

499-519

11/23/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

NOTIFICATION

NOV 23 2010

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Name Patricia Hodge
Company Whitmire Micro-Gen Research Laboratories
Address 3568 Tree Court Industrial Blvd.
St. Louis, MO 63122-6682

Subject: Notification: Minor label revisions
Revised Storage and Disposal statement per PR Notice 2007-4
TC 232 W & H
EPA Registration Number 499-519

Dear Ms. Hodge:

The Agency is in receipt of your Application dated August 6, 2010 for Pesticide Notification under Pesticide Registration Notices (PRN) 98-10 and 2007-4 for the product TC 232 W & H. 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 at 703-308-8291.

Sincerely,

Rita Kumar

Rita Kumar
Senior Regulatory Specialist
Insecticide Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs
E-mail: kumar.rita@epa.gov



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 499-519	2. EPA Product Manager Dan Kenny	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) TC 232 W&H	PM# 1-	
5. Name and Address of Applicant (Include ZIP Code) Whitmire Micro-Gen Research Laboratories Inc. 3568 Tree Court Industrial Blvd. St. Louis, MO 63122-6682 <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 _____

NOTIFICATION
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Section - II

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

Label Notification to remove 1-800-CLEANUP number, update Storage and Disposal according to 2007-4 and to update minor label verbiage with no change to directions for use.

This notification is consistent with the guidance in PR Notices 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146 and 156.156. 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146 and 156.156, 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.

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 checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information		4. Size(s) Retail Container		5. Location of Label Directions	
<input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		1 lb, 2 oz (18 oz)		<input type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product				<input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Patricia A Hodge	Title Product Regulations Specialist	Telephone No. (Include Area Code) 636-861-4272
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 Product Regulations Specialist	
4. Typed Name Patricia A Hodge	5. Date 8/6/2010	



The Chemical Company

NOTIFICATION

NOV 23 2010

August 6, 2010

Document Processing Desk 7504P (e-sub)
US EPA Office of Pesticide Programs
2777 S Crystal Drive
Arlington, VA 22202-4501

**RE: Notification to remove 1-800-CLEANUP, revise Storage & Disposal statement & update other minor label items
TC 232 W & H
EPA Reg. No: 499-519**

Dear Mr. Gebken:

Enclosed in support of this action are a completed application and one (1) copy of the revised label and one (1) copy submitted as an e-submission on disk.

- Remove the 1-800-CLEANUP number from the Storage and Disposal section
- Revise the verbiage in the Storage and Disposal section per 2007-4
- Updated to the correct EPA Est. Number of 7969-MO-1
- Revised Emergency Contact telephone number in First Aid to 1-800-832-HELP
- Replaced web address with "Questions? Call 1-800-777-8570"
- Adding BASF company "standard" warranty statement.

There is no change in label rates, and we did not make any revisions to the Directions for Use that would change the content in any way.

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.

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Thank you for your assistance in this matter. Please don't hesitate to contact me at 636-861-4272 or, via electronic mail at patricia.hodge@basf.com, should you have any questions or require additional information regarding this action.

Sincerely,
BASF – Pest Control Solutions

Patricia Hodge
Product Regulations Specialist

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BASF Corporation
Pest Control Solutions
3568 Tree Court Industrial Blvd.
St. Louis, MO 63122
Tel: (800) 777-8570
www.PestControl.basf.us

For Dana M. Thomas
Product Regulatory Manager
Authorized Agent for Whitmire
Micro-Gen
Research Laboratories, Inc

WHITMIRE MICRO-GEN
TC 232 W&H
CONTACT INSECTICIDE

[ALTERNATE BRAND NAME: MotherEarth™ Wasp & Hornet Jet Spray] (added via Notification 12/11/06)

KILLS ON CONTACT FROM 10 FT AWAY
FOR OUTDOOR USE ONLY

NOTIFICATION
NOV 23 2010

KILLS:

Bees, Hornets, Spiders (excluding Black Widow and Brown Recluse), Yellowjackets and Wasps

ACTIVE INGREDIENT:

d-Limonene..... 10.0%

OTHER INGREDIENTS: 90.0%

Contains petroleum distillates. TOTAL: 100.0%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID

IF SWALLOWED: 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 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.

IF ON SKIN OR CLOTHING: Remove contaminated clothing. Rinse skin immediately with plenty of water for 15- 20 min.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15 - 20 min. Remove contact lenses, if present, after the first 5 min, then continue rinsing eye. 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, or going for treatment. You may also contact 1-800-832-HELP for emergency medical treatment information.

NOTE TO PHYSICIAN: Contains petroleum distillate - vomiting may cause aspiration pneumonia. No specific antidote is available. Treat the patient symptomatically.

See side panels for Precautionary Statements, Directions for Use and Storage & Disposal.

EPA Reg. No. 499-519 • EPA Est. No. 7969-MO-1

NET WEIGHT:

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed, inhaled or absorbed through skin. Avoid breathing of vapor. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Do not remain in treated area and ventilate the area after treatment is completed. Do not contaminate water, food, or foodstuffs. Remove all pets and birds. Cover fish tanks or remove before spraying.

ENVIRONMENTAL HAZARDS

For terrestrial uses, 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 when cleaning equipment or disposing of equipment washwaters.

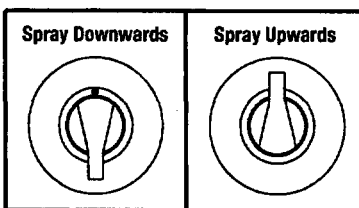
PHYSICAL OR CHEMICAL HAZARDS

Flammable. Contents under pressure. Keep away from heat, sparks, and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting. Do not spray on plastic (including but not limited to vinyl), or directly into any electronic equipment. May cause staining (darkening) of asphalt surfaces and shingles on painted surfaces. Test a small area first and look for a reaction.

DIRECTIONS FOR USE

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

For optimum performance in overhead treatments, align the actuator opening with the mark on valve cup. When treating in a downward direction, align the actuator opening directly opposite the mark on valve cup.



WASPS AND HORNETS: Hold container in upright position to treat. Stand safe distance, 6 – 10 ft from nest and not directly underneath. Align actuator opening with the mark on valve cup. Aim actuator opening toward nest. Treat nest until thoroughly wet. Wasps and hornets on nest should be contacted with spray when possible. Best time of day to treat is in evening or early morning, since wasps and hornets congregate on or in nest at night. Do not apply to pets or contaminate food, foodstuffs, dishes or utensils.

To prevent dying insects from falling on skin and clothing, avoid standing directly under nest being treated.

YELLOWJACKETS AND BEES: Locate underground nest. Align actuator opening directly opposite the mark on valve cup. Depress actuator and treat, with a sweeping motion, any stimulated or stirred-up insects around nest opening. Afterwards, move forward to nest opening and apply product for 10 sec directly into nest hole. This will suffocate bees and yellowjackets in nest; other bees and yellowjackets trying to return to nest will be repelled and will fly away.

SPIDERS (excluding Black Widow and Brown Recluse): Apply spray directly onto spiders and web.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry area away from heat or open flame and inaccessible to children.

PESTICIDE DISPOSAL: Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Do not puncture or incinerate! **If empty:** Place in trash or offer for recycling, if available. **If partly filled:** Call your local solid waste agency for disposal instructions.

Contains no CFCs or other ozone depleting substances. Federal regulations prohibit CFC propellants in aerosols.



CONDITIONS OF SALE AND WARRANTY

Follow the **Directions for Use**. It is impossible to eliminate all risks inherently associated with use of this product, and therefore all such risk shall be assumed by the Buyer. Whitmire warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions for Use**, subject to the inherent risks, referred to above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW: (A) WHITMIRE MAKES NO OTHER WARRANTIES EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY, (B) BUYER'S EXCLUSIVE REMEDY AND WHITMIRE'S AND SELLER'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT, AND (C) WHITMIRE AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. Whitmire and the Seller offer this product, and the Buyer accepts it, subject to these **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of Whitmire.

Manufactured for:
 Whitmire Micro-Gen Research Laboratories, Inc.
 By BASF Corporation
 3568 Tree Court Industrial Blvd.
 St. Louis MO 63122-6682
 Questions? Call 1-800-777-8570

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