DP BARCODE: D230845

CASE: 046500 DATA PACKAGE RECORD DATE: 10/23/96
SUBMISSION: S513365 BEAN SHEET Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: SLN (24C) ACTION: 581 RESUBMISSION
RANKING : 5 POINTS ()
CHEMICALS: 128825 Bifenthrin 30.0000%

ID#: OR960021
COMPANY: 000279 FMC CORP AGRICULTURAL PRODUCTS GROUP
PRODUCT MANAGER: 13 GEORGE LAROCCA 703-305-6100 ROOM: CM2 204
PM TEAM REVIEWER: ADAM HEYWARD 703-305-6502 ROOM: CM2 212
RECEIVED DATE: 10/09/96 DUE OUT DATE: 01/07/97

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 230845 EXPEDITE: N DATE SENT: 10/23/96 DATE RET.: / /
CHEMICAL: 128825 Bifenthrin
DP TYPE: 001 Submission Related Data Package
CSF: N LABEL: N

ASSIGNED TO	DATE IN	DATE OUT	ADMIN DUE DATE: 11/22/96
DIV : HED	/ /	/ /	NEGOT DATE: / /
BRAN: RCAB	/ /	/ /	PROJ DATE: / /
SECT: PIRAT	/ /	/ /	
REVR :	/ /	/ /	
CONTR:	/ /	/ /	

* * * DATA REVIEW INSTRUCTIONS * * *

Attention Rick LoRanger/G. Jeffrey Herndon: Attached is a reply from OR Dept. of Agri. with respect to the use of the chemical bifenthrin on clover grown for seed.

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL

[67] From: George LaRocca at DCOPP2 10/23/96 9:17AM (2278 bytes: 1 ln)
To: Richard Loranger at dcopp5
cc: Elizabeth Haeberer at dcopp5, Michael Metzger at DCOPP3, Donna Davis at dcopp5, Randolph Perfetti at dcopp5, Jim Tompkins, Adam Heyward
Subject: Re: LETTER FROM OREGON

---------- Message Contents ----------

I received a letter dated 10/04/96 from Oregon Dept. Ag concerning SLN OR-960021 - Capture 2EC(bifenthrin) use on clover grown for seed. This letter is in response to our rejecting the 24(c) use due to lack of information from the state to classify the use as non-food(G. Herndon memo dated 8/1/96). Oregon contends that clover seed and seed screenings are not considered RAC's by EPA and thus residue data is not required. However seed and seed screenings can and are used for animal feed in Oregon and they have been requiring the non-food label statement to address this concern. According to Oregon we have previously accepted this label statement for other SLN use on crops grown for seed. A bean has been prepared for this submission and is being sent through Donna Davis(RCAB). - George LARocca

---------- Reply Separator ----------

Subject: LETTER FROM OREGON
Author: Richard Loranger at dcopp5
Date: 10/10/96 05:56 PM

GEORGE,

At today's SFIREG meeting I was informed of a 10/7/96 letter to you from Oregon Department of Agriculture on 24c registrations. The focus of the letter is on use of seed screenings as livestock feed. It doesn't mention specific pesticides. HED will need to prepare a response to this letter since it relates to significance criteria for feed items and need for feeding restrictions. Please forward the letter as a "bean" to either Mike Metzger/Donna Davis in RCAB or to Betty Haeberer and myself in CBTS. CBTS, CBRS and RCAB will need to work together on the response.

Rick Loranger

Resubmission - AH - PIRATE
581-55[illegible]365-1-

October 4, 1996

Oregon
Department
of Agriculture

George T. LaRocca
Product Manager (13)
United States Environmental Protection Agency
Insecticide-Rodenticide Branch
Registration Division (7505C)
401 M Street SW
WASHINGTON DC 20460

Adam
send to PIRATE
for comment. Include
copy of our last
letter and SLN
label
CT

RECD EPA/OPP/DPD1
'96 OCT -9 P2:25

EPA SLN NO. OR-960021 - CAPTURE 2EC - CLOVER

I have received your letter of September 19, 1996. That letter pertained to the use of FMC Corporation, CAPTURE 2 EC INSECTICIDE (EPA Reg. No. 279-3069) pursuant to Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act. This Department assigned EPA SLN No. OR-960021 for use of the above identified pesticide on clover grown for seed in Oregon.

Your letter indicated that since no tolerances have been established for residues of the pesticide chemical bifenthrin, the active ingredient in CAPTURE 2EC INSECTICIDE, on the raw agricultural commodity clover, EPA is unable to classify clover as a non-food/feed use at this time and thus cannot approve of the 24(c) requested. Your letter also indicated that in order to consider this use a non-food/feed use, and to satisfy criteria number 3 found in Subdivision O of the Pesticide Assessment Guidelines, we must submit a proposed mechanism/policy to ensure that the treated clover forage and hay will not/cannot be diverted to animal feed. Your letter also suggested that the mechanism/policy be similar to that adopted for alfalfa grown for seed.

A letter of June 10, 1992, to Robert A. Forrest, Product Manager 14, EPA, from Christopher K. Kirby, Assistant Administrator, Oregon Department of Agriculture, Plant Division, outlines the labeling statements, eventually adopted for alfalfa SLN labels, and the authorities and programs that this Department deemed appropriate to address the use of a pesticide product that did not have appropriate tolerances on alfalfa grown for seed (See Attachment 1). It has been Department policy since 1992 to require a similar non-food statement similar to that adopted for alfalfa grown for seed on any SLN label where the use would be on a crop grown for seed when no tolerances have been established for residue of the pesticide. See Attachment #2 for sample of Oregon Department of Agriculture non-food statement. This non-food statement is included on the SLN OR-960021 label and is presently on four other clover grown for seed SLN labels. Clover seed and seed screenings may not be considered as Raw Agricultural Products by EPA and footnote 18 on Table II (September 1995) indicates that "Residue data for clover seeds are not

John A. Kitzhaber
Governor

Mailing address:
635 Capitol Street NE
Salem, OR 97310-0110
Location address:
3420 Cherry Ave NE

needed". However, it is known that seed and seed screenings can and are used for animal feed in Oregon. In situations of this sort, the Department has required the non-food label statement, regarding use of seed and seed screenings of crops treated with products issued Oregon SLN labeling. Failure to comply with the non-food statement would be use of the product inconsistent with labeling and such usage would be a violation of both FIFRA and the Oregon Pesticide Control Act (Oregon Revised Statutes - Chapter 634).

We feel that the existing authorities and programs of the Department, combined with additional product labeling required by the Department, are appropriate to address your concern. We also feel that SLN OR-960021 application should be acceptable as EPA made no objections to the use of our non-food statement on four other SLNs for use of pesticides on clover grown for seed as well as SLNs for other crops such as canola, carrot, crucifier, grass, meadowfoam, onion and radish grown for seed.

Please contact me should you have further questions regarding this matter

James L. Sandeno
Registration/Certification Supervisor
Plant Division
(503) 986-4635
FAX: (503) 986-4735
Hearing Impaired: (503) 986-4762

cc: J. Klundt - FMC
C. Kirby - ODA

ATTACHMENT #1

Oregon

DEPARTMENT OF
AGRICULTURE

June 10, 1992

Robert A. Forrest
Product Manager 14
United States Environmental
Protection Agency
Insecticide-Rodenticide Branch
Registration Division (H-7504C)
401 M Street SW
WASHINGTON DC 20460

EPA SLN NO. OR-900020

I have reviewed your letter of May 4, 1992, to this department. That letter pertained to authorizing the use of DIBROM 8 EMULSIVE (EPA Reg. No. 59639-15) on certain alfalfa grown for seed in Oregon, pursuant to Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Such authorization has been identified as EPA SLN No. OR-900020.

Your letter expressed concern regarding naled (DIBROM) residues on food/feed potentially resulting from the referenced authorization. This department has had similar concerns. To address these concerns, the department has required that product labeling associated with EPA SLN No. OR-900020 contain specific statements. Failure to comply with these statements would be use of the product inconsistent with labeling. Such inconsistent usage would be a violation of FIFRA and of the Oregon Pesticide Control Act [Oregon Revised Statutes-Chapter 634 (ORS 634)].

Among the EPA SLN No. OR-900020 labeling statements required by the department are the following:

1. "For use only on fields of alfalfa grown for seed operated by members of the Oregon Alfalfa Seed Growers Association or by members of the Gardena Alfalfa Seed Growers Association, and located in Malheur, Umatilla, or Morrow counties of Oregon."

   Authorization for use of the product on alfalfa grown for seed is limited to three Oregon counties. Within each of those counties, authorization is further limited to fields operated by members of the Oregon Alfalfa Seed Growers

Barbara Roberts
Governor

635 Capitol Street NE
Salem, OR 97310-0110

Association or of the Gardena Alfalfa Seed Growers Association. The department has worked with each of these associations regarding this authorization. The required labeling statements of this authorization have been discussed in detail with association members and seed conditioners which they utilize.

2. "Do not feed or graze alfalfa following DIBROM application. Do not cut treated alfalfa for hay or forage. Do not use harvested seed for sprouting. No portion of the treated field, including seed, seed screenings, hay, forage, or stubble, may be used for human or animal feed."

   Authorization is limited to fields of alfalfa grown for seed. No portion of the crop, or crop by-products, produced on treated fields is authorized for use as food or feed.

3. "Producers of alfalfa seed who use this product, or cause the product to be used on fields they operate, are required to inform, in writing, conditioners receiving seed produced on fields treated with DIBROM. A copy of the labeling must be given by the producer to the conditioner."

   Conditioners receiving seed from treated fields must be informed of the product's use on those fields. That notification must be in writing. Further, the conditioner must be provided a copy of the EPA SLN No. OR-900020 labeling. These stipulations are required of the grower of the alfalfa seed.

4. "Use of this product according to this labeling is deemed a nonfood use by the Oregon Department of Agriculture, and as such is not for use on fields producing alfalfa for livestock feed."

   As previously stipulated, no portion of the material produced on a treated field is authorized for use as food or feed. The only usage therefore authorized by EPA SLN No. OR-900020 is on a nonfood crop.

5. "Processed seed must be labeled 'Not for human or animal consumption' at the processing plant. All alfalfa seed screenings must be disposed of in such a way that they cannot be distributed or used for food or feed."

   Special labeling of alfalfa seed produced on treated fields is required. That labeling must include the phrase "NOT FOR HUMAN OR ANIMAL CONSUMPTION."

This department has ongoing programs for detecting and regulating pesticide residues in food and feed. Conducted by the department's Food and Dairy Division and Plant Division, these programs are performed in cooperation with the United States Department of Health and Human Resources - Food and Drug Administration (FDA). Programs regulating the distribution and use of pesticide products are conducted by the department's Plant Division. These additional programs are performed according to state statutes and to a cooperative agreement with your agency.

The concern expressed in your letter regarding the pesticide product usage authorized by EPA SLN No. OR-900020 was given serious consideration by this department prior to the issuance of this authorization. The existing authorities and programs of the department, combined with additional product labeling required by the department, were deemed appropriate to address such concern.

Please contact me should you have further questions regarding this matter.

C. K. Kirby

Christopher K. Kirby
Assistant Administrator
Plant Division
Phone-(503) 378-3776
Fax-(503) 378-5529

PL/COR/L45/iy
cc: Michael Fresvik, Association of American Pesticide Control Officials

3/26/96

Special Crop Use Restrictions

Use of this product according to this labeling is deemed a non-food use by the Oregon Department of Agriculture, and as such is not for use on fields producing (***crop name***) for livestock feed. Do not feed or graze (***crop name***) following (***product name***) application. Do not cut treated (***crop name***) for hay or for forage. Do not use harvested seed for sprouting. No portion of the treated field, including seed, seed screenings, hay, forage or stubble may be used for human or animal feed.

Producers of (***crop name***) seed who use this product, or cause the product to be used on a field they operate, are required to inform, in writing, conditioners receiving seed produced on fields treated with (***product name***). A copy of the labeling must be given by the producer to the conditioner. Processed seed must be labeled **"Not for human or animal consumption"**. All (***crop name***) seed screenings, hay, forage and other crop by-products produced from treated fields must be disposed of in such a way that they cannot be distributed or used for food or feed.

CODING FO[illegible] FOR SPECIAL LOCAL NEED (24(C)) REGISTRATIONS

1. SLN No. OR96002 1 2. PM 13 3. Action Code 580

4. State Issue Date

0	6	1	9	9	6

5. Date received by EPA

0	7	0	2	9	6

6. Date received by PM

7. Chemical name _____

8. Chemical code _____

9. Use _____

[illegible]. Reviews requested:

	Date Sent	Due Date	Date Returned	Response Code	Response Date
HED					
EFB					
RCB					
EEB					
TB					
RD					
[illegible]M					
[illegible]S					
Precaut. Labeling					
Chemistry					
Efficacy					
_____					
_____					

11. Status _____

12. FINAL ACTION Response code 38

Response date

0	9	1	8	9	6

24(C) CHECKLIST

STATE: OREGON

SLN NO. OR 96 00 21

DATE REGISTERED: 06-19-96

90-DAY DATE: 10-02-96 X

SPECIFIC SPECIAL LOCAL NEED: _____

SITE: _____

PEST/PROBLEM: _____

---

1. Is the State certified to issue this type of registration? _____
2. Was the EPA Application/Notification Form submitted? _____
3. Was all the required information included on the form? _____
4. Was a confidential formula submitted (for new products)? _____
5. Is this registration for a "CHANGED USE PATTERN" _____
6. Has an FR document been prepared for this "CHANGED USE PATTERN"? _____
7. Tolerances required? _____ Established? _____ Citation: _____
8. Full labeling being used? _____ Supplemental directions? _____
9. Does label state "FOR DISTRIBUTION AND USE ONLY WITHIN (State)? _____
10. Does full label comply with 40 CFR 162.10, as follows:

    a. Product name, brand or trademark? _____
    b. Name and address of registrant? _____
    c. Net contents? _____
    d. Product registration number? _____
    e. Producing establishment number? _____
    f. Ingredient statement? _____
    g. Precautionary labeling? _____
    h. Directions for use for special local need? _____
    i. Use classification? _____

    Was proper format followed? _____

11. Is supplemental directions for use labeling satisfactory? _____
12. Was supplemental labeling compared with EPA-registered label? _____

COMMENTS: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

580, 5508722
88

SEPTEMBER 19, 1996

Mr. James L. Sandeno
Registration/Certification Supervisor
OREGON DEPARTMENT OF AGRICULTURE
635 Capitol Street NE
Salem, OR 97310-0110

Dear Mr. Sandeno:

Subject: Registration Action under Section 24 (c)
Use of Bifenthrin Insecticide on Clover Grown for Seed
EPA Special Local Need Number OR-960021
Your Application Dated June 19, 1996

This will acknowledge receipt of your notification of the above date to this Agency of a registration, pursuant to section 24 (c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, as follows:

Products:	**CAPTURE 2 EC Insecticide**
EPA Registration Numbers:	**279-3069**
24 (c) Registrant:	**FMC Corporation** **1735 Market Street** **Philadelphia, PA 19103**

Since no tolerances have been established for residues of the pesticide chemical bifenthrin on the raw agricultural commodity (RAC) clover, EPA is unable to classify clover as a non-food/feed use at this current time and thus cannot approve use of this 24(c) request.

According to Subdivision O of the Pesticide Assessment Guidelines, a pesticide use on a crop grown for seed can be classified as a non-food/feed use provided the following criteria are met.

CONCURRENCES								
SYMBOL								
SURNAME								
DATE								

1). The seed itself or its sprouts are not RACs,

2). there is no likelihood of residues in crops grown from the harvested seed,

3). subsequent to treatment, all parts of the crop are **not** fit for human or animal consumption.

As listed in Table II (September 1995), the regulated clover commodities are forage and hay, which are cattle feed items. In order to consider this use a non-food/feed use, and to satisfy criteria number 3, you must submit a proposed mechanism/policy to ensure that the treated clover forage and hay will not/cannot be diverted to animal feed (similar to that adopted for alfalfa grown for seed). If you do not provide additional security to satisfy criteria #3, residue data should also be submitted in response to this letter to satisfy criteria #2. In the absence of any residue data, EPA would perform a worst-case calculation based on typical crop yields and mass dilution.

With respect to the labeling, add a restriction against feeding clover forage and hay to cattle intended for human consumption.

Sincerely,

George T. LaRocca
Product Manager (13)
Insecticide-Rodenticide Branch
Registration Division (7505C)

CC: FMC CORPORATION

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

DATE: 8/1/96

SUBJECT: ID# OR960021 SECTION 24(c) SPECIAL LOCAL NEED REGISTRATION FOR USE OF **BIFENTHRIN** ON **CLOVER GROWN FOR SEED** IN **OREGON.**

DP Barcode: D228132
Trade Name: CAPTURE 2EC Chem#: 128825
Reg#: 279-3069 Case#: 046500
Class: Insecticide 40 CFR: 180.442

TO: Adam Heyward/George LaRocca, PM Team 13
Insecticide/Rodenticide Branch
Registration Division (7505C)

FROM: G. Jeffrey Herndon G. Jeffrey Herndon
Pilot Interdisciplinary Risk Assessment Team
RCAB/HED (7509C)

THRU: Michael S. Metzger, Acting Branch Chief Michael S. Metzger
RCAB/HED (7509C)

INTRODUCTION

The Oregon Department of Agriculture issued a Special Local Need [24(c)] Registration to FMC Corp. on June 19, 1996 to apply Capture 2EC (EPA Reg.# 279-3069) to control lygus bugs, weevils, aphids, and spider mites on clover grown for seed.

RECOMMENDATION

PIRAT is unable to classify this 24(c) as non-food at the current time. In the absence of tolerances for residues of bifenthrin on clover commodities, PIRAT objects to the issuance of this 24(c). If Oregon can provide additional seed treatment regulation to satisfy criteria #3 (as noted below) and data to satisfy #2 (as noted below), PIRAT would encourage Oregon to resubmit their 24(c).

Recycled/Recyclable
Printed with Soy/Canola Ink on paper that contains at least 50% recycled fiber

CONCLUSIONS

Hazard Assessment

Based on the occupational and dietary exposure scenarios outlined below, a hazard assessment is not needed.

Occupational Exposure

Since residue chemistry considerations prohibit a favorable recommendation on this 24(c), an occupational exposure assessment has not performed. At such time as those deficiencies are adequately resolved, an occupational exposure assessment will be conducted.

Dietary Exposure

No tolerances have been established for residues of bifenthrin on clover commodities. Therefore, prior to a favorable consideration of this 24(c), the use will need to be classified as a non-food/non-feed.

According to Subdivision O of the Pesticide Assessment Guidelines, a pesticide use on a crop grown for seed can be classified as a non-food/non-feed use provided the following criteria are met:

1). The seed itself or its sprouts are not raw agricultural commodities.
2). There is no likelihood of residues in crops grown from the harvested seed.
3). Subsequent to treatment, all parts of the crop are <u>not</u> fit for human or animal consumption.

As listed in Table II (September 1995), the regulated clover commodities are forage and hay, which are cattle feed items. A restriction against feeding clover hay and forage is <u>not</u> listed on the 24(c) label. Unless Oregon supplies a proposed mechanism to ensure that the treated clover forage and hay will not/cannot be diverted to animal feed (similar to that adopted for alfalfa grown for seed), the proposed 24(c) will not pass non-food/non-feed criteria #3. If Oregon does choose to provide additional security to satify criteria #3 and resubmits this 24(c) for review, they should provide any residue data that would satify criteria #2. In the absence of any residue data, PIRAT will perform worst-case calculation based on typical crop yields and mass dilution.

cc: Herndon (PIRAT), CHEM 24(c), P. DesChamp (RCAB Chem Manager).
RDI:PIRAT: 7/31/96.
7509C:RCAB:PIRAT:CM2:Rm804C:305-6362:7/30/96.

(AH)

Herndon
Dykstra

DP BARCODE: D228132

CASE: 046500 DATA PACKAGE RECORD DATE: 07/22/96
SUBMISSION: S508722 BEAN SHEET Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: SLN (24C) ACTION: 580 SLN(24C) FOOD/FEED USE
RANKING : 5 POINTS ()
CHEMICALS: 128825 Bifenthrin 30.0000%

ID#: OR960021
COMPANY: 000279 FMC CORP AGRICULTURAL PRODUCTS GROUP
PRODUCT MANAGER: 13 GEORGE LAROCCA 703-305-6100 ROOM: CM2 204
PM TEAM REVIEWER: ADAM HEYWARD 703-305-6502 ROOM: CM2 212
RECEIVED DATE: 07/02/96 DUE OUT DATE: 09/30/96

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 228132 EXPEDITE: Y DATE SENT: 07/22/96 DATE RET.: / /
CHEMICAL: 128825 Bifenthrin
DP TYPE: 001 Submission Related Data Package
CSF: N LABEL: Y

ASSIGNED TO	DATE IN	DATE OUT	
DIV : HED	7/23/96	/ /	ADMIN DUE DATE: 08/21/96
BRAN: TSCB RCAB	/ /	/ /	NEGOT DATE: / /
SECT: PLRAT	/ /	/ /	PROJ DATE: / /
REVR :	/ /	/ /	
CONTR:	/ /	/ /	

180.440

* * * DATA REVIEW INSTRUCTIONS * * *

Please detemine if use on clover grown for seed will result in residues in crops.

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL

June 24, 1996

Oregon
Department
of Agriculture

Document Processing Desk (SLN)
Office of Pesticide Programs - H7504C
U.S. Environmental Protection Agency
401 M Street SW
WASHINGTON, DC 20460

We are pleased to enclose an application for registration of the following pesticide under Section 24(c):

FMC Corporation, CAPTURE 2EC, EPA Registration No. 279-3069, EPA SLN No. OR-960021.

This application was passed through Oregon registration June 19, 1996, and allows the use of CAPTURE 2EC on clover grown for seed to control Lygus Bugs, Weevils, Aphids, and Spider Mites on Clover grown for seed. Dr. Glenn Fisher, Profesor and Extension Entomologist, Oregon State University, Corvallis, Oregon has reviewed this application and supports registration.

CAPTURE 2EC is considered to be effective against the clover seed weevil, which can cause considerable econnomical losses if not controlled. CAPTURE 2EC is also considered to be be more effective on a wider variety of pests than malathion which has a Section 3 registration for use on clover. CAPTURE 2EC is also less toxic to pollinating insects than malathion.

For these reasons, we feel justified in granting this 24(c) registration.

James L. Sandeno

James L. Sandeno
Registration/Certification Supervisor
Plant Division
(503) 986-4647
FAX: (503) 986-4735
TDD (503) 986-4762

RECD EPA/OPP/DPD2
'96 JUL -2 P2:47

Enclosures
cc: ODA Registration File
SLN File
J. Klundt - FMC
G. Fisher - OSU

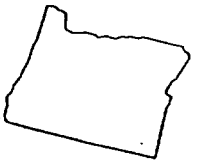
John A. Kitzhaber
Governor

Mailing address:
635 Capitol Street NE
Salem, OR 97310-0110
Location address:
3420 Cherry Ave NE
Keizer, OR

OR960021

RESTRICTED USE PESTICIDE
Toxic to fish and aquatic organisms
For retail sale to and use only by certified applicators or persons under their direct supervision, and only for those uses covered by the certified applicator's certification.

EPA SLN NO.
OR-960021



FOR DISTRIBUTION AND USE ONLY IN
OREGON

Capture® 2EC
Insecticide-Miticide

For Agricultural or Commercial Use Only

EPA REG. No. 279-3069

EMERGENCY CALLS: 800-331-3148

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING.

CROP	PEST	RATE OF APPLICATION
Clover Grown for Seed	Lygus Bugs Weevil Aphids Spider Mites	3.8 to 6.4 ounces per acre

DIRECTIONS FOR USE:

To control Lygus Bugs, Aphids, Weevil and Spider Mites, apply Capture 2EC at the rate of 3.8 to 6.4 ounces (0.06 to 0.1 lb. active) per acre. Apply in a minimum of 5 gallons of water per acre by air or in a minimum of 20 gallons of water by ground.

Make aerial or ground applications when the wind velocity favors on target product deposition (approximately 3 to 10 MPH). Do not apply when wind velocity exceeds 15 MPH.

For aerial applications, the spray boom should be mounted on the aircraft so as to minimize drift caused by wingtip or rotor vortices. Boom length must not exceed 75% of wing span or rotor diameter.

Do not apply by ground equipment within 25 feet, or by air within 150 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish farm ponds.

Do not apply more than 6.4 ounces (0.1 lb. active) per acre per treatment. Do not make more than 3 applications in a crop year. Maintain a minimum of 21 days between Capture 2EC treatments.

RECD EPA/OPP/DPD2
'96 JUL -2 P2:47

(Continued next page)

RESTRICTIONS:

Use of this product according to this labeling is deemed a non-food use by the Oregon Department of Agriculture, and as such is not for use on fields producing Clover for livestock feed. Do not feed or graze Clover following a Capture 2EC application. Do not cut treated Clover for hay or for forage. Do not use harvested seed for sprouting. No portion of the treated field, including seed, seed screenings, hay, forage or stubble may be used for human or animal feed.

Producers of Clover Grown for Seed who use this product, or cause the product to be used on a field they operate, are required to inform, in writing, conditioners receiving seed produced on fields treated with Capture 2EC. A copy of the labeling must be given by the producer to the conditioner. Processed seed must be labeled "Not for Human or Animal Consumption". All Clover Grown for Seed screenings, hay, forage and other crop by-products produced from treated fields must be disposed of in such a way that they cannot be distributed or used for food or feed.

ALL APPLICABLE DIRECTIONS, RESTRICTIONS AND PRECAUTIONS ON THE EPA REGISTERED LABEL ARE TO BE FOLLOWED.

PERSONAL PROTECTIVE EQUIPMENT AND REENTRY INTERVALS ON THIS 24C OR ON THE BASIC LABEL MUST BE FOLLOWED.

THIS LABELING MUST BE IN THE POSSESSION OF THE USER AT THE TIME OF PESTICIDE APPLICATION.

24(c) Registrant:

Code 777 2/96

FMC Corporation
Agricultural Products Group
1735 Market Street
Philadelphia, PA 19103

FMC®

Capture and FMC - FMC Trademarks
©1996 FMC Corporation

OR-960021

Form Approved. OMB No. 2070-0055. Approval expires 6-30-90.

United States Environmental Protection Agency
Office of Pesticide Programs
Registration Division (TS-767)
Washington, DC 20460

EPA

Application for/Notification of State Registration of a Pesticide To Meet a Special Local Need

(Pursuant to Section 24(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended)

For State Use Only
Registration No. Assigned: OR-960021
Date Registration Issued: June 19, 1996

1. Name and Address of Applicant for Registration

FMC CORPORATION
AGRI. CHEM. GROUP
P.O. BOX 1622
WALLA WALLA, WA. 99362

2. Product is (Check one)
- [X] EPA-Registered — EPA Registration Number: 279-3069
- [ ] New (not EPA-registered) — Attach EPA Form 8570-4, Certified Statement of Formula, for new products. — EPA Company Number: 279

3. Active Ingredient(s) in Product: Bifenthrin

4. Product Name: Capture 2EC

5. If this is a food/feed use, a tolerance or other residue clearance is required. Cite appropriate regulations in 40 CFR Part 180, 21 CFR Part 193, and/or 21 CFR Part 561.

6. Type of Registration (Give details in Item 12 or on a separate page, properly identified and attached to this form):
- [X] a. To permit use of a new product.
- [X] b. To amend EPA registrations for one or more of the following purposes:
  - [X] (1) To permit use on additional crops or animals.
  - [ ] (2) To permit use at additional sites.
  - [ ] (3) To permit use against additional pests.
  - [ ] (4) To permit use of additional application techniques or equipment.
  - [ ] (5) To permit use at different application rates.
  - [ ] (6) Other (specify below)

7. Nature of Special Local Need (Check one)
- a. [ ] There is no pesticide product registered by EPA for such use.
- b. [X] There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration.
- c. [ ] An appropriate EPA-registered pesticide product is not available.

8. If this registration is an amendment to an EPA-registered product, is it for a "changed use pattern" as defined in 40 CFR 162.3(k)?
- [ ] Yes (discuss in Item 12 below)
- [X] No

9. Has an EPA Registration or Experimental Use Permit for Use of this chemical ever been: (Check applicable box(es))
- [X] Sought
- [X] Issued
- [ ] Denied
- [ ] Canceled
- [ ] Suspended

Previous Permit Action:
- [ ] Registration
- [ ] Experimental Use Permit
- [ ] No Previous Permit Action

10. Has a FIFRA Section 24(C) registration for this use of the product ever, by another State been (Check applicable boxe(es))
- [X] Sought
- [X] Issued
- [ ] Denied
- [ ] Revoked

If any of the above are checked, list States in Item 12 below.
- [ ] No FIFRA Section 24(C) Action

11. Endangered Species Act: (Give details in Item 12 or on a separate page, properly identified and attached to this form)

Identify the counties where this pesticide will be used. If Statewide, indicate "all."
Provide a list of Federally protected endangered/threatened species which occur in the areas of proposed use.

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.

Signature of Applicant or Authorized Representative: Jeff R Klumpf

Title: Technical Ser. Rep.

Telephone Number: 509-529-5950 — Date: 3/15/96

12. Comments

Item 10: Idaho, California
Item 11: All counties where clover seed is grown

Determination by State Agency

This registration is for a Special Local Need and is being issued in accordance with section 24(c) of FIFRA, as amended. To the best of our knowledge, the information above is correct, except as noted in "Comments" below or in attachments.

Name, Title, and Address of State Agency Official:
James L. Sandeno
Registration/Certification Supervisor
Oregon Dept. of Agriculture
635 Capitol St. N.E.
Salem, OR 97310-0110

Title: James L. Sandeno

Telephone Number: (503) 986-4649 — Date: 6/19/96

Comments (by State Agency Only):

Received by EPA: RECD EPA/OPP/DPDP '96 JUL -2 P2:47

EPA Form 8570-25 (12-87)

EPA COPY

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

JUL 2 1996

OFFICE OF
PREVENTION, PESTICIDES, AND
TOXIC SUBSTANCES

Oregon Department of Agriculture
Registration/Certification
635 Capitol Street, NE
Salem, OR 97310-0110

ATTN: James L. Sandeno, Supervisor

SUBJECT: Receipt of New 24(c)

Dear State Agency:

The Office of Pesticide Programs acknowledges receipt of the 24(c) application/notification for OR960021. The package is being forwarded to the Product Manager for review.

To ensure that the Agency receives proper notification of your 24(c) applications/notifications it is necessary to use the correct mailing address. All new 24(c) applications should be sent to the following:

Document Processing Desk (SLN)
Office of Pesticide Programs - H7504C
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

If you have any questions concerning the administrative screening of the package please contact the Front End Unit at (703) 305-7406.

Sincerely,

Barbara Pinnell

Front End Processing Staff
Information Services Branch
Program Management and Support Division

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