

83520-5

10/29/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

OCT 29 2009

Ms. Jane M. Miller
Biologic Inc., Agribusiness Professionals
Agent for Axss USA, LLC
115 Obtuse Hill Road
Brookfield, CT 06804


SUBJECT: Application for Pesticide Notification (PRN 98-10)
"Bifenthrin Technical"
Request General Label Change
EPA Reg. 83520-5
Application Dated September 25, 2009

Dear Ms. Miller:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 09/25/09 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,


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

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United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 83520-5	2. EPA Product Manager R. Gebken	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Bifenthrin Technical	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Axss USA, LLC 1100 Platte Falls Road Platte City, MO 64079 <input type="checkbox"/> Check if this is a new address	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 _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION OCT 29 2009
<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.)

This is a notification to make a correction to a typographical error on the labeling as per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and the 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 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 <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
*Notification 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"/>	
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 Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Jane M. Miller		Title Agent		Telephone No. (Include Area Code) (203) 740-1200	
Certification					6. Date Application Received (Stamped)
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.					
2. Signature 		3. Title Agent			
4. Typed Name Jane M. Miller		5. Date September 25, 2009			



September 25, 2009

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
One Potomac Yard
2777 S. Crystal Drive
Room S-4900, 4th Floor
Arlington, VA 22202

Attention: Mr. R. Gebken (PM #10)

RE: "Bifenthrin Technical"; EPA Reg. No. 83520-5
Notification to Correct Typographical Error

Dear Mr. Gebken:

On behalf of Axss USA, LLC please find enclosed an Application for Pesticide Notification for the above mentioned product. It has come to our attention that the use sites of "Greenhouse Grown Ornamental Trees, Shrubs, Plants, Flowers, Non-Bearing Fruit and Nut Trees" appear underneath the incorrect heading of "**Terrestrial Food/Feed Crops**". These uses were originally underneath the "**Terrestrial Non-Food**" heading on the April 4, 2007 EPA approved label. The mistake happened on the subsequent September 18, 2007 label amendment submission which was approved on March 27, 2008.

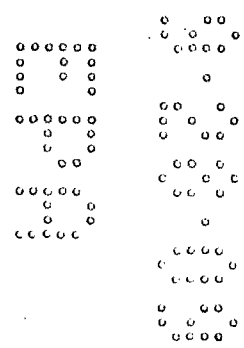
The following documents are enclosed to process this Notification:

1. Application for Pesticide Notification (8570-1)
2. Two (2) copies of the label with the changes highlighted.

Should you have any questions, or wish to reach me, please feel free to contact our office at 203-740-1200. We hope that this action can be completed quickly.

Sincerely,

Jane Miller
Agent to Axss USA, LLC



Bifenthrin Technical

For Manufacturing Use Only

Active Ingredient:

Bifenthrin: (2-methyl)[1,1¹-Biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-Propenyl)-2,2-Dimethyl Cyclopropane Carboxylate.....98.5%

Other Ingredients:..... 1.5%

TOTAL.....100.0%

Cis isomers 97% minimum, trans isomers 3% maximum

NOTIFICATION

OCT 29 2008

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

May be fatal if swallowed. Harmful if inhaled or absorbed through skin. Causes moderate eye irritation. Avoid breathing vapor or spray mist. Avoid contact with skin, eyes, or clothing. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling, and before eating, drinking, or using tobacco. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals,

FIRST AID	
If Swallowed:	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.
If on Skin or Clothing:	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 Inhaled:	Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.
If in Eyes:	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 for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

This material requires further mixing before use.

ONLY FOR FORMULATION INTO AN INSECTICIDE/MITICIDE FOR:

(1) The following uses:

Terrestrial Food/Feed Crops: Bananas (import only), Caneberries, Canola, Cilantro, Citrus, Cotton, Crambe, Cucurbits, Field Corn (Grain and Sillage), Field Corn Grown for Seed, Sweet Corn, Sweet Corn Grown for Seed, Fruiting Vegetables, Globe Artichokes, Grapes, Herbs, Hops, Dried Peas and Beans, Succulent Peas and Beans, Head and Stem Brassica Vegetables, Leafy Brassica Greens, Legume Vegetables, Lettuce (Head), Mayhaw, Okra, Turnip Greens, Tuberous and Corm Vegetables, Peanuts, Pears, Popcorn, Root Crops (except sugar beets), Rapeseed, Soybeans, Spinach, Strawberries, Tobacco, Tree Nuts, ~~Greenhouse Grown Ornamental Trees, Shrubs, Plants, Flowers, Non-Bearing Fruit and Nut Trees.~~

Terrestrial Non-Food:

Termite and Soil Contact Nonfumigation Treatment
Wood Treatment and Protection
Outdoor Insect Control
Ornamental Plants, Trees, Shrubs, and Vines (Woody)
Christmas Trees
Conifer Seed Orchards
Greenhouse Grown Ornamental Trees, Shrubs, Plants, Flowers
Non-Bearing Fruit and Nut Trees.
Residential Lawns
Indoor Insect Control

Food Handling Establishments: Places other than private residences in which food is held, processed, prepared or served.

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(2) Uses for which U.S. EPA has accepted the required data and/or citation of data that the formulator has submitted in support of registration; and

(3) Uses for experimental purposes that are in compliance with U.S. EPA requirements.

Formulators using this product to formulate an end-use pesticide product are responsible for obtaining an EPA registration for their end-use product.

STORAGE AND DISPOSAL

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

Storage: Store in original container, in a cool dry locked area. Store separately from other pesticides, fertilizers, food or feed to prevent contamination. In case of spill or broken container, call Chemtrec at 1-800-424-9300.

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: Nonrefillable Container. Do not reuse or refill this container. Completely empty container into formulation equipment. Then dispose of empty container in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY

Axss USA, LLC warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purposes stated on such label only when used in accordance with the directions under normal use conditions. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Axss USA, LLC. To the extent consistent with applicable law, Axss USA, LLC shall not be liable for consequential, special or indirect damages resulting from the use or handling of this product. The exclusive remedy of any Buyer or User of this product and any and all losses, injuries, or damages resulting from or in any way arising from the use, handling, or application of this product, whether in contract, warranty, tort negligence, strict liability, or otherwise, shall not exceed the purchase price of this product. All such risks shall be assumed by the Buyer. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, AXSS USA, LLC MAKES NO WARRANTIES OR MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE NOR ANY OTHER EXPRESSED OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

EPA Reg. No. 83520-5
EPA Est. No.

Manufactured by:
Axss USA, LLC
1100 Platte Falls Road
Platte City, MO 64079