



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 20 2005

Mr. Dave Andrus
Diatect International
875 S Industrial Parkway
Heber, Utah 84032

Subject: Response to Agency Letter Dated June 24, 2004

EPA Registration No. 42850-5
DIATECT® V Insect Control

Your submission dated July 19, 2004

Dear Mr. Andrus:

The revised labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. A stamped copy of the label is enclosed for your records. Two (2) copies of corrected labeling incorporating the revisions listed below must be submitted before you release the product for shipment:

1. As per our letter dated June 24, 2004 and telephone conversation on December 2, 2004, you have not submitted an updated data matrix and an offer to pay (Certification with respect to citation of data) to support a crack and crevice use for this product. Therefore, you must delete the use from this label. Alternatively, you could limit the crack and crevice use to animal quarters only.
2. Delete the statement: "*Reply as necessary. method*" from the grain protectant use instructions.


It has come to our attention that this product is being marketed from the Company's website with a label which differs from the last EPA approved label for this product (stamped accepted on October 25, 1999). The label appearing on the website includes several unapproved claims including "Organic insect control", "Zero days to harvest", and use instructions for fire ant control. As indicated on a previous communication (our letter of December 23, 2003, copy included) we have no record of any

delete

2/4

requests from Diatect to amend the label to include these claims. Any product bearing labeling that is not consistent with the labeling approved by EPA will be considered misbranded under FIFRA.

If you have any questions regarding this action, please contact Olga Odiott of my team at (703) 308-9369.

Sincerely, 

George T. LaRocca
Product Manager 13
Insecticide Branch
Registration Division (7505C)

Enclosures:

Label (received 7/21/04) stamped with comments
Copy of EPA 12/23/03 Memo to Diatect International

cc: Mickey Post, OC/OECA/EPA (2225A)

DIATECT® V INSECT CONTROL

ACTIVE INGREDIENTS:

Silicon Dioxide*	82.45%
Pyrethrins	0.50%
INERT INGREDIENTS	17.05%
Total	100.00%

* from Diatomaceous Earth

KEEP OUT OF REACH OF CHILDREN

CAUTION

See other panels for additional
precautionary statements

EPA Reg. No. 42850-5
Net Wt: Twenty (20) lbs.

EPA Est. 42850-UT-1
Batch No. _____

Diatect International, Inc.
875 S. Industrial Parkway
Heber City, UT 84032
800-227-6616
www.diatect.com

WARRANTY STATEMENT

Seller warrants that this product conforms to the ingredient statement on the label. Since conditions of use, such as weather, compatibility with other chemicals, and conditions of application equipment will vary, Seller makes no claims other than those stated on this label.

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing.

User Safety Recommendations

Users should:

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

Personal Protective Equipment

Applicators and other handlers must wear coveralls or long-sleeved shirt and pants, waterproof gloves, shoes and socks, and a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C) or a NIOSH approved respirator with any N, R, P or HE filter. Follow manufacturer's instructions for cleaning and maintaining Personal Protective Equipment (PPE). If no instructions for washable are given, use detergent and hot water. Keep and wash PPE separately from other laundry.

First Aid

If on Skin

or Clothing -

Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice.

If In Eyes -

Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present; after the first 5 minutes, then continue rinsing. 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

Environmental Hazards

This product is toxic to fish and other aquatic organisms. Do not apply directly to any body of water. Do not apply when weather conditions favor drift from the treatment area. Do not contaminate water by disposal of equipment wash rinses. This product is toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product if bees are visiting the treatment area. Apply this product only as specified on this label.

ACCEPTED
with COMMENTS
In EPA Letter Dated
SEP 20 2005

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

42850-5

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and the Worker Protection Standard, 40 CFR Part 170. This standard contains requirements for protection of agricultural workers on farms, forests, nurseries, greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry intervals. The requirements only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours or until spray has dried. PPE required for early entry to treated areas that is permitted under the Worker Protection Standard, and that involves contact with anything that has been treated, such as plants, soil, or water is: coveralls, water-proof gloves and shoes plus socks.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses. Keep unprotected persons, children and pets out of the treated area until sprays have dried.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. **Storage:** Store in original container in a cool, dry place out of sunlight. Protect from moisture.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

GENERAL INFORMATION: Carefully follow the directions for each type of use. This material may be used on edible crops growing outdoors or in greenhouses, up to and including the day of harvest.

Use Rates for the Fruits, Nuts, Vegetables, Field

Crops, Ornamentals and Miscellaneous Crops: Use 1

to 6 pounds of product per acre depending upon the insect population. The material can be used either: **As a dust:** The best results are obtained when the plants are wet or dew still remains on the leaf surface.

It is suggested that the plants be misted prior to application to obtain the maximum benefits and use the least amount of product for control. **As a wettable powder,** Apply in sufficient water to obtain maximum coverage. Dilution of the material should be at the rate of one half pound in one half gallon of water or at a maximum of one pound to 25 gallons of water. It is best to keep the material agitated during application. Apply the material uniformly to both the upper and lower leaf surfaces.

3/4

GRASSES, LAWNS, & TURF (INCLUDING GOLF COURSES)

To control Ants, Armyworms, Caterpillars, Chinch Bugs, Cutworms. Use Rate: Use 16 oz. (1 lb.) per 1000 square feet of area. Apply either as a Dust or as a Wettable Powder.

Ants, Cinch Bugs, Caterpillars, Cut Worms, Armyworms: Hose-End Sprayer. Use 16 oz. (1 lb.) per 1000 square feet of area. Use a hose-end sprayer for lawns. Add a small amount of water to the jar and add the amount needed for the pre-measured area, stir to make a slurry, then add the remaining water to the top of the jar. Empty entire contents of the jar on the pre-measured area. As a Dust: The best results are obtained when applied with a hand or power duster or other suitable means of application to the infested area. Apply lightly and uniformly to the treatment area. Hand Sprayer: Use 0.6 oz. (4 tablespoons) to one gallon of water. It is best to keep the material agitated during application. Apply the contents to pre-measured area.

ANIMAL QUARTERS

Including but not limited to Barns, Dalries, Milkrooms, Pet Kennels, Poultry Houses, Runs and Stables: For control of Gnats, Flies, Lice, Mites, Darkling Beetles. Use Rate: Use at the rate of 2 oz. per 100 sq. ft. of surface area. Apply with a hand or power duster or sprayer or other suitable means to the hiding places where these pests are found. Do not use this products on pets.

CRACK AND CREVICE TREATMENT

note
Dialect V is intended for application to hiding and running areas and places where pests are found inside or outside a structure. Apply either as a dust or as a wettable powder. To apply dust: Dust Dialect V into crack and crevices. You may use a bulbous duster or other suitable equipment. Apply lightly and uniformly in treatment area. The amount to be applied will vary with site, but should usually be 8 to 16 oz. per 1,000 sq. ft. To apply as a Wettable Powder: use 2 oz. (1/4) cup to one gallon of water. It is best to keep material agitated during application.

ON HARVESTED TOMATOES AND FRUIT (Including Grapes)

To Control Fruit Flies and Vinegar Flies. Apply with a hand or power sprayer or other suitable means on tomatoes and fruit in baskets, on trucks or on plants, and row stock stacked in the yard. Apply liberally at the rate of 8 oz. per 100 sq. ft. of area.

AS A GRAIN PROTECTANT

To protect against grain storage insects, dilute 16 oz. (1 lb.) in 5 gallons of water and apply directly to the grain at a rate of 4 to 5 gallons per 1000 bushels as the grain is carried along a belt or as it enters the auger or elevator. Monthly inspections should be made. If the top two or three inches are found to be reinfested, retreat at the rate of 1 to 2 gallons of dilution per 1000 bushels of stored product. As a dust: Use rate is 1 to 3 pounds per 1000-bushels as needed for coverage and insect population. Dust can be injected into drying system for large storage control. Reapply as necessary.
method. dilute

IN MUSHROOM PRODUCTION AND PROCESSING

To control Mushroom Flies and Fungus Gnats. Apply dilution at a rate of 5 ounces per 1000 cubic feet of space. Direct spray 8 to 10 feet away from beds and slightly upwards over beds. Keep circulating fans running but turn off refrigerators during application. In processing plants, use at the rate of 5 ounces per 2,000 cubic feet of space.

VEGETABLE CROPS

For the control of insects such as: Aphids, 12-Spotted Cucumber Beetle, Armyworms, Beet Webworms, Blister Beetle, Cabbage Looper, Cabbageworms, Caterpillars, Celery Leafhoppers, Colorado Potato Beetle, Corn Earworm, Cucumber Beetles, Diamondback Moth Larva, European Corn Borer, Flea Beetles, Garden Fleahoppers, Harlequin Bugs, Imported Cabbage Worms, Japanese Beetles, Leafhoppers, Leaf Miners, Leafhoppers, Loopers, Lygus Bugs, Mexican Bean Beetle, Mites, Oblique-Banded Leafhoppers, Plant Bugs, Stink Bugs, Squash Vine Borers, Thrips, Vegetable Weevils, Webworms, and White Flies.

Growing Crops (Outdoors and Greenhouses): Root and Tuber Vegetables, including but not limited to, Aracacha, Arrowroot, Purple Arrowroot, Japanese Artichoke, Jerusalem Artichoke, Beets, Sugar Beets, Edible Burdock, Carrots, Cassava (Bitter & Sweet), Cerarlic (Celery Root), Chervil (Turnip Root), Chicory, Chotia, Dasheen, Ginger, Ginseng, Horseradish, Le-ren, Parsley (turnip rooted), Parsnip, Potato, Radish, Japanese Radish, Rutabaga, Salsify, Black Salsify, Sweet Potato, Tanier, Tarrow Root, Turmeric, Turnip, Yam, Yam Bean. Leaves of Root and Tuber Vegetables, including but not limited to, Beet, Sugar Beet, Edible Burdock, Carrot, Cassava (Bitter & Sweet), Celery, Chervil, Chicory, Parsnip, Radish, Japanese Radish, Rutabaga, Black Salsify, Sweet Potato, Tanier, Turnip, and Yam (True). Bulb Vegetables, including but not limited to, Garlic, Leek, Onion (Bulb & Green) and Shallot. Leafy Vegetables, including but not limited to, Amaranth, Leafy Amaranth, Chinese Spinach, Tompala, Arugula, Celery, Celuice, Chervil, Cilantro, Corn Salad, Chrysanthemum (edible leaves), Chrysanthemum garland, Cress (garden), Upland Cress (yellow rocket, winter cress), Dandelion, Dock, Endive, Fennel, Lettuce (Head & Leafy), Orlact, Parsley, Purslane (garden & winter), Rhubarb, Spinach, Fine Spinach (Metabar, Ceylon), Spinach (New Zealand), Swiss Chard. Blossom (Cory) Leafy Vegetables, including but not limited to, Broccoli, Chinese Broccoli, Broccoli Raab, Brussels Sprouts, Cabbage, Chinese Cabbage (Bok Choy & Napa), Chinese Mustard Cabbage (Gai Choy), Cauliflower, Collards, Kale, Kohlrabi, Mustard Greens and Rape Greens. Legume Vegetables (Succulent or Dried), including but not limited to, Adzuki Beans, Field Beans, French Beans, Kidney Beans, Lima Beans, Mth Beans, Mung Beans, Navy Beans, Pinto Beans, Runner Beans, Snap Beans, Tepary Beans, Urd Beans, Wax Beans, Asparagus Beans, Black-eyed Peas, Catjang, Chinese Longbeans, Cowpeas, Chowder Peas, Southern Peas, Yard-Longbeans, Broad Beans (Fava Beans), Chick Peas (Garbanzo Beans), Guar, Jack Beans (Sword Beans), Lablab Beans (Hycacinth Beans), Lentils, Peas (garden, field, sugar), Pigeon Peas and Soybeans. Foliage of Legume Vegetables, including but not limited to, plant parts of any legume vegetable included in the Legume Vegetables group that will be used as animal feed including any variety of Beans, Field Peas and

Soybeans. Fruiting Vegetables, including but not limited to, Eggplant, Ground Cherry, Okra, Pepinos, Peppers (Bell, Chili, Cooking and Sweet), Peppers and Pimentos), Tomatillo, and Tomatoes. Cucurbit Vegetables, including but not limited to, Balsam Pear (Bitter Melon), Chinese Waxgourd, Citron Melon, Cucumber, Gherkin, Edible Gourds, Melons (including hybrids, Cantaloupe, Casaba, Crenshaw, Honeydew, Honey Balls, Mango, Muskmelon and Persian Melons), Pumpkin, Squash (summer & winter) and Watermelon (including hybrids).

ORNAMENTALS

For the control of insects such as Aphids, Armyworms, Caterpillars, Chinch Bugs, Flea Beetles, Fleahoppers, Flies, Fruit Flies, Japanese Beetles, Leafhoppers, Leafminers, Leafrollers, Loopers, Lygus Bugs, Mealy Bugs, Mites, Plant Bugs, Thrips and White Flies.

Ornamentials, such as African Violets, Aster, Azalea, Begonia, Calceolaria, Calendula, Calia, Camelia, Carnation, Cineraria, Chrysanthemum, Cypress, Daffodil, Dahlia, Dogwood, Elm, Eucalyptus, Fern, Ficus, Geranium, Gladiolus, Gypsophila, Holly, Juniper, Lily, Marigold, Oak, Palm, Peony, Petunia, Philodendron, Pine, Roses, Snapdragon, Sweetpeas, Tulips, Viburnum, Wandering Jew, Yew and Zinnia.

HERBS, SPICES AND SPECIALTY CROPS

For the control of such insects as Aphids, Loopers, Mites, Plant Bugs, Thrips and White Flies.

Herbs and Spices, including but not limited to, Anise, Balm, Basil, Burnel, Borage, Chamomile, Caraway, Catnip, Chives, Clary, Coriander, Costmary, Cumin, Curry Leaf, Dill, Fennel (Italian & Sweet), Fenugreek, Horehound, Hyssop, Marigold, Marjoram (Sweet & Wild), Mint, Nasturtium, Oregano, Pennyroyal, Rosemary, Rue, Sage, Savory (Winter & Summer), Sweet Bay (Bay Leaf), Tansy, Tarragon, Thyme, Wintergreen, Woodruff, Wormwood. Specialty Crops, such as Artichoke, Chayote, Asparagus, Coffee, Cotton, Hops, Jojoba, Ornamental Turf Grass, Sesame, Sunflower (leaves & seed) and Tea.

FIELD GRAIN CROPS

For the control of insects such as Aphids, Armyworms, Chinch Bugs, Boll Weevil, Bollworm, Budworm, Caterpillars, Corn Earworms, Fleabeetles, Fleahoppers, Flies, Horn Worms, Loopers, Lygus Bugs, Midges, Mites, Pear Cucurulia, Pink Bollworms, Thrips and White Flies.

Cereal Grains, including but not limited to, Barley, Buckwheat, Corn, Millet (proso & pearl), Oats, Popcorn, Rice, Rye, Sorghum (milo), Teosinte, Triticale, Wheat and Wild Rice. Grass Forage, Fodder and Hay, including but not limited to, Bermuda Grass, Blue Grass, Bromegrass, Fescue and any type grass, Gramineae Family (green or cured), Barley, Buckwheat, Corn, Millet (proso & pearl), Oats, Popcorn, Rice, Rye, Sorghum (Milo), Teosinte, Triticale, Wheat and Wild Rice, that will be fed to or grazed by livestock, all pasture and range grasses and grasses grown for hay or silage. Non-Grass Animal Feeds, including but not limited to, Alfalfa, Velvet Bean, Clover, Kudzu, Lespedeza, Lupine, Saintoin, Trefoil, Vetch, Crown Vetch and Milk Vetch.

FRUIT, NUT, VINE CROPS AND ORIENTAL VEGETABLES

For the control of such insects as Aphids, Armyworms, Blueberry Maggots, Cabbage Loopers, Caterpillars, Cherry Fruit Flies, Cutworms, Fireworms, Fruit Flies, Fuller Rose Beetle, Gooseberry Fruit Worms, Imported Currant Worms, Japanese Beetles, Leafhoppers, Mites, Peach Borers, Pecan Weevil, Red-Necked Borers, Raspberry Fruit Worms, Rose Chafers, Stink bugs, Strawberry Leaf Rollers, Thrips, Weevils, and White Flies.

Citrus Fruits, including but not limited to, Calamondin, Citrus Citron, Citrus Hybrids, Grapefruit, Kumquats, Lemons, Limes, Mandarin (Tangerine), Orange (sweet & sour), Pummelo, and Satsuma Mandarin. Pome Fruits, including but not limited to, Apple, Crabapple, Loquat, Pear, Oriental Pear and Quince. Stone Fruits, including but not limited to, Apricot, Cherry (sweet & sour), Nectarines, Peaches, Plums, Prunes, Chickasaw Plum, Damson Plum, and Japanese Plum. Small Fruits and Berries, including but not limited to, Blackberry, Blueberry, Boysenberry, Cranberry, Currants, Dewberry, Elderberry, Gooseberry, Grape, Huckleberry, Loganberry, Ollie Berry, Raspberry (Black & Red), Strawberry, and Youngberry. Subtropical Fruits, including but not limited to, Avocado, Banana, Carob, Barbados Cherry, Cherimoya, Dates, Feijoa, Figs (Adriatic, Calimyma, Kadota, Black Mission, California Brown Turkey and Brunswick), Guava, Kiwifruit, Lychee, Mango, Papaya, Passion Fruit, Persimmon, Pineapple and Pomegranate. Tree Nuts, including but not limited to, Almond, Beech Nut, Brazil Nut, Butter Nut, Cashews, Chestnut, Chiquapin, Filbert (Hazelnut), Hickory Nut, Japanese Horsechestnut, Macadamia Nut (Bushnut), Pecan, Pistachio and Walnut (Black & English). Oriental Vegetables, including but not limited to, Japanese Artichoke, Chinese Broccoli (Gai Lon), Chinese Cabbage (Bok Choy & Napa), Chinese Mustard Cabbage (Gai Choy), Cilantro, Dasheen, Ginger, Ginseng, Chinese Longbeans, Mung Beans, Citron Melon, Balsam Bear (Bitter Melon), Japanese Radish (Daikon), Chinese Spinach and Chinese Waxgourd.

1/14