

70506-123

12/07/2006

116



U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EPA Reg. Number:
70506-123

Date of Issuance:
DEC 7 2006

Term of Issuance:
Conditional

Name of Pesticide Product:
Bifenthrin 0.069 Insecticide with
X-X-X Fertilizer

NOTICE OF PESTICIDE:

☒ Registration
☐ Reregistration

(Under FIFRA as amended)

Name and Address of Registrant (include ZIP Code):

United Phosphorus Inc.
423 Riverview Plaza
Trenton, NJ 08611

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is **conditionally** registered in accordance with FIFRA sec. 3(c)(7)(A), provided that:

1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. You will make the following label changes before you release the product for shipment:
 - a) Revise the EPA Registration Number to read "EPA Reg. No. 70506-123."
 - b) The acute toxicity profile for this product is as follows:

Acute oral toxicity	IV
Acute dermal toxicity	III
Acute inhalation toxicity	IV
Primary eye irritation	IV
Primary skin irritation	IV
Dermal sensitization	Negative

Based on the acute toxicity profile above please revise the Precautionary Statements as follows:

Signature of Approving Official:

George T. LaRocca
George T. LaRocca, Product Manager (13)
Insecticide Branch/Registration Division (7505C)

Date:

December 7, 2006

"Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse."

- c) Replace "The Directions for Use of this product should be followed carefully" with "The Directions for use of this product must be followed" in Warranty statement.
 - d) Replace "The Directions for Use of this product should be followed carefully" with "The Directions for use of this product must be followed" in Warranty statement. Also add the following qualifying language "To the extent consistent with applicable law", to the beginning of the bolded text, "United Phosphorus, Inc. makes ..." and "The exclusive remedy of the User ... etc".
 - e) Under comments in pest table replace "eliminate" with "control".
 - f) You may revise the second statement under Environmental Hazards to read, "Do not apply directly to water".
 - g) Combine together in a separate paragraph the statements beginning, "Not for use on turf being grown Etc, and, "Not for use on golf courses, sod farms ... etc".
 - h) Add, "Do not apply by air" to the Directions for Use section.
 - i) Add, "Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm pond" to the Directions for Use section.
3. There appears to be certain errors in the data matrix when recording MRID numbers for the acute toxicity. Refer to the enclosed review and correct and resubmit the data matrix for our records.
 4. Please submit an one year storage stability study for the proposed product along with a corrosion characteristics study. We recommend that observation be made at 0, 3, 6, 9, and 12 months intervals in the stability study.
 5. Please submit three (3) copies of your final printed labeling before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.

3/6

BIFENTHRIN 0.069 Insecticide with X-X-X Fertilizer

For use by individuals/firms licensed or registered by the state to apply insecticide products. For use to control ants (including imported fire ants), mole crickets and other listed pests on lawn in landscaped areas around residential, institutional, public, commercial and industrial buildings, parks, recreational areas and athletic fields.

ACTIVE INGREDIENT

Bifenthrin*	0.069%
Other Ingredients	99.931%
	100.000%

*cis isomers 97% minimum, trans isomers 3% maximum

KEEP OUT OF REACH OF CHILDREN

CAUTION

See other panels for additional Precautionary Statements

GUARANTEED ANALYSIS XX-XX-XX

Total Nitrogen (N) -----Variable XX%
Variable XX% Ammonical Nitrogen
Variable XX% Water Soluble Nitrogen
Variable XX% Water Insoluble Nitrogen
Available Phosphate (P₂O₅) Variable XX%
Available Potash (K₂O) Variable XX%

Plant Nutrients derived from Diammonium Phosphate.
Urea formaldehyde, Urea, Sulfate of Ammonia,
Sulfur coated Urea, Sulfate of Potash, Magnesium,
Statement of Secondary Plant Nutrients.



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

EPA Reg. No. 70506-
EPA Est. No.
Net Contents:

XX lbs. covers from _____ to _____ sq. ft.
YY lbs. covers from _____ to _____ sq. ft.

ACCEPTED
with COMMENTS
In EPA Letter Dated

DEC 7 2006
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.

70506-123

4/6

FIRST AID	
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.
Have the product container or label with you when calling a poison control center or doctor. In case of medical emergency, contact The National Pesticide Information Center at 1-800-858-7378.	
NOTE TO PHYSICIAN: This product is a pyrethroid. If large amounts have been ingested, milk, cream and other digestible fats and oils may increase absorption and so should be avoided.	

**FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident,
call CHEMTREC 1-800-424-9300.**

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Harmful if absorbed through the skin. Avoid contact with skin, eyes, or clothing. Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

ENVIRONMENTAL HAZARDS

This pesticide 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 apply when weather conditions favor drift from treated areas. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production or for research purposes.

Do not apply more than 580 pounds of Bifenthrin 0.069 Insecticide with X-X-X Fertilizer per acre per year.

Not for use on golf courses, sod farms, nurseries, commercial greenhouses or grass grown for seed.

LAWN AND PERIMETER APPLICATIONS

Perimeter Application: Apply 3.33 to 6.66 pounds per 1,000 sq. ft. to lawn areas 6 to 10 feet wide around and adjacent to the structure.

Lawn Application: Apply Bifenthrin 0.069 Insecticide with X-X-X Fertilizer with suitable broadcast application equipment to ensure uniform coverage over the treatment area. Apply 3.33 to 6.66 pounds per 1,000 sq. ft. to control the following insect pests:

5/6

PESTS CONTROLLED	COMMENTS
Annual Bluegrass Weevils (<i>Hyperodes</i>) (Adult) Armyworms Billbugs (Adult) Black Turfgrass <i>Ataenius</i> (Adult) Cutworms Leafhoppers Mealybugs Sod Webworms	
Ants Centipedes Chinch Bugs Fleas Millipedes Mole Crickets Ticks	Use the higher application rate for optimum control.
Imported Fire Ants	Use the higher application rate for optimum control; combine broadcast applications to control foraging workers and newly mated fly-in queens with mound treatments (using UP-Star Gold, EPA Reg. No. 70506-24, or other pesticides registered for treating individual fire ant mounds) to eliminate existing colonies.

In New York State, this product may NOT be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

In New York State, do make a single repeat application of Bifenthrin 0.069 with X-X-X Fertilizer if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

RECOMMENDED SPREADER SETTINGS

[Editor's Note: The list of application spreaders and their settings will follow on the final printed label. (This note will not appear on the final printed label.)]

IMPORTANT: Spreader settings are only suggested settings and depend on the age of the spreader, condition of spreader, and the speed at which the operator uses the spreader. Calibrate the spreader prior to each application to ensure accurate application rates.

6/6

STORAGE AND DISPOSAL

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

Pesticide Storage: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use, close tightly. In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills.

To Confine Spills: Cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

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: Paper and plastic bags: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

**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, AT THE ELECTION OF UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT, OR COMPENSATION LIMITED TO DAMAGES NOT EXCEEDING THE FAIR MARKET PURCHASE PRICE, AND SHALL NOT INCLUDE INCIDENTAL OR CONSEQUENTIAL DAMAGES.**

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.