

1021-1775

5-3-2007

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

May 3, 2007

Ms. Julie B. Schlekau
McLaughlin Gormley King Company
8810 Tenth Avenue North
Minneapolis, MN 55427-4319

Subject: Clarification to Previously Submitted Notifications for Warranty Statements
EVERCIDE® House & Garden Spray 2664
EPA Reg. No. 1021-1667
MGK® Wasp & Hornet Killer Aerosol
EPA Reg. No. 1021-1775
Your Application Submitted November 7 and 8, 2006 and April 23, 2007

Dear Ms. Schlekau:

This letter is to **rescind** the Agency's conflicting rejection and approval letters dated March 23, 2007 and April 4, 2007, respectively for notifications updating the warranty statements. We are in receipt of your resubmission dated April 23, 2007 for the above mentioned products. The Registration Division (RD) has conducted a review of these requests for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The labels submitted with the application have been stamped "Notification" and will be placed in our records.

If you have any questions, please me directly at 703-305-6249.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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



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

April 23, 2007

Document Processing Desk (NOTIF)
Attn: Ms. Linda Arrington
Office of Pesticide Programs (H7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Subject: Notifications per PR Notice 98-10
EVERCIDE® House & Garden Spray 2664
EPA Reg. No. 1021-1667
and
MGK® Wasp & Hornet Killer Aerosol
EPA Reg. No. 1021-1775

Dear Ms. Arrington:

Per our discussions on April 20, 2007, I am resubmitting two Notifications previously submitted on November 7 and 8, 2006, for the above two products. On March 23, 2007, these two Notifications were rejected due to the warranty statement but we received a Notification approval dated April 4, 2007, for the same warranty statement. You indicated that due to the time lapsed between the initial submissions and denials and the subsequent approval of the same warranty statement you would stamp these two Notifications as approved.

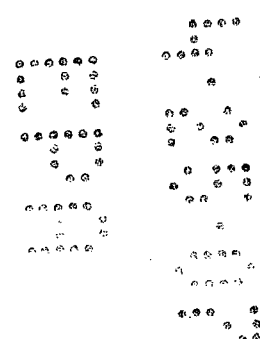
We appreciate your assistance in this matter.

If you have any questions or need further information, please feel free to give us a call.

Sincerely,

Julie B. Schlekau
Registration Specialist

Enclosures





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
November 7, 2006

Document Processing Desk (NOTIF)
U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs (7504P)
Ariel Rios Building
1200 Pennsylvania Avenue
Washington, DC 20460-001

Via Courier

Subject: MGK® Wasp & Hornet Killer Aerosol
EPA Reg. No. 1021-1775
Notification per PR Notice 98-10

Dear Sir or Madam:

By Notification we are adding marketing phrases this label.

Enclosed are 2 copies of the label, 1 copy has the changes highlighted in yellow.

I certify that 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, then 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

Thomas A. Lennan
Registration Specialist

Enclosure

cc: [illegible]

NOTIFICATION

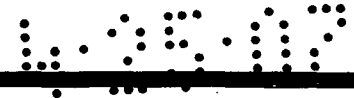
MAY 3 2007

MGK® Wasp & Hornet Killer Aerosol

MGK®

**McLAUGHLIN
GORMLEY
KING COMPANY**

8810 Tenth Avenue N. / Minneapolis, Minnesota 55427-4372 U.S.A. - Telephone (763) 544-0341



[Optional Marketing Claims]:

- Kills Wasps, Hornets and Yellow Jackets
- Kills with contact
- Fast Acting
- Fast (superior) Knock-Down
- 20 Ft. Range! [Sprays up to 20 ft.]
- Water-Based (Aerosol)
- For Outdoor Use
- Guaranteed kill
- Kills Common Plant Pests on Ornamentals
- Kills Flies, Mosquitoes, Gnats, Box Elder Bugs, Aphids, Japanese Beetles, Gypsy Moths, Tent Caterpillars, Whiteflies, Mealybugs, (Spider) Mites, Small Flying Moths and other listed pests
- Blanketing Foam Covers Pests
- Blanketing Foam [Great for Treating Nests]
- Effective (broad spectrum insecticide) (killing formula)
- Multi-Purpose Use – Indoors and Outdoors
- For Indoor and Outdoor Use
- Fast (superior) knock-down
- [*For Listed Pests]

ACTIVE INGREDIENTS:

Tetramethrin [(1-Cyclohexene-1,2-dicarboximide) methyl 2,2-dimethyl-3-(methylpropenyl) cyclopropanecarboxylate] 0.20%
 d-(cis,trans) phenothrin (Sumithrin): [3-phenoxybenzyl-(1RS, 3RS; 1RS, 3SR)-2,2-dimethyl-3-(2-methylprop-1-enyl) cyclopropanecarboxylate] 0.20%

OTHER INGREDIENTS 99.60%
TOTAL **100.00%**

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"> ▪ 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 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.
IF INHALED:	<ul style="list-style-type: none"> ▪ 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.

IF IN EYES:	<ul style="list-style-type: none"> ▪ 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 eyes. ▪ 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.	

Federal regulations prohibit CFC propellants in aerosols



Net Weight _____

Manufactured by:
McLAUGHLIN GORMLEY KING COMPANY
 8810 Tenth Avenue North
 Minneapolis, MN 55427

EPA Reg. No. 1021-1775 EPA Est. No. 1021-MN-2

**PRECAUTIONARY STATEMENTS
 HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Harmful if absorbed through skin or inhaled. Avoid contact with skin, eyes, or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling or 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 by cleaning of equipment or disposal of wastes.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting. Do not apply this product around electrical equipment due to 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.

OUTDOORS

SHAKE TWICE ONLY (SHAKE WELL) BEFORE USING. HOLD CAN UPRIGHT. APPLY IN SHORT BURSTS. DO NOT USE INSIDE THE HOME. DO NOT SPRAY IN WINDY CONDITIONS
[PRODUCT FACTS]

5/1

To Kill Wasps: Application should be made at dusk or early morning when insects are least active. [1.] Hold can upright. [2.] Point valve opening away from face. [3.] With wind at back, aim at nests in trees, bushes, under eaves, chimneys, cracks or crevices.

To Kill Yellow Jackets: Yellow Jackets make their nests in the ground, dead tree stumps, railroad ties, walls or similar structures. [1.] During daylight hours, watch them closely to determine location of nest entrance. [2.] Wait until dusk or early morning when insects are at rest. [3.] Empty entire can down hole from a close enough distance to direct 100% of spray into hole.

To Kill Hornets: Unless you can clearly see the opening at the bottom of the hornet's nest, never use a hornet spray (on the nest) as hornets may escape and attack you. Hornets usually make their nests in trees, shrubs and under eaves. [1.] During daylight hours, determine location of nest entrance. [2.] Wait until dusk or early morning when insects are at rest. Direct foam spray into entrance hole. [3.] As hornets fall out continue spraying until no more are visible or the can is empty. [4.] Leave area immediately.

To Kill Spiders, Caterpillar and Eastern Tent Caterpillars: General: When sprayed directly on insects, this spray will kill the insect listed. Caution should be taken when spraying new tender growth on young plants.

WHEN SPRAYING, HOLD CAN 18-24 INCHES FROM PLANT. For best results, spray in the evening or on a cloudy day when air is still. Mist the plants lightly. Use a slow sweeping motion. Avoid wetting foliage with spray. Spray rows at the rate of 1 foot per second. For heavy growth, spray both sides of row. Repeat as needed. Do not spray when temperatures exceed 90°F.

This product is not recommended for use on vinyl siding.

[Optional Wording:]

To kill Wasps, Yellow Jackets, and Hornets: For best results application should be made at dusk or early morning. At these times and especially during cooler weather the insects are least active, also most insects have returned to their nest. Remove protective cap. Hold can in upright position to spray. It is best to apply in short bursts. Point valve opening away from face. With wind at back, aim directly into the nest, depress button, and contact as many insects as possible. The foam helps determine where application has been made and aids in covering insect with chemical. Insects contacted will drop but may not immediately die. However, they will not recover. Insects which are thoroughly contacted will eventually die. Spray all individual insects observed. Spray will reach nests up to 20 feet away. Repeat as necessary. Since it is impossible to test all surfaces under all conditions, avoid unnecessary contact with plant foliage, shingles, siding etc. to minimize any potential damage.

Specific Use Instructions:

For Wasps: Aim directly at nests which are typically located in trees, attics, bushes, under eaves, chimneys, cracks and crevices.

For Yellow Jackets: Nests are typically located in the ground, dead tree stumps, railroad ties, wall voids, or similar structures. Empty the entire can into the hole from a close enough distance to direct 100% of spray into hole. Spray all individual insects observed.

For Hornets: Nests are typically located in trees, shrubs and under eaves. Never apply unless you can see the opening at the bottom of the nest as insects may escape and attack you. Therefore determine the location of the nest entrance during daylight hours but wait until dusk or early morning when the insects are least active. Direct spray into entrance hole. As insects fall out continue spraying until no more are visible or can is empty. Leave area immediately.

Other Uses – Outdoors Only:

To kill Tent Caterpillars: Applications are most effective when caterpillars are young and tents are first noticed. For best results, application should be made at dusk or early morning when insects have returned to their tents. The caterpillar tent should be thoroughly wetted with the aerosol spray. Ideally tents should be sprayed from two sides from less than 10 feet away whenever possible to achieve the most thorough coverage. Because tents are naturally water resistant/repellent, the branches coming out of the top of the tent should be thoroughly wetted on all sides if possible for distance of 1-2 feet away from the tent. The reason for this is that some caterpillars may attempt to abandon the tent shortly after spray application. Any spray residue on the branches above the tent will, therefore, contaminate the crawling individuals thereby ensuring their demise even when the spray does not penetrate the tent.

To kill Gypsy Moth Caterpillars: Apply directly to foliage in trees and shrubs where caterpillars are feeding. Spray individual caterpillars which migrate down trunks of trees and rest at ground level. Spray individual adult moths when observed and destroy egg masses whenever found. Avoid unnecessary contact with plant foliage, shingles, siding etc., to minimize any potential damage.

To kill Ants: Spray trails, nests and nest entrances. Spray individual insects where possible.

To kill Spiders (including Black Widow and Brown Recluse Spiders): Spray individual pests observed. Pests which are thoroughly contacted will eventually die.

To kill Crickets, Centipedes, Sowbugs, Pillbugs and Ticks: Spray individual pests observed. Pests which are thoroughly contacted will eventually die.

OUTDOORS

GENERAL: To kill listed ornamental pests spray directly on insects when possible. Kills Eastern Tent Caterpillars, Gypsy Moth Caterpillars, Aphids, Cankerworms, Leafhoppers, White Flies, Spider Mites, Japanese Beetles, Mealybugs, Ants, Caterpillars, and Box Elder Bugs on (ornamentals including) Ornamental Cherry, Spirea, Roses, Crepe Myrtle, Ornamental Crabapple, Andromeda, Azalea, Chrysanthemum, Gardenia, Purple Passion Vine, Peony, Oleander, and Arborvitae. Caution should be taken when spraying new tender growth on young plants. When spraying, hold can 18-20 inches from plant. For best results, spray in the evening or on a cloudy day when air is still. Mist the plants lightly. Use a slow sweeping motion. Avoid wetting the foliage with the spray. Spray rows at the rate of 1 foot per second. For heavy growth, spray both sides of row. Do not spray when temperatures exceed 90°F. Do not spray in windy conditions. [Optional statement: People and pets should not be allowed in treated area until spray has dried.]

Optional: For use in homes and non-food areas of industrial buildings, schools, warehouses, office buildings, theaters, garages, motels and hotels.

SHAKE WELL BEFORE USE. HOLD CONTAINER UPRIGHT. APPLY IN SHORT BURSTS.

INDOORS:

(Addition for indoors:) Do not use in commercial food processing, storage preparation or serving areas. In the home all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Remove pets, birds and cover fish aquariums (tanks) before spraying.

(For Space Spray) To kill Flies, Mosquitoes, Gnats, Bees, Wasps, and Small Flying Moths: Close all doors and windows and direct spray into center of room with a slow sweeping motion. Spray 5-10 seconds for an average room. Keep room closed for 15 minutes after spraying.

Ventilate room thoroughly before re-entry. Sweep up and destroy fallen insects. Before spraying cover exposed food and utensils.

(For Spot Treatment) To kill Ants, Centipedes, Cockroaches, Waterbugs, Palmetto Bugs, Earwigs, Crickets, Silverfish, Firebrats, Sowbugs, Pillbugs, and Spiders (including Black Widow and Brown Recluse Spiders): Contact as many insects as possible with the spray in addition to thorough spraying of all parts of the room suspected or harboring these pests. Special attention should be paid to cracks, hidden surfaces under sinks, behind stoves and refrigerators, food storage areas and wherever these pests are suspected of hiding. To kill ants, treat doors, around window frames, ant trails and other areas of entry.

[Alternate wording: For crack and crevice treatment of Ants, Cockroaches, Waterbugs, Palmetto Bugs, Centipedes, Crickets, Silverfish, Firebrats, Sowbugs, Pillbugs, Spiders, Carpet Beetles, Fleas and Ticks (such as Brown Dog Ticks): Attach extension tube to spray actuator and apply in small amounts directly into cracks and crevices. Avoid contamination of food or food processing surfaces.]

(For Spot Treatment) To kill Carpet Beetles: Directly spray as many insects as possible. Spray both interior and exterior of upholstered furniture. Both top and bottom or rugs and carpets should be sprayed thoroughly. Also treat shelves, closets, areas under furniture and wherever these insects are seen or suspected. Note: Check carpet or furniture manufacturer's warranty and care and maintenance information before using product on your specific brand of carpeting or furniture.

(For Spot Treatment) To kill exposed forms of Confused Flour Beetles, Rice Weevils, and Saw-toothed Grain Beetles: Find and destroy infested package goods. Remove all other items from pantry. Spray the shelves to kill any of the named insects present. Place clean paper on the shelves and return packages after shelves have dried.

To kill Fleas and Ticks (such as Brown Dog Ticks) in pest bedding and pet areas: Remove and destroy pet's old bedding. To reduce infestation, thoroughly spray the animal's bedding, sleeping quarters, around baseboards, window and door frames, wall cracks, local areas of floors, and other resting places until the surface is slightly moist. Treat these areas at the rate of two seconds per linear foot at a distance of 12 to 18 inches. Also spray the entire inside surface of dog houses. Put fresh bedding in pet's quarters after spray has dried. **DONOT SPRAY ANIMALS.** Also treat dogs and cats with a registered flea and tick control product before allowing them to reenter treated area.

To treat Flea and Tick (such as Brown Dog Ticks) infestation in rugs and carpets: Spray rugs and carpets where fleas tend to hide. If used on light or delicate upholstery fabrics, test for potential staining in an inconspicuous place prior to use. Spray thoroughly into hiding places such as cracks and crevices, in walls and floors, along baseboards, window and door frames. Spray at the rate of one square foot per second.

[Notice: Buyer assumes all risks of use, storage or handling of this product not in accordance with directions.]

[Our Guarantee: If for any reason you are not satisfied with this product, mail us proof of purchase to obtain a full refund of your purchase price.]

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool dry place away from heat or open flame, preferably in a locked storage area.

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.