

53883-29

10.23.2008

1/10



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Amy Warren
Product Registration
Control Solutions Incorporated
5903 Genoa-Red Bluff
Pasadena, TX 77507-1041

OCT 23 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
General Label Change
EPA Reg. No. 53883-29
Application Dated September 4, 2008

Dear Registrant

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 09/04/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in dark ink, appearing to read "Linda", is located below the word "Sincerely,".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2/10



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 53883-29	2. EPA Product Manager. George LaRocca	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Martin's Viper WP Insecticide	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Control Solutions, Inc. 5903 Genoa-Red Bluff Pasadena, TX 77507-1041 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. 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 _____	

NOTIFICATION
OCT 23 2003

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification to clarify the exact measurement of the scoop in oz. and tablespoons. See highlighted text at end of attached labeling. 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. I understand that it is a violation of 18 USC Sec. 1001 to willfully make any false statement to EPA. I further understand 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 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 type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal <input 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 type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Amy Warren		Title Regulatory Affairs Specialist		Telephone No. (Include Area Code) 800-242-5562	
Certification 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 (Stamped)
2. Signature 		3. Title Regulatory Affairs Specialist			
4. Typed Name Amy Warren		5. Date 09-04-2008			

3/10

CSI
CONTROL
SOLUTIONS
i n c o r p o r a t e d

September 4, 2008

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

Re: Notification per (PR) Notice 98-10, Clarification of oz. per scoop
EPA Reg. No. 53883-29 Martin's Viper WP

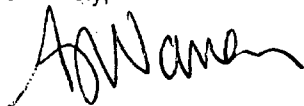
Dear Sir or Madam:

Enclosed is a Notification per (PR) Notice 98-10. We have clarified the scoop measurement on the alt. wording for our 1 lb packaging as requested by the Agency. This addition does not change the application rate. It simply clarifies how many ounces or tablespoons the scoop contains. Please see highlighted text on page 3.

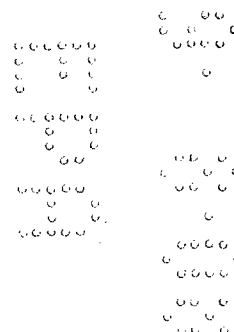
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 USC Sec. 1001 to willfully make any false statement to EPA. I further understand 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 I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,



Amy Warren
Regulatory Affairs Specialist



Viper WP

Insecticide

[Alt Name: Surrender brand Cyper WP Insecticide]

A Crack and Crevice and/or Spot Treatment for Residual and Contact Control of Ants, Carpenter Ants, Cockroaches, Crickets, Spiders, and Certain Other Insects.

For use by individuals/firms licensed or registered by the state to apply pesticide products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the pest control agency of your state prior to use of this product.

Active Ingredient:

Cypermethin¹

(+)-α-cyano-(3-phenoxyphenyl)methyl

(±)-cis, trans-3-(2,2-dichloroethenyl)-2,2-

dimethylcyclopropanecarboxylate*..... 40.0%

Other Ingredients:..... 60.0%

Total:..... 100.0%

*Cis/Trans ratio: 45/55 ± 10

¹ Synthetic pyrethroid

KEEP OUT OF REACH OF CHILDREN WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

See back (or side) panel for additional precautionary statements.

Net weight: _____

FIRST AID

If in Eyes:	<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. • Call a poison control center or doctor for treatment advice.
If on Skin or Clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin with plenty of soap and water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If Swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have a person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If Inhaled:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center for further treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact SafetyCall® International (866) 897-8050 for emergency medical treatment information.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING

Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear protective eyewear (goggles, face shield, or safety glasses). Harmful if swallowed, inhaled or absorbed through skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling. Remove contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and aquatic invertebrates. Do not apply to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Apply this product only as specified on this label. Care should be used when making applications to avoid household pets, particularly fish and reptile pets.

DIRECTIONS FOR USE

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

GENERAL INFORMATION

For crack and crevice or spot treatment for residual and contact pest control in, on, or around buildings and structures and their immediate surroundings and on modes of transport. Permitted areas of use include, but are not limited to, industrial buildings, houses, apartment buildings, laboratories, buses, and nonfood/feed areas of stores, warehouses, vessels, railcars, trucks, trailers, aircraft (cargo and noncabin areas only), schools, nursing homes, hospitals (non-patient areas), restaurants, hotels, and food manufacturing, processing, and service establishments.

Authorized by the USDA for use in inedible product areas in Federally inspected meat, poultry, and egg processing plants.

Viper WP Insecticide is intended for dilution with water for spray applications. Do not use strainers finer than 50 mesh size. Fill applicator tank with the desired volume of water and add Viper WP Insecticide. Close and agitate before use in order to ensure proper use suspension of the wettable powder. Shake and reagituate application equipment before use if application is interrupted. Make up only amount of treatment volume as required. Do not store dilution in application equipment overnight.

APPLICATION PROCEDURES

Recommended Application Rates:

Pests	Concentration of Active Ingredient	Dilution Rate
Ants Aphids ² Assassin Bugs ² Boxelder Bugs California Oakworm ² Centipedes Chiggers ^{2,3} Cockroaches (Maintenance) Crickets Earwigs Elm Leaf Beetles ² Firebrats Fleas ³ Flies ¹ Millipedes Mites ² Mosquitoes Pillbugs Silverfish Sowbugs Termites ⁴	0.1%	½ package per 1 gal. water [alt. wording for 1 pound package size: 1 scoop* per gal. of water]
Ants ² Bees Carpenter Ants Carpenter Bees Cockroaches (Clean-out) Fire Ant (Mounds) ² Scorpions Sod Webworms ² Spiders Ticks Wasps	0.2%	1 package per 1 gal. water [alt. wording for 1 pound package size: 2 scoops* per gal. of water]

*1 scoop = 0.33 oz. (9.5gm.) of Viper WP (equivalent to 2 level tablespoons).

- 1 Not for indoor use in California for fly control.
- 2 Not registered for use in California.
- 3 Outdoor use only.
- 4 Above ground only.

Cockroaches, Spiders, Crickets, Scorpions, Silverfish, Ticks and Firebrats

Apply as a coarse, low pressure treatment to areas where these pests hide, such as baseboards, corners, storage areas, closets, around water pipes, doors and windows, attics and eaves, cabinets, sinks, furnaces, stoves, behind and under refrigerators, the underside of shelves, drawers and similar areas. Pay particular attention to cracks and crevices; also see **Outdoor Surface Use**.

Ants

Apply to any trails, around doors and windows and similar areas where ants (including carpenter ants) may be found. Apply perimeter barrier treatments to prevent infestation as described below; also see **Outdoor Surface Use**.

Bees, Carpenter Bees and Wasps

Application to nests should be made in late evening when insects are at rest. Thoroughly treat nest and entrance, surfaces and surrounding areas where these insects alight; also see **Outdoor Surface Use**.

Assassin Bugs, Boxelder Bugs, Sowbugs, Pillbugs, Millipedes, Elm Leaf Beetle and Centipedes

Apply around doors and windows and similar areas where these, or similar perimeter pests, may be found or where they may enter premises. Treat baseboards, storage areas and other locations. Apply barrier treatments to prevent infestation as described below; also see **Outdoor Surface Use**.

Bees, Flies, Mosquitoes and Wasps

Apply directly to walls, ceilings, window screens and other resting areas as a residual surface treatment. May be used inside residential buildings as well as in and around carports, garages and storage sheds; also see **Outdoor Surface Use**.

Termites Above Ground

For control of termites, subterranean aerial colonies, Formosan aerial colonies or drywood termites in localized areas of infested wood structures, apply a 0.1% emulsion to voids and galleries in damaged wood and in spaces between wooden members of a structure and between wood and foundations where wood is vulnerable. Application may be made to inaccessible areas by drilling, and then injecting the emulsion with a crack and crevice injector into the damaged wood or void spaces. Application to attics, crawl spaces, unfinished basements, or man-made voids may be made with a coarse fan spray of 0.1% emulsion to control workers and winged reproductive forms of termites in mud shelter tubes. This type of application is not intended to be a substitute for soil treatment for extensive infestation of drywood termites or other wood-infesting insects. This treatment is intended to kill localized infestations of workers and winged reproductive forms of termites.

For termites active inside trees, utility poles and/or fence posts, drill to find the interior infested cavity and inject 0.1% emulsion using treatment tool with a splash back guard.

Termite carton nests in trees or building voids may be injected with 0.25%-0.50% emulsion using a pointed injection tool. Multiple injection points to varying depths may be necessary. It is desirable to physically remove carton nest material from building voids when such nests are found.

Food-Handling Establishments (For Use in Non-Food Areas Only):

Places other than private residences in which food is held, processed, prepared, or served: Viper WP Insecticide may be used as a general spot or crack and crevice treatment in nonfood areas of food handling establishments. Examples of nonfood areas include garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning or bottling).

Do not use Viper WP Insecticide in food areas of food handling establishments, restaurants or other areas where food is commercially prepared, processed or served. Food areas include areas where food is commercially prepared or processed, areas for receiving, storage, packing (canning, bottling, wrapping, boxing), preparing, edible waste storage and enclosed processing systems (mills, dairies, edible oils, syrups). Serving areas (when food is exposed and facility is in operation) also would be considered a food area.

Indoor Residential Use

Viper WP Insecticide may be used as a general spot or crack and crevice treatment in the home. All food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food should be covered or removed.

Outdoor Surfaces

For control of ants, aphids, assassin bugs, boxelder bugs, bees, centipedes, chiggers, chinch bugs, cockroaches, crickets, earwigs, firebrats, fleas, flies, millipedes, mites, mosquitoes, pillbugs, scorpions, silverfish, sowbugs, spiders, ticks, wasps, and other similar perimeter insect pests. Apply with either hand

or power application equipment as a residual treatment to surfaces of buildings, porches, screens, window frames, eaves, patios, refuse dumps, garages and other similar areas where these pests are found. Also, may be used as a spot treatment for applications to lawns in landscaped areas in and around residential, commercial, institutional and industrial buildings, and similar areas where these insect pests are active.

Fire Ants (Mounds)

For individual fire ant mounds, apply Viper WP Insecticide as a drench. Gently sprinkle (watering can) a total of one gallon over the surface of mounds up to 12 inches in diameter and two gals. for larger mounds. Thoroughly wet mound and surrounding area. Treat new mounds as they appear. Pressurized sprays may disturb the ants and cause migration. If possible, applications should be made on warm days after recent rainfall. All colonies in the vicinity should be treated, including those that have not yet constructed a mound.

Scorpions

Treat and remove accumulations of lumber, firewood and other materials which serve as harborage sites. Apply a coarse spray treatment to the point of drip.

Carpenter Ants

Apply as a coarse wet spray treatment, but avoid runoff around door frames, windows and similar areas where these ants enter premises or hide.

Sod Webworms

Apply as a spot treatment when pests first appear (do not apply as a broadcast spray). Delay watering or mowing the treated area for 12-24 hours after treatment. Use 1-5 gallons of solution per 800-1,600 sq. ft. when making application.

Barrier Treatment

To help prevent infestation of buildings, apply to a band of soil and vegetation 6-10 ft. wide around and adjacent to the building. Also, treat the building foundation to a height of 2-3 ft. where pests are active and may find entrance. Apply as a coarse spray treatment to thoroughly and uniformly wet the foundation and/or band area, using 1-5 gals. of treatment solution applied to 800-1600 sq. ft.

GENERAL RESTRICTIONS AND PRECAUTIONS

Do not apply this product in or on conduits, motor housings, junction boxes, switch boxes, or other live electrical equipment because of possible shock hazard. Let treated surfaces/areas dry before allowing humans and pets to contact surfaces/areas. For best results, thoroughly wash out sprayer and screen with water and detergent before using Viper WP Insecticide. Do not use this product with oil.

Viper WP Insecticide will not stain or cause damage to any painted or varnished surface, plastic, fabric or other surface when water applied alone causes no damage.

DO NOT APPLY THIS PRODUCT TO EDIBLE CROPS.

During any application to ceilings of a structure, cover surface below with plastic shielding or similar material.

Do not use as a space spray.

Use only in well ventilated areas.

Do not apply this product in any room being used as living, eating or recovery area by patients, the elderly, or inform when they are in the room.

Do not apply to classrooms when in use.

9/10

Do not apply to areas of institutions (including libraries, sports facilities, etc.) when occupants are present in the immediate treatment area.

Do not use in warehouses where raw or cured tobacco is stored.

Do not use in warehouses while raw agricultural commodities for food or feed are being stored.

Do not use in greenhouses on plants grown for food or feed, for sale or other commercial use, or for research purposes. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

Do not allow applications to contact water inhabited by fish, such as in aquariums and ornamental fish ponds that are located in/around structures being treated.

Do not apply to aircraft cabins.

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Do not reuse empty container.

STORAGE: Mix only as needed. Do not store diluted material. Do not store near food or feed. In case of spill on floor or paved surfaces, sweep up and remove to chemical waste storage area until proper disposal can be made.

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: Non-refillable container. Do not reuse or refill this container. After insuring that the packet is completely empty, crush and dispose of in trash container. Offer for recycling, if available. If recycling is not available; then dispose of container in a sanitary landfill or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Alt. instructions for 1 lb. containers. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling, if available. If recycling is not available; then dispose of container in a sanitary landfill or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

NOTE: CONTROL SOLUTIONS, INC. WARRANTS THAT THIS PRODUCT CONFORMS TO THE CHEMICAL DESCRIPTION ON THE LABEL THEREOF AND IS REASONABLY FIT FOR THE PURPOSES STATED ON SUCH LABEL ONLY WHEN USED IN ACCORDANCE WITH THE DIRECTIONS UNDER NORMAL USE CONDITIONS. IT IS IMPOSSIBLE TO ELIMINATE ALL RISKS INHERENTLY 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 APPLICATION, ALL OF WHICH ARE BEYOND THE CONTROL OF CONTROL SOLUTIONS, INC. IN NO CASE SHALL CONTROL SOLUTIONS, INC. BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER.

EXCEPT AS EXPRESSLY PROVIDED HEREIN, CONTROL SOLUTIONS, INC. MAKES NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND, EITHER EXPRESSED OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. BUYER'S OR USER'S EXCLUSIVE REMEDY, AND CONTROL SOLUTIONS, INC. TOTAL LIABILITY, SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

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Pasadena, TX 77507-1041

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