

53853-2

3/3/2009

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

EPA Reg. Number:

53853-2

Date of Issuance:

03/03/09

Term of Issuance:

Conditional

Name of Pesticide Product:

Black Flag Fogging Insecticide
Formula 2

NOTICE OF PESTICIDE:
 Registration
 Reregistration
(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

The Fountainhead Group, Inc.
23 Garden Street
New York Mills, NY 13417

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA section 4.
2. Make the following labeling changes before you release the product for shipment:
 - a. Revise the EPA Registration Number to read: "EPA Registration No. 53853-2"

Signature of Approving Official:

Richard Gebken

Richard Gebken
Product Manager (RM 10)
Insecticide Branch
Registration Division (MC 7505P)

Date:

March 3, 2009

- b. On the front page, in the list of claims:
- Revise the statement in the 5th bullet (by deleting “**Highly**” and “**and other crawling and flying insects**”) to read “**A broad spectrum insecticide effective against ants, bees, carpenter ants,... and yellow jackets**”. – “Highly Effective” is a heightened efficacy claim and “other crawling and flying insects” is a non-specific pest claim.
 - Delete the statement “**Kills mosquitoes that may carry west nile virus [eastern equine encephalitis][dengue fever]**” – Claims against specific disease vectors will require citation of data previously used to support the same claim or submission of new data. Claims against dengue fever are not allowed at this time.
 - Delete “**Complete protection**” – This is a heightened efficacy claim.
- c. Add the precautionary statements “**Wear protective eyewear. Wear long-sleeved shirt and long pants, socks, shoes and gloves**”.
- d. Under Disclaimer of Warranties and Limitation of Liabilities, add “**To the extent consistent with applicable law**” to the beginning of the statements “**The fountainhead Groups, Inc. makes no . . . this label**” and “**The exclusive remedy for losses . . .**”
3. Submit final printed label bearing the above stated revisions prior to releasing this product for sale.

Please note that the label for this product was approved with the understanding that it is consistent with the labeling for the me-too products (EPA Reg. Nos. 73049-432). If you fail to comply with the above stated conditions, this registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes your acceptance of these conditions.

See enclosed stamped label for your records. If you have any questions concerning this action, please contact Dr. B. A. Akinlosotu at (703) 605-0653.

Enclosure

BLACK FLAG FOGGING INSECTICIDE FORMULA 2

- [For Indoor and Outdoor Use
- Ready-To-Use
- Ready to Use in Propane, Gas & Electric Foggers
- May Also Be Sprayed
- A Broad Spectrum Insecticide Highly Effective Against Ants, Bees, Carpenter Ants, Carpet Beetles, Centipedes, Chiggers, Flies, Flour Beetles, Gnats, Grain Beetles, Ground Beetles, Hornets, Millipedes, Mole Crickets, Mosquitoes, Moths, Pillbugs, Silverfish, Sowbugs, Spiders, Ticks, Wasps, Yellow Jackets And Other Crawling And Flying Insects
- Provides Quick Killing Action And Residual Control
- Economical Do-It-Yourself Pest Control
- High Knockdown & Kill
- For Control of Annoying Pests Including Gnats, Moths, Flies, Black Flies, Deer Flies, Horse Flies, Mosquitoes, Ants, Spiders, Chiggers, Earwigs, Hornets
- Kills Mosquitoes, Flies, Gnats, Bees, Yellow Jackets, Wasps, Hornets, Moths, No-See-Ums
- Easy-To-Use
- Kills On Contact
- Kills Fast
- Kills Fleas & Ticks
- Kills Home Invading Pests
- Kills Spiders
- Kills Roaches, Ants And Fleas On Contact
- Reaches Insects [Bugs][Mosquitoes And Flies] Where They Hide
- Kills Mosquitos That May Carry West Nile Virus [Eastern Equine Encephalitis] [Dengue Fever]
- Great To Use Before Parties & Picnics
- Treat An Average 5,000 Sq. Ft. Yard In 10 Minutes
- Treat Your Yard In Minutes
- Fog Your Yard In Minutes
- Fog In Minutes
- Complete Protection
- Don't Let Insects Drive You Indoors
- Great For Treating Large Areas [Around Your Home]
- Treat Large Areas Fast & Easy
- No Offensive Odor: [The insecticide fog is nearly odorless and leaves an odor free backyard.]
- [Insecticide Fog][Fog] Reaches Insects [Bugs][Mosquitoes, Flies, And Gnats] Hiding In Shrubs, Trees, And Flowers
- Oil-Based – Dielectric Breakdown Voltage Of 47,300 Volts
- Also for use in [Brand Name] Insect Foggers
- Guaranteed To Work Or Your Money Back]

ACCEPTED
With COMMENTS
 In EPA Letter Dated:
MAR 03 2009

**Under the Federal Insecticide, Fungicide
 and Rodenticide Act, As amended, for the
 pesticide Registered under EPA Reg. No:**

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11/03/2008

ACTIVE INGREDIENTS:

Tetramethrin.....	0.10%
Permethrin*	0.25%
Piperonyl Butoxide**	0.50%
OTHER INGREDIENTS†:	<u>99.15%</u>
	100.00%

*Cis/trans ratio: min. 35% (+/-) cis and max. 65% (+/-) trans.

**Equivalent to min. 0.4% (butylcarbityl)(6-propylpiperonyl) ether and 0.1% related compounds.

†Contains petroleum distillates

EPA Reg. No.: 53853- E

**EPA Est. No.: 45385-OH-1
1386-OH-1
36994-IL-2**

PRECAUCION AL CONSUMIDOR: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read English, do not use this product until the label has been fully explained to you).

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See Side Panel for Additional Precautionary Statements and First Aid

Net Contents:

- 1 Pint (16 Fl oz)
- 1 Quart (32 Fl oz)
- ½ Gallon (64 Fl oz)

DIRECTIONS FOR USE

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

Avoid contamination of food and feed. Remove pets and cover fish aquariums before spraying. Prevent re-entry of dogs and cats into treated area until spray deposits are dry.

OUTDOORS

Remove all exposed food and cooking utensils. Cover all food handling surfaces or wash thoroughly after treatment and before use. Do not use on edible crops.

Thermal Applications:

This product can be used in thermal foggers that can deliver spray particle sizes within the aerosol-size range.

For reduction in annoyance from **Flies, Mosquitoes, Gnats, Black Flies, Chiggers, Fleas and Ticks** in yards, patios, around your ornamental garden, lawn, deck, patio, swimming pool, picnic area, campsite and horse stables, hold thermal applicator at least five feet from any object, especially plants and shrubbery. Avoid wetting any plant foliage.

When used in a thermal fogger, this product becomes a micron sized, virtually odor-free, fog that moves through the air to penetrate dense foliage to contact insects where they live and hide. Insects are killed on contact. [For] control of annoying pests [it] is as easy as 1, 2, 3.

WHEN AND HOW TO FOG:

1. The best time to fog is in late afternoon or early dusk when the wind is calm and insect activity is increasing. Do not treat if the wind is greater than 5 mph because the fog will dissipate too quickly and not provide acceptable control.
2. Pour [Product Name] undiluted into the thermal fogger. Refer to the thermal fogger use instructions for proper use and maintenance of the fogger.
3. Apply at the rate of 1 oz. of product to fog 600 sq. ft. (a 20' x 30' area). For best results, apply one pump of the fogger every 3 to 4 seconds to obtain the best fog quality. It will take approximately 18-20 pumps to fog 600 sq. ft. A 5000 sq. ft. lawn can be treated in 10 minutes. 4-1/2 cups of product will be required to treat 1/2 acre. Refer to the fogger instruction booklet for additional details.

Apply fog while moving away from treated area. Avoid inhalation of the fog. Do not enter the treated area until the fog has dissipated.

Spray Applications: [Affix trigger sprayer to bottle. Turn nozzle to on position.] [Use pump-up or other mechanical sprayer. Do not dilute this product.] Point sprayer away from face. For best results, spray when air is calm. Spray with wind if breeze is blowing. Spray surface until slightly wet (at a rate of 4 ounces of product to treat approximately 25 square feet of surface area.) Do not spray vegetation directly to prevent damage to foliage.

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PESTS ON OUTSIDE SURFACES OF BUILDINGS: For control of building infestations of *Ants, Clover Mites, Crickets, Earwigs, Millipedes and Sowbugs (Pillbugs)*, spray foundation of building where insects are active and may find entrance up to a height of 2 to 3 feet. Apply as a residual spray to outside surfaces of buildings where insects tend to congregate. Spray areas include (but are not limited to) screens, window frames, eaves, porches, patios, garages and refuse dumps.

CRAWLING INSECTS: *Ants (including Carpenter, Fire, Pharaoh, and Crazy Ants), Cockroaches, Crickets and Silverfish*, hold can 12 to 18 inches from surface to be treated and spray infested surfaces of patio or picnic area, hitting as many insects as possible. Spray to slightly moisten the surface. Also spray legs of tables and chairs.

Ants, Lone Star Ticks, Deer Ticks, Crickets, Chiggers, Fleas and Earwigs: Apply thoroughly to infestation in bushes, grass or weeds. For ants, spray on and around hills and trails until damp. Spray nests hidden under steps, brickwork, concrete, etc. Break apart accessible nests and spray on and around debris.

FLYING INSECTS: *Flies (including Black, Deer, Face, Horn, House and Stable Flies), Mosquitoes and Gnats:* spray around doors, window frames and similar areas of entry. Also spray garbage and refuse areas, especially around poultry houses, barns, stables and similar areas of heavy infestation.

Wasps, Hornets, Yellow Jackets and Bees: Application should be made in late evening when insects are at rest. Stand a safe distance from nest and not directly underneath. Residual action will kill wasps and hornets returning to the nest. Wait at least 24 hours before removing the nest. Point spray opening away from face. Aim spray at nest openings in bushes, under eaves, chimneys, cracks & crevices. Thoroughly saturate nest with spray, contacting as many insects as possible.

INDOORS

Do not use in commercial food/feed handling establishments, restaurants or other areas where food is commercially prepared, processed, served or stored.

In the home, cover all food processing surfaces and utensils during treatment or thoroughly wash before reuse. Remove or cover exposed food.

Spray Applications – [Affix trigger sprayer to bottle. Turn nozzle to on position.] [Use pump-up or other mechanical sprayer. Do not dilute this product.] Point spray away from face. Spray surface until slightly wet at a rate of 4 ounces of product to treat approximately 25 square feet of surface area. Apply product to small area first to check for staining.

Cockroaches, Ants, Boxelder Bugs, Crickets, Dermestids, Firebrats, Fleas, Palmetto Bugs, Silverfish, Sowbugs, Ticks and Waterbugs: Apply to all areas where these pests crawl and hide, especially in cracks and crevices and hidden areas around sinks and storage areas, behind baseboards, around doors and windows, behind and under refrigerators, cabinets, sinks and stoves, the underside of shelves, drawers, bookcases and similar areas. When pests are driven out, spray directly.

Ants: Spray around ant trails, doors and windows and other places where ants enter premises.

Carpenter Ants: For effective control, locate and treat nests and surrounding areas. Apply around doors and windows and other places where ants enter premises and where they crawl and hide. Spray into infested wood through existing openings.

Fleas and Ticks: Apply in infested areas such as pet beds and resting quarters, nearby cracks and crevices, under the edges of rugs and floor coverings, between and under cushions of upholstered furniture and other areas where these pests may be present. Old bedding of pets should be removed and replaced with clean fresh bedding after treatment of pet areas. Do not use directly on pets. For best results, pets should be treated with an appropriate flea and/or tick control product registered for use on pets before allowing them to return to the treated area.

Spiders: Apply along and behind baseboards, to window and door frames, corners, pipes, storage localities, attics, crawl spaces and other areas over which these pests may crawl. Also spray webbing contacting spiders directly where possible.

Earwigs, Ground Beetles, Millipedes, Mole Crickets, Pillbugs, Sowbugs and Ticks: Apply around doors and windows and other places where these pests may enter premises. Treat baseboards, storage areas and other locations where these pests are found.

PANTRY PESTS: Grain Beetles, Flour Beetles, Cigarette Beetles, Clover Mites, Cluster Flies, Drugstore Beetles, Elmleaf Beetles, Rice Weevils, Lesser Grain Borers, Spider Beetles and Tobacco Moths: Treat exposed stages. Remove all foodstuffs, utensils and shelf paper from area to be treated. Discard used shelf paper and any infested foodstuffs. Apply spray to shelves and in cracks and crevices behind and under cupboards and cabinets. Allow spray to dry prior to replacement of shelf paper, food and utensils.

Carpet Beetles: Spray on and under edges of floor coverings, under rugs and furniture and in closets or other localities where these insects are found.

Webbing Clothes Moths: Use this product as a crack and crevice treatment in closets and other storage areas where these pests are found. This is an adjunct treatment and will not control moth larvae already on clothes. Do not apply to clothing.

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STORAGE AND DISPOSAL

Storage: Do not store near heat or open flame. Store in a cool, dry area away from children.

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 for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

CAUTION: Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. 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 contaminated clothing and wash clothing before reuse.

Environmental Hazards

This product is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water.

FIRST AID

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 eye.
Call a poison control center or doctor for treatment advice.

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 SWALLOWED: Immediately call a poison control center or doctor.
Do not induce vomiting unless told to do so by the poison control center or doctor.
Do not give any liquid to the person.
Do not give anything by mouth to an unconscious person.

