

50932-12

11/4/2009

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

November 4, 2009

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation  
69 N. Locust Street  
Lititz, PA 17543-0327

RE: Product Name: Concern® Diatomaceous Earth Crawling Insect Killer  
EPA Reg. No: 50932-12  
Application for Label Notification Dated September 18, 2009 to update  
warranty and the storage and disposal statement

Dear Mr. Mongiovi:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration (PR) Notice 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PR Notice 98-10 and it has been determined that the action(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

If you have any questions concerning this action, please feel free to contact Ms. Menyon Adams at (703) 347-8496 or email at [adams.menyon@epa.gov](mailto:adams.menyon@epa.gov).

Sincerely,

*Linda Hollis*  
Linda Hollis, Chief  
Biochemical Pesticides Branch  
Biopesticides and Pollution Prevention  
Division (7511P)

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 <b>EPA</b>	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> <b>Other: NOTIFICATION</b>	OPP Identifier Number
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**Application for Pesticide - Section I**

1. Company/Product Number <b>50932-12</b>	2. EPA Product Manager <b>Dr. Sheryl Reilly</b>	3. Proposed Classification  <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>Concern® Diatomaceous Earth Crawling Insect Killer</b>	PM# <b>90</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Woodstream Corporation</b> <b>69 N. Locust Street</b> <b>Lititz, PA 17543-0327</b> <input type="checkbox"/> Check if this is a new address	6. <b>Expedited Review.</b> In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

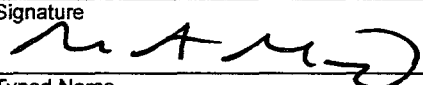
**Section - II NOTIFICATION**

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below
Date Reviewed: <u>11/10/09</u> Reviewed By: <u>MKS</u>	
<b>Explanation:</b> Use additional page(s) if necessary. (For Section I and Section II.) <u>Warranty Statements (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006): Please reference attached explanation</u>  <u>Notification of Label Action Per PR-Notice 2007-4: Please reference the attached explanation</u>  Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.	

**Section - III**

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
*Certification must be submitted		If "Yes" Unit Packaging wgt.    No. per container	If "Yes" Package wgt.    No. per container		
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container  7.0oz, 4lb		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name  <b>Chad L. Mateer</b>	Title  <b>Regulatory Affairs Manager</b>	Telephone No. (Include Area Code)  <b>717-626-2125 x426</b>
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received <b>(Starr:ped)</b>
2. Signature  	3. Title  <b>Product Compliance Specialist</b>	
4. Typed Name  <b>Mark Mongiovi</b>	5. Date  <b>9-18-09</b>	

ATTACHMENT TO NOTIFICATION DATED 9-18-09

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EPA Reg No.: 50932-12

Storage & Disposal Statements

*MASTER LABEL- BACK PANEL (Page 1 of 3)*

**STORAGE & DISPOSAL**

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

**PESTICIDE STORAGE:** Store in a cool dry area away from heat or open flame and out of reach of children and pets.

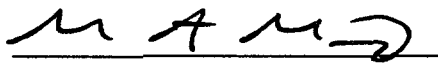
**PESTICIDE DISPOSAL AND CONTAINER HANDLING:** Non-refillable container. Do not reuse or refill this container. **If Empty:** ~~Do not reuse this container.~~ Place in trash or offer for recycling if available. **If Partly Filled:** Call your local solid waste agency or (800)-~~CLEANUP~~ for disposal instructions. Never place unused product down any indoor or outdoor drain.

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Warranty Statements (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006):

*MASTER LABEL- BACK PANEL (Page 2 of 3)*

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.



9/18/09

Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation



69 N. Locust Street  
 P.O. Box 327  
 Lititz, PA 17543-0327  
 (717) 626-2125  
 Fax: (717) 626-5350  
[www.woodstreamcorp.com](http://www.woodstreamcorp.com)  
[www.saferbrand.com](http://www.saferbrand.com)  
[www.victorpest.com](http://www.victorpest.com)  
[www.havahart.com](http://www.havahart.com)  
[www.perkypet.com](http://www.perkypet.com)  
[www.fishock.com](http://www.fishock.com)

September 18, 2009

Document Processing Desk [NOTIF]  
 Office of Pesticide Programs (7504P)  
 U.S. Environmental Protection Agency  
 Room S-4900, One Potomac Yard  
 2777 South Crystal Drive  
 Arlington, VA 22202-4501

**ATTN: Notification Division**  
**SUBJECT: Woodstream Corporation**  
**Concern® Diatomaceous Earth Crawling Insect Killer® (EPA Reg. No. 50932-12)**  
**Notification of Label Action Per PR-Notice 2007-4**  
**Warranty Statements (Updated as per EPA Warranty Statement Guidance Doc.)**

Enclosed please find a Notification of Label Action Per PR-Notice 2007-4 to update Storage & Disposal Statements, as well as updated Warranty Statements as per EPA Warranty Statement Guidance Document. Also enclosed, please find a copy of our revised master label with changes highlighted and a clean copy for your records.

If you have any questions and/or need any additional information, please call me at (717) 626-2125 ext: 219 or email [mmongiovi@woodstream.com](mailto:mmongiovi@woodstream.com).

Sincerely,

Mark Mongiovi  
 Product Compliance Specialist  
 Woodstream Corporation

**Enclosures:**  
 Notification of Label Action  
 Copy of revised master label with changes highlighted  
 Clean copy of revised master label



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**MASTER LABEL - FRONT PANEL (PAGE 1 of 1)**

**CONCERN® DIATOMACEOUS EARTH  
CRAWLING INSECT KILLER**

**[Optional Claims]**

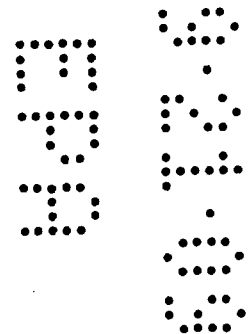
- Kills Cockroaches, Ants, Fleas, Silverfish & Earwigs
- For Organic Production
- OMRI® Listed – Organic Materials Review Institute

[Optional Logo]  
[Optional Logo]

ACTIVE INGREDIENTS:	BY WT.
Silicon Dioxide from Diatomaceous Earth.....	85.0%
Other Elemental Oxides.....	10.0%
Moisture.....	5.0%
TOTAL:	100.0%

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**  
(See other [side] panel for additional precautionary statements)

NET WT. 1.5 lbs (680 g) [4 lbs (1.8 kg)]



**MASTER LABEL - BACK PANEL (PAGE 1 of 3)**

Concern® Diatomaceous Earth Crawling Insect Killer is effective and long lasting when kept dry. Concern® Diatomaceous Earth Crawling Insect Killer is a mechanical insect killer. Insects cannot become immune to its action. Insects contact or ingest this powder and die within 48 hours.

**PRECAUTIONARY STATEMENTS**

**Hazards to Humans and Domestic Animals:**

**CAUTION:** Causes moderate eye irritation. Avoid contact with eyes. Use adequate ventilation and avoid breathing dust. Wear a suitable dust mask when using this product during prolonged exposure.

<b>FIRST AID</b>	
If in eyes:	<ul style="list-style-type: none"><li>– Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li><li>– Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li><li>– Call a poison control center or doctor for treatment advice.</li></ul>
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact the National Pesticide Information Center 1-800-858-7378 for emergency medical treatment advice.	

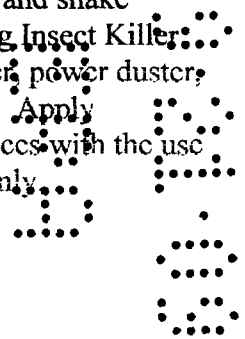
<b>STORAGE &amp; DISPOSAL</b>
<p><b>PESTICIDE STORAGE:</b> Store in a cool dry area away from heat or open flame and out of reach of children and pets.</p> <p><b>PESTICIDE DISPOSAL AND CONTAINER HANDLING:</b> Non-refillable container. Do not reuse or refill this container. <b>If Empty:</b> Place in trash or offer for recycling if available. <b>If Partly Filled:</b> Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>

**DIRECTIONS FOR USE:**

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

**Application Directions:**

**[For 1.5 lb Box Packaging]:** To dispense product, lift tab on side of box and shake gently. Close tab when finished. Concern® Diatomaceous Earth Crawling Insect Killer can be applied directly from the box or a can be applied with a hand duster, power duster, or similar means of application to areas where crawling insects are found. Apply Concern® Diatomaceous Earth Crawling Insect Killer to cracks and crevices with the use of a bulbous duster or other suitable equipment. Apply lightly and uniformly.



**MASTER LABEL - BACK PANEL (PAGE 2 of 3)**

**[For 4.0 lb Bag Packaging]:** Concern® Diatomaceous Earth Crawling Insect Killer is intended for application with a hand duster, power duster, or similar means of application to areas where crawling insects are found. Apply Concern® Diatomaceous Earth Crawling Insect Killer to cracks and crevices with the use of a bulbous duster or other suitable equipment. Apply lightly and uniformly.

**Indoor use:**

For control of **Earwigs, Millipedes, Centipedes, Silverfish, Cockroaches, and Ants:** Lightly coat a thin layer of Concern® Diatomaceous Earth Crawling Insect Killer in areas where these pests are found or may hide, such as cracks and crevices, behind and beneath refrigerators, cabinets, stoves, garbage cans, and in and around sewer pipes and drains, window frames, and in attics and basements. Dust insects directly if possible. Repeat treatment regularly.

**Fleas:** Thoroughly treat floor and bedding in and around pets' sleeping quarters. Treat surrounding cracks and crevices, baseboards, carpeting, and wherever fleas are suspected.

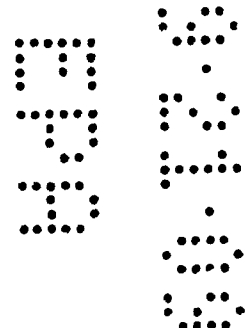
**Carpet Beetles:** Dust along baseboards, carpet edges, under carpeting, furniture, in closets and shelving where these insects are seen or suspected.

**Outdoor Use:**

For control of **Ants, Cockroaches, Earwigs, and other Crawling Insects:** Lightly coat a thin layer of Concern® Diatomaceous Earth Crawling Insect Killer in areas where these insect pests are found such as patios, window and door frames and outdoor sills. Dust around foundations, along ant trails, and around sewer pipes and drains. Repeat treatment as necessary.

Buyer assumes all responsibility for safety and use not in accordance with label directions.

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.



EPA Reg. No. 50932-12

Notification of Label Action – Storage & Disposal Statements/Warranty Statements

September 18, 2009

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**MASTER LABEL - BACK PANEL (PAGE 3 of 3)**

Manufactured by:

Woodstream Corporation

69 N. Locust Street

Lititz PA 17543

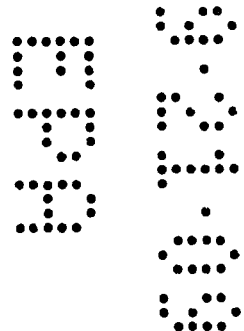
For Information call 1-800-800-1819

EPA Reg. No. 50932-12

EPA Est. No. 69208-MO-001

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**NOTIFICATION**

Date Reviewed: 11/04/09

Reviewed By: MEY

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