

8329-33

08-10-2011

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



OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 10, 2011

Karen J. Larson
Clarke Mosquito Control Products, Inc.
110 E. Irving Park Road, 4th Floor
Roselle, Illinois 60172

Subject: Amended Reregistration Label
Product Name: Biomist 3+15 ULV
EPA Registration Number: 8329-33
EPA Decision Numbers: 410552, 413204

Dear Ms. Larson:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all of the information submitted with your application to support the reregistration of the above referenced product in connection with the Permethrin and Piperonyl Butoxide RED(s), and has concluded that your submission is acceptable.

NOTE: This product is not being reregistered under sections 3(c)5 and 4(g) of FIFRA at this time.

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 non-refillable containers. The code may appear either on the label or durably marked on the container itself, and can be added by non-notification per PRN 98-10.


Please note that the record for this product currently contains the Confidential Statements of Formulation (CSFs) listed below. Any previously dated CSFs are superseded.

- Basic CSF, dated 4/17/2011

A copy of your label stamped "Accepted" is enclosed along with copies of the acute toxicity and product chemistry reviews completed for the subject product. Products shipped after 12 months from the date of this amendment or the next printing of the label whichever occurs first, must bear the new revised label. Your release for shipment of the product bearing the amended label constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e).

If you have any questions about this letter, please contact Julie Chao at (703) 308-8735 or chao.julie@epa.gov.

Sincerely,



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

*Enclosures: Label stamped "Accepted," dated August 10, 2011
Acute Toxicity Review, dated September 16, 2010
Product Chemistry Reviews, dated February 16 and April 26, 2011*

BIOMIST® 3+15 ULV

{Alternate Brand Name: CLARKE BIOMIST 3+15 ULV™}

For Use Outdoors as an Ultra-Low Volume (ULV) Application to Control Adult Mosquitoes in Residential and Recreational Areas. Also For Use Against Biting and Non-Biting Midges and Blackflies.

[For Aerial or Ground Application]

[For the control of adult mosquitoes within or adjacent to listed growing crops and range grasses]

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

| | |
|--|--------|
| Active Ingredients | |
| Permethrin (3-Phenoxyphenyl) methyl (+/-) cis, trans-3-(2,2-dichloroethenyl)-2,2-dimethyl cyclopropanecarboxylate | 3.0% |
| Piperonyl Butoxide * | 15.0% |
| Other Ingredients ** | 82.0% |
| | 100.0% |
| Contains 0.222 pounds of Permethrin and 1.113 pounds of Piperonyl Butoxide [PBO] per gallon | |
| * PBO, (butyl carbityl) (6-propylpiperonyl) ether and related compounds. | |
| ** Contains petroleum distillate | |

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

Manufactured For
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
 159 N. GARDEN AVENUE
 ROSELLE, ILLINOIS 60172

ACCEPTED

AUG 10 2011

Under the Federal Insecticide, Fungicide,
 and Rodenticide Act, as amended, for the
 pesticide registered under.

EPA Reg. No.: 8329-33

EPA Reg. No.: 8329-33
 EPA Est. No.: _____

NET CONTENTS: _____
 LOT NO.: _____

| FIRST AID | |
|--|---|
| Have product container or label with you when calling a poison control center or doctor, or going for treatment. For Medical Emergencies, call the International Poison Control Center at 1-800-214-7753. | |
| 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 ON SKIN OR CLOTHING: | 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: | Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth. Call a poison control center or doctor for further treatment advice. |
| IF IN EYES: | 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 the eye. Call a poison control center or doctor for treatment advice. |
| NOTE TO PHYSICIAN: Product contains a petroleum distillate. Vomiting may cause aspiration pneumonia. | |

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing spray mist.

Personal Protective Equipment (PPE): Some materials that are chemical-resistant to this product are: barrier laminate, nitrile rubber, neoprene rubber, or viton.. Mixers; loaders, applicators, and other handlers must wear long-sleeve shirt and long pants, shoes plus socks. In addition, all handlers except for applicators using motorized ground equipment, pilots and flaggers, must wear chemical-resistant gloves. In addition, mixers/loaders, persons cleaning equipment, and other persons exposed to the concentrate must wear a chemical-resistant apron. See engineering controls for additional requirements.

User Safety Requirements: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

Engineering Controls: Pilots must use an enclosed cockpit that meet the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)]. Human flagging is prohibited. Flagging to support aerial application is limited to use of the Global Positioning System (GPS) or mechanical flaggers.

USER SAFETY RECOMMENDATIONS:

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to aquatic organisms, including fish and invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. Before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist. Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body. Do not contaminate bodies of water when disposing of equipment rinsate or wash waters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes, or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recover effort.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

Not for use in metered release systems.

Not for use in outdoor residential misting systems.

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Do not contaminate crop land (other than crops listed), or potable water supplies with spray drift.

Do not make applications during rain.

USE INFORMATION

BIOMIST® 3+15 ULV is approved for applications as an ultra low volume (ULV) nonthermal aerosol (cold fog) to control adult mosquitoes in residential and recreational areas and other areas these insects occur, such as but not limited to parks, campsites, woodlands, athletic fields, golf courses, residential areas and municipalities, gardens, playgrounds, and overgrown waste areas.

BIOMIST® 3+15 ULV can be applied over specific growing crops and range grasses prior to harvest for the control of adult mosquitoes within or adjacent to these areas. Application can be made where the following crops are present:

| | | |
|------------------|--|-------------------------------|
| Alfalfa | Corn, grain | Onion, bulb |
| Almond | Corn, stover | Peach |
| Apple | Corn, sweet, kernel + cob with husks removed | Pepper, bell |
| Artichoke | Eggplant | Pistachio |
| Asparagus | Fruit, pome, group 11 | Potato |
| Avocado | Garlic | Soybean, seed |
| Broccoli | Range grasses | Spinach |
| Brussels sprouts | Horseradish | Tomato |
| Cabbage | Leaf petioles subgroup 4B | Vegetable, cucurbit, group 9* |
| Cauliflower | Leafy greens subgroup 4A | Walnut |
| Celery | Lettuce, head | Watercress |
| Cherry | Mushroom | |
| Corn, forage | | |

* 40 CFR 180.41 Crop Group 9: Cucurbit Vegetables, includes Crop Subgroup 9A (melon) and Crop Subgroup 9B (squash/cucumber)

In the treatment of corrals, feedlots, swine lots, poultry ranges and zoos cover any exposed drinking water, drinking fountains and animal feed before application..

For best results treat when mosquitoes are most active and weather conditions are conducive to keeping the spray cloud close to the ground. An inversion of air temperatures and a light breeze is preferable. Application in calm air conditions is to be avoided. Apply only when wind speed is greater than 1 mph. Air temperature should be greater than 50 °F when conducting all types of applications.

Do not retreat a site more than once in 3 days. Do not exceed 25 applications at maximum labeled rate (0.005 lbs permethrin/0.025 lbs piperonyl butoxide [PBO] per acre) at any site in one year. When targeting *Aedes taeniorhyncus* and other difficult species, applications may be made up to 0.007 lbs permethrin and 0.035 lbs piperonyl butoxide [PBO] (4.0 fl. oz Biomist 3+15 ULV) per acre. Do not exceed 0.18 lbs of permethrin or 0.90 lbs piperonyl butoxide [PBO] per acre per site per year. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal, or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

SPRAY DROPLET SIZE DETERMINATION

Ground-based Application: Spray equipment must be adjusted so that the volume median diameter (VMD) is less than 30 microns (Dv 0.5 < 30 um) and that 90% of the spray is contained in droplets smaller than 50 microns (Dv 0.9 < 50 um). Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial Application made at or below 200 feet above ground elevation: Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns (Dv 0.5 < 60 um) and that 90% of the spray is contained in droplets smaller than 100 microns (Dv 0.9 < 100 um). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant, or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial Application made at greater than 200 feet above ground elevation: Spray equipment must be adjusted so that the volume median diameter produced is less than 70-microns (Dv 0.5 < 70-um) and that 90% of the spray is contained in droplets smaller than 145 microns (Dv 0.9 < 145 um). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant, or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

GROUND APPLICATION

Apply BIOMIST® 3+15 ULV through standard ULV cold aerosol or non-thermal aerosol (Cold Fog) generators undiluted at a flow rate of 3.1 to 17.4 fluid ounces per minute, and an average vehicle speed of 10 MPH. If a different vehicle speed is used, adjust rate accordingly. These rates are equivalent to 0.00088 to 0.005 pounds of Permethrin and 0.0044 to 0.0264 pounds of Piperonyl Butoxide [PBO] per acre. An accurate flow meter must be used to ensure the proper flow rates.

Vary flow rate according to vegetation density and mosquito population. Use higher flow rate in heavy vegetation or when populations are high.

| Permethrin/PBO Pounds per Acre | Application Rates Fl.oz./Min. | | | | Fl.oz. Biomist 3+15 ULV per Acre |
|-----------------------------------|----------------------------------|-------|-------|-------|--|
| | 5MPH | 10MPH | 15MPH | 20MPH | |
| 0.005/0.025 | 8.7 | 17.4 | 26.1 | 34.9 | 2.88 |
| 0.0025/0.0125 | 4.4 | 8.7 | 13.1 | 17.4 | 1.44 |
| 0.00088/0.0044 | 1.5 | 3.1 | 4.6 | 6.1 | 0.51 |

Failure to follow the above directions may result in reduced effectiveness.

AERIAL APPLICATION

BIOMIST® 3+15 ULV may be applied undiluted at rates of 0.0025 to 0.005 pounds Permethrin (1.44 to 2.88 fl.oz. BIOMIST® 3+15 ULV) per acre by fixed wing or rotary aircraft equipped with suitable ULV application equipment. Do not apply by fixed wing aircraft at a height less than 100 feet, or by helicopter at a height less than 75 feet unless specifically approved by the state or tribe based on public health needs. Aerial applications shall only be made when recommended by public health officials and trained personnel of mosquito abatement districts and other mosquito control programs.

IN FLORIDA: Do not apply by aircraft unless approved by the Florida Department of Agriculture & Consumer Services.

[Storage and Disposal for non-refillable containers]

STORAGE & DISPOSAL

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

PESTICIDE STORAGE AND SPILL PROCEDURES: Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

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

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Triple rinse (or equivalent), then offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

[Storage and Disposal for refillable containers]

STORAGE & DISPOSAL

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

PESTICIDE STORAGE AND SPILL PROCEDURES: Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

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

CONTAINER HANDLING: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

IN CASE OF MEDICAL EMERGENCY,
CALL THE INTERNATIONAL POISON CONTROL CENTER
1-800-214-7753
IN CASE OF TRANSPORTATION EMERGENCY,
CALL INFO-TRAC 1-800-553-5053

FOR MORE INFORMATION CALL: 1-800-323-5727

NOTICE: To the extent provided by law, seller makes no warranty, expressed or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

BIOMIST® is a Registered Trademark of Clarke Mosquito Control Products, Inc.