION INSTRUCTIONS
Ornamental Trees	Clearwing Moth Borers Ash Borer, Banded ash Clearwing, Dogwood borer, Lesser peachtree borer, Lilac borer, Oak borer, Peachtree borer, Rhododendron borer	1 to 2 quarts per 100 gallons	Apply to the lower branches and trunks prior to adult emergence. Adult emergence varies according to pest species, host tree, environmental conditions and geographic location. Thorough coverage of bark is required for control.
	Bark Beetles Dendroctonus spp., Ips spp., Elm bark beetles, Mountain pine beetle, Pine engravers, Turpentine beetles, Western pine beetle	2 to 5 quarts per 100 gallons	Do not apply more than 2.0 lb ai/Acre/year.
	Coleopteran borers Bronze birch borer, Flatheaded appletree borer	2 to 5 quarts per 100 gallons	
	For maximum residual control of the above listed pests	5.35 quarts per 100 gallons	

STORAGE AND DISPOSAL**Pesticide Storage**

Store at temperatures above 40°F (5°C).

Shake container well before using. If crystals form, warm to room temperature by placing container in a room at ambient temperature 70°F (21°C) until crystals dissolve.

Do not use or store near heat, open flame or hot surfaces.

Keep out of reach of children and animals.

Store in a dry place and avoid excess heat in storage. Store in original containers only.

Carefully open containers. After partial use, replace lids and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food, or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. To confine spill, dike surrounding area or absorb with sand, cat litter, commercial clay or gel absorbents. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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

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.

Returnable/Refillable Sealed Container: Do not rinse container. Do not empty remaining formulated product. Do not break seals. Return intact to point of purchase.

Notice: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded. It is a violation of federal law to use this product in a manner inconsistent with its labeling.

This labeling must be in the possession of the user at the time of application. Use of TENGARD SFR ONE-SHOT according to this labeling is subject to the use precautions and limitations imposed by the label affixed to the container for the product.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

The Directions for Use of this product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of United Phosphorus Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold United Phosphorus and Seller harmless for any claims relating to such factors.

United Phosphorus, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or United Phosphorus, Inc., and Buyer and User assume the risk of any such use. UNITED PHOSPHORUS MAKES NO IMPLIED WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

In no event shall United Phosphorus, Inc. or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF UNITED PHOSPHORUS, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

United Phosphorus, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by a duly authorized representative of United Phosphorus.

United Phosphorus, Inc. 423 Riverview Plaza Trenton, NJ 08611 • www.upi-usa.com • 1-800-247-1557

Revised wording approved by EPA 9/16/05

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UPI

United Phosphorus, Inc.

423 Riverview Plaza
Trenton, NJ 08611
(609) 392-8200 x 18 (phone)
(609) 392-0808 (fax)

Rebecca A. Clemmer
Regulatory Affairs Manager

September 29, 2005

George LaRocca (PM 13)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
1801 Bell Street
Arlington, VA 22202

Re: Notification
Tengard® SFR One-Shot (EPA Reg. No. 70506-6)

Dear Mr. LaRocca:

On September 16, 2005 USEPA approved revised rate information for the use of the subject product on ornamental trees. United Phosphorus, Inc. received a stamped approved label at that time.

In order to facilitate the distribution of this revised information, UPI has excerpted the revised section into a supplemental label. Per a discussion with Linda Deluise of your group, I have also included all the basic regulatory information (First Aid, Precautionary Statements, etc.) on this document along with the use directions. She indicated that we should not expect approval of this label, but that a Notification would be fine.

Enclosed please find:

- two copies of the Supplemental label
- EPA Form 8570-1
- Return card

Please contact me if you have any questions.

Very truly yours,

Rebecca A. Clemmer
rclemmer@upi-usa.com

