

4822-566

7/23/2009

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U.S. ENVIRONMENTAL PROTECTION AGENCY  
Office of Pesticide Programs  
Registration Division (H7505C)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

EPA Reg. Number:  
4822-566

Date of Issuance:  
JUL 23 2009

Term of Issuance:  
Conditional

Name of Pesticide Product:  
Gumby Insecticide MK

NOTICE OF PESTICIDE:  
 Registration  
 Reregistration

(Under FIFRA as amended)

Name and Address of Registrant (include ZIP Code):  
S.C. Johnson & Son, Inc.  
1525 Howe Street  
Racine, WI 53403-2236

~~Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.~~

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

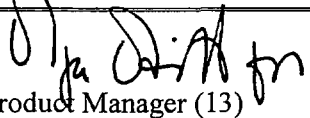
This product is **conditionally** registered in accordance with FIFRA sec. 3(c)(7)(A), provided that:

1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. You will make the following label changes before you release the product for shipment:
  - a) Revise the EPA Registration Number to read "EPA Reg. No. 4822-566."
  - b) Immediately below the First Aid Statements and clearly distinguished from it, add: "*Have the product container with you when calling a poison control center or doctor or going for treatment.*" Please refer to the boxed format example provided with PR Notice 2001-1.
  - c) Revise the label marketing claims as specified on the attached efficacy review memorandum (Suarez, 7/20/09). Please note:
    - Claims against mosquitoes known to vector specific diseases are not supported by the cited data.
    - Residual claims are not supported at the label rate expressed. Delete residual claims from the label.
    - Add a nominal application rate to the label.
    - Implied safety claims are not acceptable. Delete the phrase "*no spills, no leaks*" from the marketing claims.

- 3. The product chemistry data requirements for guidelines 830 Series Subgroup B are satisfied with the exception of the following data which are required and must be submitted to the Agency:
  - a. One year storage stability (830.6317) and corrosion characteristics data (830.6320)
  - b. Oxidation/reduction (830.6314)
  - c. Explodability (830.6316)
  - d. Miscibility (830.6319)
  - e. Dielectric Breakdown Voltage (830.6321)
- 4. The product chemistry data requirements for guidelines 830 Series Subgroup A are satisfied.
- 5. The confidential statement of formula (CSF) dated 08-07-2008 is acceptable.
- 6. The acute toxicity profile of the product has been determined to be as follows:
 

Acute Oral ----- IV	Primary Eye Irritation ----- IV
Acute Dermal --- IV	Primary Dermal Irritation --- IV
Acute Inhalation --- III	Skin Sensitization ----- Negative
- 7. You indicated that a starter kit and refill bottles will be sold with this product and that both the outer packaging of the starter kit and bottles will contain all required labeling elements. Please note that if the outer packaging label is an exact replica of the approved label, the Agency does not need to review the kit label. A subset of the approved label may be allowed to appear on the outer container but the following items are required to be fully visible either through the outer packaging or on the outer container:
  1. Product Name, 2. Registration Number, 3. Ingredient Statement, 4. Signal Word, 5. Keep out of reach of children statement, 6. Precautionary Statements, 7. The full directions for use or a referral statement to read the labels on the containers in the box for full directions for use, including mixing or sequential use of the products, 8. Name and address of producer or registrant, 9. Net weight, 10. If highly toxic, skull and crossbones, "poison," and a statement of practical treatment in case of poisoning, 11. Use classification (e.g. Restricted use), 12. Establishment Registration. If the outer packaging label deviates from these requirements, you must submit the kit labeling for review and approval.
- 8. Please submit three (3) copies of your revised labeling, including the outer kit labeling, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have questions regarding this action, please contact Olga Odiott at 703-308-9369.

Signature of Approving Official: 	Date:
Kimberly Nesci, Interim Product Manager (13) Insecticide Branch/Registration Division (7505P)	JUL 23 2009

Enclosure

[Note to reviewer: This product is in a bottle with a unique closure for use specifically with a custom sprayer. A starter kit will be sold which incorporates one sprayer and one or several bottles. Bottles will also be sold as refills without the sprayer. Both the outer packaging of the starter kit and the bottles will contain all required labeling elements, but the optional marketing claims on each may vary.]

Gumby Insecticide MK

ACTIVE INGREDIENT:

Deltamethrin ..... 0.19%

OTHER INGREDIENTS ..... 99.81%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See additional Precautionary Statements on (back)(side)(bottom)(label)

NET CONTENTS:

No (greasy)(sticky)(oily) residue

(Kills)(controls) fast, (kills)(controls) *for up to 4 weeks*

(Kills)(controls) on contact, keeps on (killing)(controlling) *for up to 4 weeks*

(Kills)(controls) the insects you see, (kills)(controls) the ones you don't see *for up to 4 weeks*

Keeps on (killing)(controlling) for *up to 4 weeks*

(killing)(controlling) power for *up to 4 weeks*

For outdoor use only

Ready-to-use

Ready to spray

Easy to use!

Water-based (formula)(concentrate)

Water-dilutable (formula)(concentrate)

Do-it-yourself home pest mosquito control

Use outdoors around the (yard)(home)(house)(garage)

Contains Deltramethrin

*(Kills)(Controls)(Protects against)* mosquitoes that may carry West Nile Virus

(Kills)(controls) (annoying) mosquitoes

Effective against mosquitoes

An outdoor product for use in outdoor areas including - backyards, around patios & decks

Non-staining (where water alone does not stain)

Kills mosquitoes outdoors

Mosquito killer

Ideal for (backyards)(and areas around)(decks)(and patios)!

ACCEPTED  
with COMMENTS  
in EPA Letter Dated  
JUL 23 2009  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
4822-566

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Protect your family from mosquitoes  
Use with confidence  
(Rapid)(fast) acting  
(Rapid)(fast) kill  
Fast results  
Kills mosquitoes for up to 4 weeks  
Lasts up to 4 weeks  
Keeps (killing)(controlling) for up to 4 weeks  
Dual (kill)(control) - fast, on contact and *up to 4 weeks of* residual action  
Residual control for up to 4 weeks  
Long lasting control for up to 4 weeks  
**No lingering chemical smell**  
**No lingering chemical odor**  
Apply to shrubs and grassy areas such as: decks, driveways, fences, foundations, flowers, ornamental plants, patios, shrubs, walkways, walls, sidewalks.  
Easy to use hose end sprayer  
Hose end convenience

#### Assembly Instructions:

1. Before each use check to make sure you are using the correct Gumby product for your (problem)(chore)(application).
2. Shake the (refill)(cartridge)(bottle) vigorously (hard)(well) before each use. For (lengthy)(long)(big) spraying jobs, (re-agitate)(shake) the (refill)(cartridge)(bottle) every (1/2 hour)(1 hour)(2 hours).
3. (Remove)(unscrew) (pop off) (twist off) the cap.
4. (Insert)(lock)(press)(snap)(refill)(cartridge)(bottle)(in place)(to device)(attach)(snap)(twist)(push)(slide)(refill)(cartridge)(bottle) into (sprayer)(multi sprayer)(feeder)(mechanism)(device).
5. To change (refill)(cartridge)(bottle) or when (refill)(cartridge)(bottle) is empty, hold (sprayer)(multi sprayer)(feeder) (mechanism)(device) with one hand and (unscrew) (pop-off) (push button) to release (refill)(cartridge)(bottle) from (sprayer)(multi sprayer)(feeder) (mechanism)(device).

*[Note to reviewer: The assembly instructions will vary depending on the specific design of the applicator. The following alternate assembly instructions may be added to or could replace portions of the basic assembly instruction above to accommodate potential configurations of the device.]*

Attach (refill)(cartridge)(bottle) to (sprayer)(multi sprayer)(feeder)  
(mechanism)(device)  
Twist cap to close

Align (arrows)(marks) on (refill)(cartridge)(bottle) with arrows on (sprayer)(multi sprayer)(feeder)(mechanism)(device) and ensure (refill)(cartridge)(bottle) is properly inserted.

Replace (refill)(cartridge)(bottle) if empty

Pull lever back, insert (refill)(cartridge)(bottle), release lever to retain (refill)(cartridge)(bottle)

Slide (refill)(cartridge)(bottle) into (chamber)(slot)(orifice). Click in place, close cover.

Use only Gumby product (refill)(cartridge)(bottle) with this (sprayer)(multi sprayer)(feeder)(mechanism)(device).

Ensure you are using the correct (refill)(cartridge)(bottle) for the job.

Double check that you have the correct (refill)(cartridge)(bottle).

Press tabs to release (refill)(cartridge)(bottle).

Before inserting new (refill)(cartridge)(bottle), wipe seals clean from dirt and debris. After insertion, spray for XXX (minutes)(seconds) to start the flow of product.

Attach (refill)(cartridge)(bottle) to (sprayer)(multi sprayer)(feeder)(mechanism)(device). Turn (refill)(cartridge)(bottle) until it clicks into place.

Align the corresponding (arrow)(mark) on the (sprayer)(multi sprayer)(feeder)(mechanism)(device) with the corresponding (arrow)(mark) on the (refill)(cartridge)(bottle).

The cap (attachment)(feature)(component)(ring) on the (refill)(cartridge)(bottle) is not removable. Do not remove attached cap (attachment)(feature)(component)(ring) to (refill)(cartridge)(bottle). Do not removed insert in (refill)(cartridge)(bottle). Do not remove (black)(red)(other specified color) cap.

Only use with specialized (sprayer)(multi sprayer)(feeder)(mechanism)(device).

Quick disconnect. Pull back collar to release (refill)(cartridge)(bottle).

(Refill)(cartridge)(bottle) reseals itself automatically, no spills, no leaks.

Remove cap, align tabs, insert and turn (right)(left) until it stops.

Insert (refill)(cartridge)(bottle) into (sprayer)(multi sprayer)(feeder)(mechanism)(device) until you hear a click. (Do not over tighten).

Remove overcap, open door on (sprayer)(multi sprayer)(feeder)(mechanism)(device) and insert refill until you hear it click or button pops out.

Place hand under the (sprayer)(multi sprayer)(feeder)(mechanism)(device) and press the release button on the side. The (refill)(cartridge)(bottle) will drop from the (sprayer)(multi sprayer)(feeder)(mechanism)(device).

*[Note to reviewer: On the outer packaging of the starter kit a referral statement will be used for the Directions for Use in lieu of the full text. It will read "Directions for Use. It is a violation of federal law to use this product in a manner inconsistent with its labeling. Refer to product bottle for complete use directions." The storage and disposal section will remain as full text on this outer packaging.]*

Directions for Use:

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

*[Note to reviewer: The concentration of the Active Ingredient at the time of application, which is after dilution with water from the device, is 0.0119%.]*

Shake the (refill)(cartridge)(bottle) vigorously before each use. For lengthy spraying jobs, re-agitate the (refill)(cartridge)(bottle) every (1/2 hour)(1 hour)(2 hours).

Wear long-sleeved shirt and long pants while applying this product. Do not apply this product in a way that will contact people either directly or through drift. Do not allow people or pets on treated areas until spray has dried. To avoid drift, spray on calm days. DO NOT spray near streams or rivers as this product is toxic to aquatic life. When spraying plants, do not operate sprayer any closer than (18)(12)(6) inches (whenever possible). Use sweeping motion to cover all plant surfaces. Be cautious about wetting tender foliage, young plants and new growth. Do not spray plants when temperatures exceed 85F (30 C). Avoid wetting blossoms. Over-application may cause damage. DO NOT apply to vegetable plants or other plants used for food. For best results, spray when mosquitoes are first observed.

**On-plant:** Use Gumby Insecticide MK to treat grass, flowers, shrubs, vines, shade trees, flowering and non-flowering trees, evergreens, and other ornamental plants. Apply spray thoroughly to all parts *of plants* including upper and lower leaf surfaces. *Apply until thoroughly wet* but do not allow run-off or excessive dripping to occur. Be sure to penetrate dense foliage to wet leaves, trunks and branches. To prevent being hit by spray, do not apply to overhead areas. Treat when mosquitoes appear and repeat treatment as necessary but not more than once per week.

**Residual surfaces:** Spray outside surfaces of windows and door frames and other areas where mosquitoes may enter the home. *Apply spray until surfaces are thoroughly wet but do not allow run-off or excessive dripping to occur.* Also spray localized resting areas such as under eaves and porches. Insects coming to rest on treated surfaces will be killed. ~~Do not allow run-off or excessive dripping to occur.~~

**STORAGE:** Store in a cool, dry place away from children. Do not allow to freeze. Nonrefillable container.

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**DISPOSAL:** If empty: Do not reuse or refill this container. Place in trash or offer for recycling if available. If partly filled: Call your local solid waste agency or 1-800-529-3394 for disposal instructions. Never place unused product down any indoor or outdoor drain.

## **PRECAUTIONARY STATEMENTS**

### **HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**CAUTION:** Harmful if inhaled. Avoid breathing vapor or spray mist. Avoid contact with skin or clothing. Contact with product may result in transient tingling and reddening of the skin which may persist for 24 hours. Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove contaminated clothing and wash clothing before reuse.

### **FIRST AID:**

Have the product container or label with you when calling a poison control center or doctor or going for treatment. **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. Call a poison control center or doctor for treatment advice.

### **ENVIRONMENTAL HAZARDS**

This product is extremely toxic to fresh water and estuarine fish and invertebrates. Do not apply directly to water. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

### **PHYSICAL HAZARDS**

Do not spray conduits, motor housings, junction boxes, switch boxes, or other electrical equipment because of possible shock hazard.

Questions? Comments? Call 800-558-5252 or write Helen Johnson.

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EPA Est. No.