

Please read Instructions on reverse before completing form

Form Approved, OMB No. 2070-0080, Approval expires 5-31-98

	United States	<input type="checkbox"/> Registration	OPP Identifier Number
	Environmental Protection Agency	<input type="checkbox"/> Amendment	274952
	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 <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) United Phosphorus, Inc/Tengard SFR One-Shot	PM # 13	
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 _____	NOTIFICATION MAR 20 2006
<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	

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
 Addition of statement in First Aid statement; update of warranty on Supplemental Labeling
 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:					2. Type of Container	
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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic	<input type="checkbox"/> Glass
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Paper
						<input type="checkbox"/> Other (Specify) _____
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"/> Other _____		
			<input type="checkbox"/> Paper glued			
			<input type="checkbox"/> Stenciled			

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 February 23, 2006	



United Phosphorus, Inc.

SUPPLEMENTAL LABELING

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

**NOTIFICATION
MAR 20 2006**

Active Ingredient

Permethrin*	36.8%
Other Ingredients**	63.2%
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

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor • Do not induce vomiting unless told to do so by a poison control center or doctor • Do not give any liquid to the person • 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 • 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 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 by mouth to mouth if possible • Call a poison control center or doctor for further treatment advice
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.</p>	
<p>NOTE TO PHYSICIAN: Contains petroleum distillates – vomiting may cause aspiration pneumonia</p>	
<p>FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300</p>	

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. Remove contaminated clothing and wash before reuse. Do not allow people or pets on treated surfaces until the spray has dried. Do not touch treated surfaces until the spray has dried.

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. The 3 day limitation does not apply if the applicator operates in a state with a formal, state-approved bee protection program, and the applicator follows all applicable requirements of the state-approved program designed to ensure that managed bees are not present in the treatment area 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. Do not contaminate water by cleaning of equipment or disposal of equipment washwaters. Do not apply when weather conditions favor drift from treated areas.

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.

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.

**IMPORTANT INFORMATION - READ BEFORE USING PRODUCT
CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY**

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.

The Directions for Use of this product should be followed carefully. The Directions for Use of this product reflect the opinion of experts based on field use and tests. 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. Handling, storage, and use of the product by Buyer or User are beyond the control of United Phosphorus, Inc. and Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold United Phosphorus, Inc. 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, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the extent allowed by law, United Phosphorus, Inc. or Seller shall not 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 the duly authorized representative of United Phosphorus, Inc.



United Phosphorus, Inc.

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Rebecca A. Clemmer
Regulatory Affairs Manager

February 23, 2006

Mr. 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: Tengard SFR One-Shot (EPA Reg. No. 70506-6)
Notification of Change to Supplemental Labeling

Dear Mr. LaRocca:

Your group recently approved a supplemental label for the subject product, which involved a change to the use rate on Ornamental Trees (approval dated 9/16/05). Since that approval we became aware of two items which needed to be changed on the label, and I am submitting an amended copy for your files.

The changes are:

- addition of the "have the product container or label with you..." statement to the First Aid section;
- insertion of our newest warranty statement, replacing the one that was on the label you approved.

UPI does not believe that either of these changes requires your approval, and this is being submitted for information purposes only.

Please contact me if you have any questions.

Very truly yours,

Rebecca A. Clemmer
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