

48377-1

02/07/2007

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 7, 2007

Mr. Jim Wagner
AP & G Co. Inc.
170 53rd Street
Brooklyn, NY 11232

Subject: Agency initiated action to amend the label stamped and approved on December 6, 2006.
Product Name: Catchmaster Roach Killer with Boric Acid
EPA Registration Number: 48377-1
Date of Resubmission: February 6, 2007.
Decision Number: D374512

Dear Mr. Wagner;

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable subject to the comments listed below.

Note: Text marked with a ~~strikeout~~ should be removed, and text identified with *italics* should be inserted into the appropriate sections.

1. Make the following label changes:

- a. Revise the EPA Registration Number to read, "EPA Reg. No. 48377-~~R1~~".
- b. Remove "~~Lethal Weapon~~", from the name of your product. It is the Agency's view that terms, such as "Lethal Weapon", are misleading health and safety claims and therefore constitute misbranding under section 2(Q) (1) (A) of FIFRA. Therefore, the use of "Lethal Weapon" and other similar claims is not permitted for any product registered under FIFRA.
- c. Revise the Precautionary Statements Statement to Read:
"Harmful if swallowed or inhaled. Causes moderate eye irritation. Avoid breathing dust. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with eyes or clothing."
- d. Replace the subheader "~~DOMESTIC USE~~" to read "*RESIDENTIAL USE*".
- e. Replace the subheading "~~NON-DOMESTIC USE~~", to read "*COMMERCIAL USE*".
- f. Under the subheading "Use Restrictions", revise the statement to read:
"Apply only in areas inaccessible to children and pets. Avoid contamination of foodstuff and feed. Do not use in edible product areas of food handling establishments, restaurants, or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed."
- g. Revise the following statements to read as follows:
 - Using easy applicator, create a barrier through which cockroaches and other insects must crawl.
 - Apply ~~liberally~~ under and behind refrigerator, stove, sink, dishwasher, washing machine, dryer, and tubs in kitchen and utility rooms.
 - Apply in cracks and crevices along baseboards and corners of cabinets, cupboards, and closets.

- Apply a line from corner in rear of kitchen cabinets or drill 1/2 inch holes at top of kick panels beneath cabinets in kitchen and bathrooms, by dusting *sparingly liberally*.
- Remove lower drawers in the kitchens and bathroom cabinets, bedroom dressers, and chest of drawers and ~~liberally~~ dust into drawers and ~~liberally~~ dust into wells and under bookshelves.
- Apply into openings and void areas around plumbing, drains, pipes, and electrical conduits.
- Any powder visible after application may be brushed into cracks and crevices or removed. Reapply ~~as necessary~~ after 30 days *if necessary*.

h. Revise the "Warranty Statement to read:

"Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages."¹

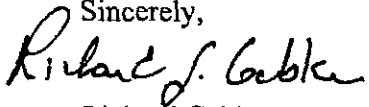
2. Data Requirements

- a. A one year Storage Stability (830.6317) and Corrosion Characteristics, (830.6320) studies are a requirement for the formulated product.

You are required to generate a one year storage stability study for the proposed product under warehouse conditions. It is recommended that observations are made at 0, 3, 6, 9, and 12 months intervals. The corrosion characteristics study may be carried out concurrently. These studies must be provided to the Agency within 18 months from the date of initial registration for this product.

A copy of the reviews were previously enclosed with the December 6, 2006 Agency letter. You must submit two copies of the final printed label for the record. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIRRA sec. 6(e). The release for shipment of the product constitutes acceptance of these conditions. If you have any questions, you may contact Richard J. Gebken, at (703) 305-6701.

Enclosed is a copy of your label "stamped with comments".

Sincerely,

 Richard Gebken
 Product Manager 10
 Insecticide Branch
 Registration Division (7505C)

Enclosure

¹ A full listing of Agency allowable Warranty and disclaimer statements is available at the following internet site: <http://www.epa.gov/pesticides/regulating/labels/projects.html>.

Catchmaster™
Lethal Weapon™
Roach Killer
(with Boric Acid)

Kills Cockroaches, Ants, Palmetto bugs, Silverfish, & Water bugs

Keep Out of Reach of Children

Caution

See Side Panel for Additional Precautionary Statements

Active Ingredient:

Boric Acid99.0%
Other Ingredients.....01.0%

EPA Reg. No.
EPA Est. No.

AP & G Co. Inc.
170 53rd Street
Brooklyn, NY 11232

Net Weight: 2 lbs.

ACCEPTED
with COMMENTS
in EPA Letter Dated

Feb 7, 2007

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

48377-1

**Precautionary Statements
Hazard to Humans and Domestic Animals**

CAUTION. Harmful if swallowed. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling.

FIRST AID

Have this product container or label with you when calling a Poison Control Center or doctor or when going for treatment.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present, after 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice. Have this product label with you when 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.

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor. Do not give anything by mouth to an unconscious person. You may also call 1-800-858-7378 for emergency medical treatment advice.

DIRECTIONS FOR USE

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

This product may be used in homes, restaurants, markets, schools, warehouses, factories, offices, hotels, motels, hospitals, nursing homes, garages, grocery stores, apartment buildings, new construction, industrial plants, theaters, ships, boats, trains, trucks, yachts, camps, mobile homes, buses zoos, kennels, military bases, libraries, utilities, and sewers.

DOMESTIC USE

Use Restrictions:

-Apply only in areas inaccessible to children and pets. Avoid contamination of feed and foodstuff. Do not use in edible product areas of food handling establishments, restaurants, or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed.

1. Using easy applicator, create a barrier through which cockroaches and other insects must crawl.
2. Apply liberally under and behind refrigerator, stove, sink, dishwasher, washing machine, dryer, and tubs in kitchen and utility rooms.
3. Apply in cracks and crevices along baseboards and corners of cabinets, cupboards, and closets.
4. Apply a line from corner to corner in rear of kitchen cabinets or drill 1/2" holes at top of kick panels beneath cabinets in kitchen and bathrooms, dusting liberally.
5. Remove lower drawers in the kitchens and bathroom cabinets, bedroom dressers, and chest of drawers and liberally dust into drawer wells and under bookshelves.
6. Apply into openings and void areas around plumbing, drains, pipes, and electrical conduits.
7. Any powder visible after application may be brushed into cracks and crevices or removed. Reapply as necessary.

**NON-DOMESTIC USE
(Nonedible Product Areas Only)**

Application in new and existing construction to control cockroaches and other insects.

1. When treating large areas, such as voids, soffit, and subcabinet voids, dust liberally.
2. Dust into pits of dumbwaiters, elevator shafts, and trash chutes.
3. In storerooms, dust under pallets and behind boxes.

Storage and Disposal

Do not contaminate water, food, or feed by storage or disposal.
Storage: Store product in original container away from food and feedstuffs. Keep product in a locked storage area. Store in a dry place where children and animals cannot gain access.
Disposal: If empty: Do not reuse this container. Place in trash or offer for recycling if available.
If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions.
 Never place unused product down an indoor or outdoor drain.

Warranty

Buyer and user assume all risk and liability of use, storage, and/or handling of this material not in accordance with the terms of this label.