



United States Environmental Protection Agency Washington, DC 20460

Registration Amendment Other (checked)

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number: 53853-1
2. EPA Product Manager: Johnson
3. Proposed Classification: None (checked)
4. Company/Product (Name): Burgess Insect Fog
5. Name and Address of Applicant: Burgess Products, 23 Garden Street, New York Mills, NY 13417
6. Expedited Review: EPA Reg. No., Product Name

Section - II

Amendment - Explain below. Resubmission in response to Agency letter dated. Notification - Explain below. Final printed labels in response to Agency letter dated. "Me Too" Application. Other - Explain below. NOTIFICATION SEP 16 2003

Explanation: Use additional page(s) if necessary. (For section I and Section II.) NOTIFICATION of: 1) additional brand name; 2) optional marketing text; 3) optional emergency & first aid contact telephone numbers; 4) clarification of use text when product marketed exclusively for outdoor use in Burgess or Black Flag thermal foggers; 5) addition of reduced quantity equivalents in use directions when product is marketed in small packages (e.g., 1 pint to 1 gallon); 6) deletion of warranty statement; 7) addition of Prop 65 warning required for California distribution.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the Confidential Statement of Formula of this product. Burgess Products understands that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA, and further understands that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and Burgess Products 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: Child-Resistant Packaging, Unit Packaging, Water Soluble Packaging, 2. Type of Container: Plastic (checked), 3. Location of Net Contents Information: Label (checked), 4. Size(s) Retail Container: 1 pt., 1 qt., 1/2 gal., 1 gal., 5. Location of Label Directions: On Label (checked), 6. Manner in Which Label is Affixed to Product: Lithograph Paper glued (checked)

Section - IV

1. Contact Point: Rebecca M. Horton, Consultant/Agent, 540-375-8826
Certification: I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete.
2. Signature: Rebecca M. Horton
3. Title: Consultant/Agent
4. Typed Name: Rebecca M. Horton
5. Date: August 21, 2003
6. Date Application Received: (Stamped)

BURGESS INSECT FOG

[Additional Brand Name(s):
BLACK FLAG® Fogging Insecticide]

- A Synthetic Pyrethroid for Controlling the Following Small Flying & Crawling Insects: *houseflies, mosquitoes, gnats, fruit flies, flying moths (millers), wasps, hornets, yellow jackets, cockroaches, waterbugs, ants, crickets, silverfish, earwigs, spiders, grain mites, sowbugs, centipedes and millipedes*

For Use in Burgess® and Black Flag® Thermal Foggers

- BLACK FLAG KILLS**
- FLIES
 - MOSQUITOES
 - GNATS
 - WASPS
 - HORNETS
 - YELLOW JACKETS

ACTIVE INGREDIENT:

Resmethrin0.20%
OTHER INGREDIENTS*:99.80%
 100.00%

*Contains petroleum distillates

EPA Reg. No. 53853-1
EPA Est. No. 45385-OH-1_A, 58996-MO-1_B
 Subscript following Est. No. corresponds to first digit in Lot No.

KEEP OUT OF REACH OF CHILDREN
CAUTION

See Side/Back Panel for Additional Precautions and First Aid

NET CONTENTS: _____

NOTIFICATION

SEP 16 2003

In case of Medical emergencies or health and safety inquiries, or in case of fire, leaking or damaged containers, information may be obtained by calling 1-800-311-9903 [1-866-767-5047].

PRECAUTIONARY STATEMENTS
Hazards To Humans & Domestic Animals
CAUTION

Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Cover or remove exposed foods. Avoid contamination of cooking utensils and food preparation surfaces. Remove pets and cover fish aquariums before spraying.

Environmental Hazards

This product is highly toxic to fish. Do not apply directly to water. Apply this product only as specified on this label. Care should be used when spraying to avoid fish and reptile pets by removing pets and covering fish tanks before spraying.

Physical or Chemical Hazards

Combustible. Do not use or store near heat or open flame. Extinguish open flame before space spraying.

FIRST AID	
Call a poison control center or doctor immediately for treatment advice.	
If Swallowed:	<ul style="list-style-type: none"> • 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:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes.
If In Eye:	<ul style="list-style-type: none"> • 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 eye.
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 [1-866-767-5047] for emergency medical treatment information.	
NOTE TO PHYSICIAN	
Contains petroleum distillate – vomiting may cause aspiration pneumonia.	

DIRECTIONS FOR USE

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

For use [only (when packaged exclusively for outdoor use)] outdoors in yards, patios, picnic areas, campsites, drive-ins, around swimming pools, and poultry houses.

For use indoors and outside premises of hotels, motels, homes, food handling establishments, packaging and processing plants, seed houses, commercial, industrial, office, institutional and storage buildings, milk handling areas of milk plants, milk storage rooms, egg processing plants, supermarkets, restaurants, bottling plants, canneries, flour and feed mills, bakeries, boats, ship cabins and hospitals. IN HOSPITALS, patients should be removed prior to treatment. Also for use in buses, automobiles, trucks, boxcars, ship cargo holds and in dog kennels and horse stables. IN HORSE STABLES, not for application if horses will be used for food.

Foods should be removed or covered during treatment. All food processing surfaces should be covered during treatment or thoroughly cleaned before using. When using the product in these areas, apply only when the facility is not in operation.

Before application, remove plants and animals from area to be treated. Cover or remove fish aquariums. Remove horses before spraying stables.

INDOORS:

Thermal Applications – For use undiluted in electric, propane or gas-powered thermo-foggers and such portable thermal applicator equipment that can deliver spray particle sizes within the aerosol-size range.

To kill house flies, mosquitoes, gnats, fruit flies, flying moths (millers): Remove or cover exposed food and food handling surfaces. Remove animals, fish and plants. Shut off ventilating systems, air ducts, air conditioning equipment and close off room or area to be treated. Do not apply while food processing plant is occupied or in operation. Extinguish all flames and pilot lights. APPLY AS A DRY FOG AT THE RATE OF 1 1/3 fluid ounces per 1,000 cubic feet of space. Direct nozzle of thermal applicator toward the upper corners of the room and along the ceiling. Close off room for at least 1/2 hour. Do not remain in treated area. Ventilate the area before reentering.

Space Spray – To kill house flies, mosquitoes, gnats, fruit flies, flying moths (millers): Close off room or area to be treated. Shut off air-conditioner and ventilator systems. Seal all open vents. Remove

animals and plant life. Cover or remove fish aquariums. Apply undiluted as a very fine mist space spray through manually operated equipment or with electric or other powered applicators. Avoid staining by holding the spray nozzle at least five feet from objects. Direct the fine spray mist toward the upper corners of the room or area. Fill the area with a fine mist space spray at the rate of 5 fluid ounces per 5,000 cubic feet. Leave room closed for 1/2 hour. Ventilate thoroughly before re-entry. Sweep up and destroy insects.

Contact Spray – To kill cockroaches, waterbugs, ants, crickets, silverfish, earwigs, spiders, grain mites, sowbugs, centipedes and millipedes: Adjust spray to produce large wetting-type spray particles. Direct spray to contact these insects in cracks and crevices in floors, baseboards, around pipes, behind cabinets and other harborages. Spray these infested areas until thoroughly wet.

To Kill Ants: Spray around doors and window frames, ant trails and hills in addition to direct spray to contact insects.

To Kill Spiders: Spray directly on these pests and use repeated applications to the webbing and all cracks and crevices which harbor spiders.

OUTDOORS

[Option 1]

Thermal Applications – This formulation is to be used undiluted in only such portable thermal applicator equipment that can deliver spray particle sizes within the aerosol-size range.

[Option 2 - when packaged for use exclusively with Burgess® or Black Flag® foggers]

Thermal Applications – This formulation is to be used undiluted. For Use in Burgess® and Black Flag® Thermal foggers.

For reduction in annoyance from flies, mosquitoes, and gnats in yards, patios, around swimming pools, picnic areas, campsites, drive-ins and horse stables. Hold thermal applicator at least five feet from any object, especially plants and shrubbery. Avoid wetting any plant foliage. Apply undiluted at the rate of 3 1/4 gallons per acre [1 gallon per 11,616 sq. ft.; 1/2 gallon per 5,808 sq. ft.; 1 quart per 2,904 sq. ft.; 1 pint per 1,452 sq. ft.]. Fog only when there is no breeze or the wind velocity is less than 3 miles per hour. The ideal time is generally at dusk when the wind dies down and the air temperature and ground temperature are approximately the same. Under these conditions the fog will linger in the treated areas for a longer time. Apply fog while moving away from treated area. Avoid inhalation of the fog. Do not enter the treated area until the fog has dissipated.

Contact Spray – To kill nuisance pests around buildings, patios and paved areas: Spray directly on insects. Avoid spraying turf or plants.

Ants: Same as directed for indoor application.

Wasps, Hornets, Yellow Jackets: Application should be made in late evening when insects are at rest. Point spray opening away from face. Aim spray at nest openings in bushes, under eaves, chimneys, cracks and crevices. Thoroughly saturate nest with spray, contacting as many insects as possible. Spray liberally into hiding and breeding places.

[Option 1]

Earwigs, Sowbugs, Spiders, Centipedes & Millipedes: Apply as a contact spray as for indoor use.

[Option 2 - when packaged exclusively for outdoor use]]

Earwigs, Sowbugs, Spiders, Centipedes & Millipedes: Apply as a contact spray. Adjust spray to produce large wetting type spray particles. Direct spray to contact these insects. Spray infested areas until thoroughly wet.

To Control Flies, mosquitoes and gnats and crawling insects around premises, spray thoroughly around doors, window frames and similar areas of entry. Also thoroughly spray garbage and refuse areas, especially around poultry houses, barns and similar areas of heavy infestation. Do not spray on turf or plants.

STORAGE & DISPOSAL

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

Storage: Store product in original container in an area away from children and pets.

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 any indoor or outdoor drain.

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

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

8/21/03-notification

By using this product, user or buyer accepts the following conditions, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be adequate and should be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Burgess Products. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: BURGESS PRODUCTS MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Burgess Products is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. Burgess Products disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BURGESS PRODUCT'S ELECTION, THE REPLACEMENT OF PRODUCT.

Manufactured for [Marketed by]
BURGESS PRODUCTS
23 GARDEN STREET
NEW YORK MILLS, NY 13417

[PROP 65 LANGUAGE REQUIRED FOR CALIFORNIA DISTRIBUTION:

NOTICE: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.]

[UPC SYMBOL]

