

1021-1764

06-29-2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Steven Ditto
McLaughlin Gormley King Company
8810 Tenth Avenue North
Minneapolis, MN 55427

JUN 29 2011

Dear Mr. Ditto:

Subject: Application for Pesticide Notification (PRN 98-10)
Comply with Agency pyrethroid labeling letter dated June 4, 2009
EVERCIDE Wasp & Hornet Spray 26011
EPA Reg. No. 1021-1764
Your submission dated March 23, 2010

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated March 23, 2010 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds the action requested falls within the scope of PRN 98-10. The label submitted with the application has been 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 nonrefillable 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 regarding this letter, please contact Dana Pilitt, PhD of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,

Richard Gebken
Product Manager 10
Insecticide Branch
Registration Division (7505P)



United States
Environmental Protection Agency
Washington, DC 20460

Registration
Amendment
Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 1021-1764	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) EVERCIDE® Wasp & Hornet Spray 26011	PM# 10	
5. Name and Address of Applicant (Include Zip Code) McLaughlin Gormley King Company 8810 10TH AVE N MINNEAPOLIS, MN 55427	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to:	
<input type="checkbox"/> Check if this is a new address	EPA Reg. No.	NOTIFICATION
	Product Name	JUN 29 2011

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.)
Pyrethroid Non-Agricultural Outdoor Products Notification per EPA letter dated June 4, 2009.

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
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 6-24 oz.		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Other <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 Steven K. Ditto	Title Regulatory Affairs Specialist	Telephone No. (Include Area Code) (763) 544-0341
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 Regulatory Affairs Specialist	
4. Typed Name Steven K. Ditto	5. Date 3/23/2010	

MGK[®]

McLAUGHLIN GORMLEY KING COMPANY

8810 Tenth Avenue North • Minneapolis, MN 55427-4319 U.S.A.
763-544-0341 • 800-645-6466 • Fax 763-544-6437 • www.mgk.com

March 23, 2010

Document Processing Desk (NOTIF - PYRETHROID)
Office of Pesticide Programs (7504P)
U.S. ENVIRONMENTAL PROTECTION AGENCY
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Via Courier

Subject: EVERCIDE® Wasp & Hornet Spray 26011
EPA Reg. No. 1021-1764
Pyrethroid Non-Agricultural Outdoor Products Notification Per EPA Letter
Dated June, 4 2009

Dear Sir or Madam:

By Notification we are changing the Environmental Hazards and Directions for Use sections to comply with the June 4, 2009 letter from the Environmental Protection Agency.

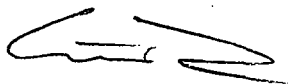
Enclosed are 2 copies of the label. One copy has changes highlighted.

Notification of label change per June 4, 2009, letter from Environmental Protection Agency. This notification is consistent with the guidance in the June 4, 2009 letter and the requirements of EPA's regulations at 40 CFR part 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 statements to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR part 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.

If there are any questions or you need anything further, please contact this office.

Sincerely,

McLAUGHLIN GORMLEY KING COMPANY



Steven K. Ditto
Regulatory Affairs Specialist

Enclosure

Quality Products Since 1902

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McLAUGHLIN
GORMLEY
KING COMPANY

8810 Tenth Avenue N. / Minneapolis, Minnesota 55427-4319 U.S.A. - Telephone (763) 544-0341

[] OR () indicates optional or alternate wording

- [Kills Wasps, Yellow Jackets, and Hornets on contact]
- [Gives rapid knock down and kill of Wasps, Yellow Jackets, and Hornets]
- [Gives rapid contact kill and residual kill of insects returning to the treated nest.]
- [Reaches nests more than 20 feet above ground]
- [Kills on contact. Guaranteed.]
- [Non-staining]
- [Instant knockdown]
- [Foaming jet spray]
- [Kills on contact with foaming action]
- [Kills insects returning to treated nest]
- [No oily residue]
- [Kills (the) entire nest]
- [Foaming action]
- [Water-based]

This product can be used both indoors (attics and other places where nests are built and where food or feed are not exposed) and outdoors on Wasp, Hornet, and Yellow Jacket nests.

ACTIVE INGREDIENTS:

Pyrethrins	0.050%
* Piperonyl butoxide	0.100%
** N-Octyl bicycloheptene dicarboximide	0.167%
(S)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro-alpha-(1-methylethyl)benzeneacetate	0.100%

OTHER INGREDIENTS	99.583%
	100.000%

- * Equivalent to 0.080% (butylcarbityl) (6-propylpiperonyl) ether and 0.020% related compounds
- ** MGK® 264, Insecticide Synergist

EVERCIDE, MGK® - Registered trademarks of McLaughlin Gormley King Company

KEEP OUT OF REACH OF CHILDREN

CAUTION

NOTIFICATION

JUN 29 2011

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none"> ▪ Immediately call poison control center or doctor. ▪ Do not induce vomiting unless told to do so by poison control center or doctor. ▪ Do not give any liquid to the person. ▪ Do not give anything by mouth 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 information regarding medical emergencies or pesticide incidents, call 1-888-740-8712.	

Net Contents _____

Manufactured by:

Mc LAUGHLIN GORMLEY KING COMPANY
8810 Tenth Avenue North
Minneapolis, MN 55427

EPA Reg. No. 1021-1764

EPA Est. No. 1021-MN-2

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and other aquatic invertebrates. Do not apply directly to water. Do not contaminate water when disposing of equipment wash waters or rinsate.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

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DIRECTIONS FOR USE

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

Do not use in commercial food/feed processing, preparation, and food/feed storage or serving areas. In the home, all food/feed processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food/feed should be covered or removed.

Avoid contamination of food and feedstuffs.

Remove pets and birds and cover fish aquariums before spraying.

Do not water the treated area to the point of run-off.

Do not make applications during rain.

All out door applications, including wasp and hornet nest treatments, must be limited to spot or crack-and-crevice treatments only.

All outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.

For Control of Nests of Wasps, Yellow Jackets, and Hornets: The best time to spray the nest is in the early morning or late evening, when air temperature is cooler, most insects are in the nest, and little activity is observed around the nest opening. Spray only if the air is still. Stand at a safe distance from the nest, not directly under it. Hold container upright at arms length, point the actuator at the nest, and first spray in the opening of the nest. Then spray the rest of the nest until it is saturated. Treated insects may fall out of the nest and die. Any insects returning to the nest after treatment will be killed. Wait 48 hours before removing the nest. Hose off inadvertently sprayed foliage of desirable plants.

This product may stain or adversely affect vinyl, painted, and plastic surfaces. Avoid application to asphalt roofing shingles as staining may occur. Before using in areas where spray may contact these surfaces, test in an inconspicuous area and recheck in a few hours.

STORAGE AND DISPOSAL

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

Pesticide Storage

Store in a cool, dry area. Always store pesticides in the original container. Store away from food or pet food.

Pesticide Disposal and Container Handling

Do Not Puncture or Incinerate!

Nonrefillable container. Do not reuse or refill this container.

If empty:

Place in trash or offer for recycling if available.

If partly filled:

Call your local solid waste agency for disposal instructions.