

3/31/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES

Ms. Karen J. Larsen
Clarke Mosquito Control Products, Inc.
159 N. Garden Avenue
Roselle, Illinois 60172

MAR 31 2009

Dear Ms. Larsen:

Subject: Amendment- Confidential Statement of Formula and label
amendment
Biomist 4+4 ULV
EPA Registration Number 8329-35
Your submission dated January 22, 2009

The application referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following comments:

1. Please remove "ULV application provides excellent control at Rates Up To 0.007 Pounds Permethrin Per Acre.

Alternate Confidential Statement of Formula dated 01/21/09 is acceptable and will be placed in your registration file.

Sincerely yours,

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

f Richard Gebken
Product Manager (13)
Insecticide Branch
Registration Division (7505P)

Enclosure

BIOMIST® 4+4 ULV*[Alternate Brand Name: CLARKE BIOMIST 4+4 ULV]*

Date: 01/21/2009

For Use Outdoors as an Ultra-Low Volume (ULV) Application to Control Adult Mosquitoes in Residential and Recreational Areas.

*[For Aerial or Ground Application]**[ULV application provides excellent control at Rates Up to 0.007 Pounds Permethrin Per Acre]**[For the control of adult mosquitoes within or adjacent to listed growing crops and range grasses]***Active Ingredients**

Permethrin (3-Phenoxyphenyl) methyl (+/-) cis,
trans-3-(2,2-dichloroethenyl)-2,2-dimethyl cyclopropanecarboxylate..... 4.0%

Piperonyl Butoxide, Technical * 4.0%

Other Ingredients ** 92.0%
100.0%

Contains 0.3 pounds of Permethrin and
0.3 pounds of Piperonyl Butoxide per gallon.

* Equivalent to 80% (butylcarbityl)(6-propylpiperonyl) ether and 20% related compounds.

** Contains petroleum distillate

MAR 3 1 2009

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
it is amended, for the pesticide
registered under EPA Reg. No.

8329-35

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

EPA Reg. No.: 8329-35

EPA Est. No.: _____

NET CONTENTS: _____

BATCH/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 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 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 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 inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing vapor or spray mist. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. 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 pesticide is extremely toxic to aquatic organisms, including fish and aquatic invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. 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 recovery effort.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame. Flashpoint minimum of 300 °F.

DIRECTIONS FOR USE

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

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.

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.

Do not contaminate food or feed products. Do not allow spray treatment to drift on pastureland, cropland, (other than crops listed) or potable water supplies.

GENERAL

BIOMIST® 4+4 ULV is recommended 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, recreational areas and overgrown waste areas.

BIOMIST® 4+4 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	Cauliflower	Range Grasses	Pepper, bell
Almonds	Cherries	Horseradish	Pistachio
Apples	Corn, fodder	Kiwifruit	Potato
Artichoke, globe	Corn, forage	Leafy Vegetables (except Brassica)	Soybeans
Asparagus	Corn, grain (field & pop)	Lettuce, head	Spinach
Avocado	Corn, stover	Mushrooms	Tomatoes
Broccoli	Corn, sweet kernel + cob with husks removed	Onion, dry bulb	Vegetable, cucurbits
Brussels Sprouts	Eggplant	Peaches	Walnuts
Cabbage	Filbert	Pears	<u>Watercress</u>
Celery	Garlic		

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 apply 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 ground wind speed is greater than 1 mph. Air temperatures should be greater than 50 °F when conducting all types of applications.

Do not treat a site with more than 0.007 pounds of permethrin per acre in a twenty-four hour period. Do not apply more than 0.18 pounds of permethrin per acre 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 between 8 and 30 microns ($8 = D_v 0.5 = 30 \text{ um}$) and that 90% of the spray is contained in droplets smaller than 50 microns ($D_v 0.9 < 50 \text{ um}$). 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: Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns ($D_v 0.5 < 60 \text{ um}$) and that 90% of the spray is contained in droplets smaller than 115 microns ($D_v 0.9 < 115 \text{ um}$). 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® 4+4 ULV through standard ULV cold aerosol or non-thermal aerosol (Cold Fog) generators undiluted at a flow rate of 4.5 to 18.0 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 0.00175 to 0.007 pounds of Permethrin and Piperonyl Butoxide per acre. An accurate flow meter must be used to ensure the proper flow rates. For proper application, mount the equipment so that the nozzle is at least 4 ½ feet above ground level and directed out the back of the vehicle.

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

Permethrin Pounds per Acre	Application Rates Fl.oz./Min.			Fl.oz. Biomist 4+4 ULV per Acre
	5MPH	10MPH	15MPH	
0.007	9.0	18.0	27.0	3.0
0.0035	4.5	9.0	13.5	1.5

0.00175	2.25	4.5	6.75	0.75
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Failure to follow the above directions may result in reduced effectiveness.

Urban ULV Mosquito Control Applications: For control of resting or flying adult mosquitoes in areas such as utility tunnels, sewers, storm drains and catch basins, pipe chases, underground basements, underground passages, parking decks, crawl spaces or uninhabited buildings, apply BIOMIST® 4+4 ULV undiluted using mechanical foggers, hand-held or truck-mounted ULV equipment, or thermal foggers suitable for this application. Apply BIOMIST® 4+4 ULV at rates up to but not exceeding 0.007 lbs. permethrin and piperonyl butoxide per acre.

AERIAL APPLICATION

BIOMIST® 4+4 ULV may be applied undiluted at rates of 0.0035 to 0.007 pounds Permethrin (1.5 to 3.0 fl.oz. BIOMIST® 4+4 ULV) per acre by fixed wing or rotary aircraft equipped with suitable ULV application equipment. Aerial application shall be made at altitudes ranging from 75 to 300 feet. 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.

