2155-28

01/15/2009



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

> OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Mr. Charles W. Boyd Bayer Advanced 2 T.W. Alexander Drive Research Triangle, NC 27709

JAN 15 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 2008-1

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 2008-1 dated December 8, 2008 for:

EPA Registration 72155-28Imidacloprid 0.012%+Beta-Cyfluthrin 0.0015%RTU Insecticide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 2008-1, and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on <u>nonrefillable</u> containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

Linda Arrington Notifications & Minor Formulations Team Leader Registration Division (7505P) Office of Pesticide Programs

| \$€PA | Environmenta | Inited States I Protectio ngton, DC 2040 | | Amenda X Other | | OPP Identifier Number |
|--|--|--|--|--|---|---|
| | | Applicatio | n for Pesticide - Sec | tion I | | |
| 1. Company/Product Nun 72155-28 | ber | | 2. EPA Product Mar Venus Eagle | nager | r | None Restricted |
| 4. Company/Product (Nar Imidacloprid 0.012% + | ne) Beta-cyfluthrin 0.0015% | 6 RTU Insectio | ide 1 | <u> </u> | | None Kesuicied |
| 5: Name and Address of Bayer Advanced 2 T.W. Alexander I Research Triangle | Drive Park, NC 27709 | de) | - | is similar or ident NOT | | |
| Check if | his is a new address | | Product Name | | 1.0.0 | |
| | | | Section - II | | ينے وسید میں میں م | |
| Amendment - Exp Resubmission in r X Notification - Expl Explanation: Use addi See Attached | ssponse to Agency letter ain below. | | Agency let "Me Too" Other - Exp | d labels in repsons ter dated Application. blain below. | e to | |
| 1. Máterial This Próduct | | | Section - III | | | |
| Child-Resistant Peckaging Yes X No • Certification must be submitted | I Unit Packaging Yes X No If "Yes" Unit Packaging wgt. | No. per conteiner | Water Soluble Packaging Yes X No If "Yes" No. per Package wgt containt | 2. Type of X | Container Métal Plastic Glass Paper Other (S | pecify) |
| 3. Locatión of Net Conter | ts Information | 4. Size(s) Reta | il Container | 5. Location of La | bel Directio | ns |
| X Label | Container | 24, fl. oz., | 1, 1.3 Gallon | | | |
| 6. Manner in Which Labe | is Affixed to Product | Lithogr Paper g Stencil | aph X Othe | n Integ Label | | |
| | | | Section - IV | | | |
| 1. Contact Point (Compl | nte items directly below f | or identification | of individual to be contacted | , if necessary, to pi | rocess this | application.) |
| Name Charles W. Boy | d | 1 | ritte Registrations Manage | er | , · | s No. (Include Area Code) 549-2್ಕೆ422ಕ್ಕಿ |
| I certify that the st I scknowledge that both under applicat | any knowlingly false or | Certificat this form and a misleading stat | ion all attachments thereto are tru ement may be punishable by (| ie, accurate and co line or imprisonmen | nt fir ° ° ° c ° ° ° c | 6. Data Application Received of (Stamped) |
| 2. Signature Charle-2 | Digitally signed by Chi DN: cn=Charles Boyd CropSceince, our-Con email=charles.boyd@ com~ Date: 2008.12.08 13:4 | , c=US, o=Bayer sumer, bayercropscience. | . Titte Registrations Manag | ger | 000000 60 00000 60 | |
| 4. Typed Name Charles W. Boyo | | 5 | December 8, 2008 | | | ت (((((((((((((((((((|

EPA Form 8570-1 (Rev. 3-94) Previous editions are obsolete.

White - EPA File Copy (original)

Yellow - Applicant Copy

Section II - Explanation

Bayer Advanced is submitting a **Notification** to add the text prescribed by PR Notice 2007-4 and 2008-1 to the label for the above-mentioned product:

In the disposal section, we have added the statement "Non-refillable container." Also we have added "refill or" to the statement Do not refill or reuse empty container.

We have also added the following statement "To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours, will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.

Enclosed is one copy of the label with the changes highlighted.

Notification of label changes per PR Notice 2007-4, and PR Notice 2008-1. This notification is consistent with the guidance of PR Notice 2007-4, 2008-1 and EPA regulations at 40 CFR § 156.10, 156.80, 156.140, 156.144, 156.146, 156.156, and 152.46. 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 2007-4, 2008-1 and 40 CFR § 156.10, 156.80, 156.140, 156.144, 156.146, 156.156, and 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.

NOTIFICATION

JAN 15 2009

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[FRONT PANEL]

Imidacloprid 0.012% +Betacyfluthrin 0.0015% Ready-to-Use Insecticide

KILLS INSECTS

For use on: Flowers, Roses, Shrubs

- Just one application quickly kills insects
- Protects up to 30 days
- Rainproof Within 1 Hour of Application
- Exclusive [insert trademark][™] Formula (Technology)
- Next Generation (of)Insect Control
- More powerful (effective)
- Long-Lasting Protection
- Kills surface pests in (24) hours
- Leading(cutting edge) insect control
- Leading (Edge) (insect control) Technology
- Fast Acting Formula

Contains Merit® and Tempo Ultra®

- 2 way (action) Formula
- Powerful Fast Acting (2-Way) Formula

MERIT + TEMPO Ready-to-Use Insecticide is a highly effective insecticide designed to kill insect pests on

- flowers
- roses
- house plants
- ground covers
- shrubs

NOTIFICATION

JAN 1 5 2009

ACTIVE INGREDIENTS:

| Beta-cyfluthrin | 15 % |
|--|------|
| Imidacloprid0.01 | 12 % |
| OTHER INGREDIENTS: | 35 % |
| Net Contents: 24 fl oz, 1 Gal., and 1.3 Gal. | |

STOP - Read This Entire Label Before Use KEEP OUT OF REACH OF CHILDREN FOR RESIDENTIAL USE ONLY

CAUTION

| See back panel booklet for ingredients and precautionary stateme | ents | ι ι ι υ ι ι ι υ |
|--|----------------------------|------------------------------------|
| Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens c | ounties of New Y | ′ork်္င္ပ်ိဳင္ |
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[BACK PANEL]

This product provides up to 30 days protection with a single application. Now keeping your roses and flowers free of listed pests has never been easier.

| QUICK FACTS | | ************************************** | | | |
|---|---|---|---|---|--|
| Kills Insects on Contac Keeps on Killing for Up Ready to Use No Mix | to 30 Days | | | | |
| KILLS | Adelgids Ants Aphids Bagworms Boxelder bugs Caterpillars Clover mites Cockroaches Crickets Earwigs Elm leaf beetles | (ART: Aphid, Japanese B Flies Fungus gnats Grasshoppers Gypsy moth larvae Japanese beetles (adult) Lace bugs Leaf-feeding beetles Leaf-feeding caterpillars Leafhoppers (including Glassy-Winged Sharpshooter) Leafminers | Mealybugs Midges Mosquitoes Pillbugs | ily) Rose Slugs Sawflies(Sawfly Larvae) Scale insects (crawler stages) Sowbugs Spiders Spittlebugs Thrips Wasps Webworms Weevils (including root weevils) Whiteflies | |
| COVERAGE | Treats up to 34 mediu | Treats up to 34 medium-sized plants | | | |
| WHERE TO USE | Flowers, roses and sh | Flowers, roses and shrubs | | | |
| WHEN TO USE | When insects or damage first appear | | | | |
| | Questions or commen | ts, call toll-free (877) 229-3724 | ~ | | |

ACTIVE INGREDIENTS:

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| Beta-cyfluthrin | 0.0015 % |
|--------------------|-----------|
| Imidacloprid | 0.012 % |
| OTHER INGREDIENTS: | |
| | 100.000 % |

Beta-cyfluthrin is the chemical name for Tempo Ultra® and Imidacloprid is the chemical name for Merit®.

| EPA Reg. No. 72155-28 | EPA Est. No. XXXX-AA-1 ໍ່ໍ |
|-----------------------|--------------------------------------|
| | |

PRECAUTIONARY STATEMENTS Hazards to Humans and Domestic Animals

CAUTION

- Harmful if swallowed or inhaled.
- · Causes eye irritation.
- · Avoid contact with skin, eyes, or clothing.
- Avoid breathing spray mist.
- Wash thoroughly with soap and water after handling.

| + First Aid | | |
|---------------------------|---|--|
| IN THE CASE OF ACCIDENTAL | IMMEDIATELY | |
| Swallowing | Call a poison control center or doctor immediately for treatment advice. | |
| | Have person sip a glass of water if able to swallow. | |
| | Do not induce vomiting unless told to do so by a poison control center or doctor. | |
| | Do not give anything by mouth to an unconscious person. | |
| Contact with eyes | Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. | |
| | Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes. | |
| | Call a poison control center or doctor for treatment advice. | |
| Inhalation | Move person to fresh air. | |
| | If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouthy-to-mouth if possible. | |
| | Call a poison control center or doctor for further treatment advice | |

NOTE: When calling poison control center, have this product label accessible. If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. For medical emergency information, you may call toll-free 1-877-229-3763. Active Ingredients: 0.0015% Beta-cyfluthrin [CAS # 68359-37-5], 0.012% Imidacloprid [CAS # 138261-41-3]

Environmental Hazards

This pesticide is highly toxic to aquatic invertebrates and fish. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.

This pesticide is highly toxic to bees. Do not apply Imidacloprid 0.012%+Beta-cyfluthrin 0.0015% Ready-to-Use Insecticide when bees are active.

Apply this product only as specified on this label.

DIRECTIONS FOR USE

| | I law to use this product in a manner inconsistent with its labeling. to read and follow all label directions. | | |
|---|---|----------------|--|
| BEFORE YOU USE Read and follow these directions when using. | Apply the product to flowering plants during early morning or late evening Do not spray the product into fish pools, ponds, streams, or lakes. Remove animal feeding dishes prior to application. Do not use in small, enclosed areas where spray may be inhaled. Do not apply to fruits or vegetables used for food. | g, when bees a | are not présent. دد د د ۱۰۰۰ د ۱۰۰۰ د ۱۰۰۰ د ۱۰۰۰ د |
| WHEN TO USE | When insects or damage first appear | | |
| | | | |

| | To avoid serious damage, eliminate pests early in the season before they multiply. | | |
|--------------------------|--|--|--|
| HOW TO USE | Adjust nozzle to desired spray pattern. | | |
| | Hold sprayer about 12 inches from foliage. | | |
| Shake well before using. | Spray leaves, stems and tender new shoots. | | |
| | (ART: of steps above) | | |
| | To kill insects that hide, spray the underside of the leaves. Apply until leaves are evenly coated with spray, but not dripping. | | |
| | (ART: spraying undersides of leaves) | | |
| HOW OFTEN | Kills insects on contact and keeps on killing for up to 30 days. | | |
| | For severe infestations, repeat every 7 to 14 days as necessary. | | |

FOR BEST RESULTS

Do not wet the foliage within one hour after applying. To avoid serious damage to plants, eliminate pests early in the season before they multiply.



Children and pets may re-enter after spray has dried.

IMPORTANT: Directions for Storage and Disposal

| Storage Conditions: | Store in an area out of the reach of children, preferably a locked storage cabinet. Protect from freezing. | | |
|---------------------|--|--|--|
| Disposal: | If Empty: | | |
| Í. | Non-refillable container. Do not refill or reuse container. | | |
| | Place empty container in trash or offer for recycling if available | | |
| | If Partly Filled: | | |
| | Call your local solid waste agency or toll free 1-877-229-3724 for disposal instructions. | | |
| | Never place unused product down any indoor or outdoor drain. | | |

Important: It is best to use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please follow any applicable state or local guidelines.

NOTICE

Research and testing have determined that the "Directions for Use" are appropriate for the proper use of Imidacloprid 0.012%+Betacyfluthrin 0.0015% Ready-to-Use Insecticide under expected conditions. The Buyer assumes responsibility for lack of performance or safety if not used according to the directions.

| BAYER BAYER | NOTHICATION | | |
|---|--|---|--|
| BAYER ADVANCED | JAN 1 5 2009 | ι, ι ι ι ι ι ι ι | |
| A Business Unit of Bayer CropScience LP P.O. Box 12014, 2 T.W. Alexander Drive Research Triangle Park, North Carolina 27709 | υυρος ο ο ο ο ο ο ο ο ο ο ο ο ο ο ο ο ο ο ο | ι (αιις υ ις (αιις | |
| Imidacloprid 0.012%+Beta-Cyfluthrin 0.0015% RTU (MASTER) App Notification 11/18/08 | | Votification: 05/26/06, ເບິດ ເບິດ ເບິດ ເບິດ ເບິດ ເບິດ ເບິດ ເບິດ | |