

706-83

7/24/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

July 24, 2013

Mrs. Kimberlee Young
Consultant/Agent for
Claire Manufacturing Company
c/o RegWest Company, LLC
30856 Rocky Road
Greeley, CO 80631-9375

**Subject: Amended Labeling; Direct Response to EPA Letter Dated February 14, 2013 & Pre-Reregistration Labeling Review Dated August 29, 2012
Claire® Down & Out II Flying Insect Killer, EPA Reg. No. 706-83
Your Submission Dated April 5, 2013**

Dear Mrs. Young:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable with the following label revision provision(s):

General Comment(s):

1. Delete all text throughout the subject label that has been marked with "strikethrough."

Directions for Use, Use Restrictions subsection comment(s), middle of page 2 of 3:

2. To facilitate inclusion of required label language from the REDs for d-Phenothrin and tetramethrin, you must make the following changes:
 - Immediately preceding the 1st sentence of the 1st paragraph in this subsection, insert the following text to read "Apply this product only as specified on this label. Do not contaminate food or feedstuffs. THIS PRODUCT IS FOR INDOOR RESIDENTIAL/NON-RESIDENTIAL USE ONLY."
 - Within the 5th sentence of the 2nd paragraph in this subsection, insert the words "like a gutter" immediately following the word "area."

Should Claire Manufacturing Company wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under section 12(a)(1)(E) of FIFRA. 40 CFR §156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not be substantially differ from those claims approved through the registration process. Therefore, should the Agency find, or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to EPA's Office of Enforcement and Compliance Assurance (OECA). As an alternative, Claire Manufacturing Company may refer consumers to the company's phone number or e-mail address.

A copy of your label stamped "Accepted with Comments" is enclosed for your records. Please submit two (2) copies of the final printed labeling, incorporating the above changes, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with section 6(e) of FIFRA. Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

If you have any questions about this label review, please contact Mr. Carmen J. Rodia, Jr. at (703) 306-0327 or via e-mail at Rodia.Carmen@epa.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard J. Gebken".

Richard J. Gebken
Product Manager (10)
Insecticide Branch
Registration Division (7504P)

Enclosure: Label Stamped "Accepted with Comments," dated July 24, 2013
000706-00083 D427168, D436088 & D477441

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Down & Out II Flying Insect Killer

[[Select marketing claims from "Marketing Claims" section below]]

For Use in Residential and Non-Food Areas of Commercial, Industrial and Institutional Buildings

Active Ingredients:

Tetramethrin (CAS No. 7696-12-0).....	0.2%
Sumithrin (CAS No. 26002-80-2)	0.2%
Other Ingredients	99.6%
Total	100.0%

Keep Out of Reach of Children

CAUTION

See back panel for First Aid and additional Precautionary Statements.

[Si usted no entiende la etiqueta, busque a alguien para que la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail).]

EPA Reg. No. 706-83

EPA Est. _____

Net Wt. ____ oz. / ____ g
{5 ounces through 1 pound}

ACCEPTED
With COMMENTS
In EPA Letter Dated:
July 24, 2013
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:
706-83

{Back Panel}

First Aid

If Swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor 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 to an unconscious person.
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, or going for treatment. For additional information on this pesticide product (including health concerns, medical emergencies or pesticide incidents), you may call 1-866-836-8855, 24 hours per day, 7 days per week.	
Note to Physician: Contains petroleum distillate — vomiting may cause aspiration pneumonia.	

{Note: The grid format for the First Aid statements will be used if market label space permits, otherwise, a paragraph format will be used.}

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if swallowed or absorbed through the skin. Avoid contact with skin, eyes or clothing. Thoroughly wash hands with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

24-Hour Medical Emergency 1-866-836-8855

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, nitrile rubber, neoprene rubber and Viton ≥ 14 mils. Applicators must wear long-sleeved shirt, long pants, shoes, socks and chemical-resistant gloves.

Physical or Chemical Hazards

Contents under pressure. Do not use or store near heat or open flame. Do not store in direct sunlight. Do not smoke while using this product. Do not puncture or incinerate container. Exposure to temperatures above 120°F may cause bursting. Incineration of container may cause explosion. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

DIRECTIONS FOR USE

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

**Shake Well Before Use. Hold Container Upright.
Apply in Short Bursts.**

Use Restrictions

Do not use in commercial food processing, preparation or storage areas. Do not apply this product in a way that will contact adults, children or pets, either directly or through drift. Only protected handlers may be in the area during application. Do not enter or allow others to enter the treated area until the sprays have dried. Do not allow adults, children or pets to enter treated areas until vapors, mists and aerosols have dispersed, and the treated area has been thoroughly ventilated. Do not use on humans, domestic animals or pets. Remove pets/birds and cover fish aquariums and ornamental fish ponds before spraying, and turn aquarium systems off.

Do not use in food areas of food handling establishments, restaurants or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared foods are served, such as dining rooms, but excluding areas where food may be prepared or held. Non-food areas are areas such as garbage rooms, lavatories, floor drains (to sewers), entries, vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage areas (after bottling or canning). Application is prohibited directly into sewers or drains, or to any area where drainage to sewers, storm drains, bodies of water or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

Do not apply when food is present. In the home, cover all food processing surfaces and utensils during treatment or thoroughly wash before reuse. Cover or remove exposed food.

To Kill Flies, Gnats, Mosquitoes and Small Flying Moths: Close all doors and windows, and direct spray upward into center of room with a slow sweeping motion. Spray 5-10 seconds for average room. Wait 2 hours after application, then open windows, vents and doors for 2 hours. If an odor is still detected, additional ventilation is required. Sweep up and discard fallen insects.

Storage and Disposal

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

Pesticide Storage: Store in a cool, dry (preferably locked) place inaccessible to children and pets and away from direct sunlight, windows, flames or other sources of heat or ignition. **Pesticide/Container Disposal:** Do Not Puncture or Incinerate! **If empty:** Place in trash or offer for recycling if available. [This container may be recycled in aerosol recycling centers. At present, there are only a few such centers in the country. Before offering for recycling, empty the can by using the product according to the label.] **If partly filled:** Call your local solid waste agency for disposal instructions.

{Per PR Notice 2007-4 the batch code/lot number will appear on the label or container.}

{For Customer Support}



[Manufactured by:]
[A Product of:]



Claire Manufacturing Company

1005 S. Westgate Drive
Addison, IL 60101
[www.clairemfg.com]



{Enlargement:
No CFCs.

Contains no CFCs which deplete the ozone layer.
Federal regulations prohibit CFC propellants in aerosols.}



{Marketing Claims}

**Kills Common Pests:
House Flies • Mosquitoes
and Others Listed on Back Panel**



[Made in the U.S.A.]

{End of Marketing Claims}

[] Denotes alternate/optional verbiage
{ } Denotes verbiage not printed on market labeling