

53883-33

8/31/2009

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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

AUG 31 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change (Marketing Language)
EPA Reg. No. 53883-33
Application Dated August 13, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 08/13/09 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 black ink, appearing to read "Linda Arrington".

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

20910



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 53883 - 33	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Martin's Viper Insect Dust	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 _____	

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.

NOTIFICATION
AUG 31 2009

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

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.
Notification to add Optional marketing language.

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
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
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"/> on label	
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 08-13-09	

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August 13, 2009

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

Re: Notification per (PR) Notice 98-10, Optional Marketing Language
EPA Reg. No. 53883-33 Martin's Viper Insect Dust

Dear Sir or Madam:

Enclosed is a Notification for optional marketing language per (PR) Notice 98-10. See highlighted text in 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Warren". The signature is fluid and cursive.

Amy Warren
Regulatory Affairs Specialist

40910

[FRONT LABEL PANEL]

Martin's VIPER INSECT DUST

[alt. name Martin's Cow Calf Dust]
[alt. name Martin's Lice Killer]

(Optional Marketing Statements)

- (For use on poultry, dogs, cats, horses, swine, beef and dairy cattle)
- (Controls Lice, Mites, and certain other insects)
- (For use on beef and dairy cattle)
- (Controls listed Flies, Lice, Fleas, Mites, Ticks)
- (Controls A Wide Range of Insect Pests On Garden Vegetables As Listed)

For Outdoor Use on Home Gardens

KILLS OVER 60 INSECTS ON

- Vegetables
- Ornaments
- Fruits

CAN ALSO BE USED ON

- Dogs and Cats
- Livestock

ACTIVE INGREDIENT:

Permethrin (3-phenoxyphenyl) methyl (+/-) *cis*,
trans-3-(2,2-dichloroethenyl)-2,
 2- dimethylcyclopropanecarboxylate* 0.25%

INERT INGREDIENTS: 99.75%

TOTAL:100.00%

* *cis/trans* ratio: Min. 35% (+/-) *cis*
 Max. 65% (+/-) *trans*

CAUTION

KEEP OUT OF REACH OF CHILDREN

See back/side panels for additional precautionary statements

NET CONTENTS _____

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[BACK/SIDE LABEL PANEL]

NOTIFICATION

AUG 31 2009

- **READ ENTIRE LABEL BEFORE EACH USE**
- **FOR PET USE - USE ONLY ON CATS OR DOGS**

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Humans: Harmful if swallowed or if inhaled. Remove contaminated clothing and wash clothing before reuse. Avoid breathing dust. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before smoking or eating. Avoid contamination of feed and foodstuffs. **Animals:** Harmful if swallowed, inhaled. Consult a veterinarian before using this product on debilitated, aged, pregnant or nursing animals or animals on medication. Sensitivities may occur after using ANY pesticide product for pets. If signs of sensitivity occur bathe your pet with mild soap and rinse with large amounts of water. If signs continue, consult a veterinarian immediately.

FIRST AID	
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.	
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 inhaled	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 or doctor for further treatment advice.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and aquatic organisms. Do not apply directly to any body of water. Do not contaminate water when disposing of equipment washwater. This pesticide is toxic to honey bees and other beneficial pollinators exposed to an application. Do not apply when bees are actively visiting blooming plants (vegetables, flowers, fruit/ornamental trees). Do not allow this product to come in direct contact with beehives at any time.

60910

[BACK/SIDE LABEL PANEL]

DIRECTIONS FOR USE

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

BEEF AND DAIRY CATTLE AND HORSES: Can be used in dust bags, shaker can and mechanical dust applicator. **Horn Flies, Lice, Face Flies:** Place contents of this package in any commercially available dust bag, suspend bag in areas frequented by cattle or in gateways or lanes through which the animals must pass daily for water, feed, or minerals. Bags may also be placed in loafing sheds or in front of mineral feeders.

For dairy cows, bags may be suspended in the exit through which the cows leave the milking barn. The bags should hang 4 to 6 inches below the back line of the cattle. For reduction of Face Flies, bags must be located so animals will be forced to use them daily and hung at a height so that the face is dusted. **Horn Flies, Lice Direct Application:** Apply 2 oz. of dust per animal by shaker can over the head, neck, shoulders and back and tailhead. Repeat as necessary, but not more than once every three days.

HORSES: Dust horse for Horn flies with shaker can or dust glove along back, neck and legs.

SWINE: Lice on Swine Direct Application: Apply only 1 ounce per head as a uniform coat to the head, shoulder and back by use of a shaker can or suitable mechanical dust applicator. Repeat as necessary, but not more often than once every 10 days. In severe infestation, both animals and the bedding may be treated. Do not ship animals for slaughter within 5 days of treatment.

POULTRY: To control Northern Fowl Mites, apply at a rate of 1 lb. per 100 birds. Ensure thorough treatment of vent area.

PETS: To control Fleas, Ticks and Lice on Cats and Dogs. Use product only outside or in a well-ventilated area. Wearing household latex or rubber gloves dust animals thoroughly, working the dust into the hair down to the skin. Pay close attention to legs and feet. Use 1/2 oz. on animals 20 pounds and under and 1 oz. on pets over 20 pounds. Avoid getting dust in pets' eyes, nose, mouth, and genital areas. Reapply every three weeks as needed. Do not use on cats or dogs under twelve (12) weeks of age. Dust sleeping area including bedding and cracks and crevices.

STORAGE AND DISPOSAL

PESTICIDE STORAGE: Store in original container. Keep area inaccessible to children and pets.

DISPOSAL: If empty: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Do not rinse unless required for recycling. 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.

If partly filled: Call your local solid waste agency for disposal instructions. Never pour unused product down any indoor or outdoor drain or on the ground.

[BACK/SIDE LABEL PANEL]**HOME GARDENS: FOR USE ON HOME GARDENS. NOT FOR USE ON PLANTS BEING GROWN FOR SALE OR OTHER COMMERCIAL USE.**

Wearing household latex or rubber gloves, use a dust applicator such as a shaker can, dust gun, puffer or other bulbous duster, rotary duster or other appropriate duster as available. Start applying at the farthest corner of the treatment area and work backward to avoid contact with dusted surfaces. Dust lightly to cover both upper and lower leaf surfaces with a thin, even film of dust. (Many insects hide on the underside of the leaf).

Apply when air is calm to avoid drift and contact with eyes and skin.

Controls a wide range of insect pests. Use at first signs of insect infestation, preferably before damage from feeding occurs. **Note the pre-harvest (time between use and harvest) interval with each crop listed.**

VEGETABLES: DIRECTIONS FOR APPLICATION

CROP	TARGET PEST	REMARKS
Asparagus	Cutworm Complex, Asparagus Beetle	Dust lightly. Apply up to 4 times per season. May be applied until 1 day before harvest.
Broccoli, Brussel Sprouts, Cauliflower	Cabbage Looper, Imported Cabbageworm, Diamondback Moth, Cabbage Aphid	Dust lightly. Apply up to 8 times per season. May be applied until 1 day before harvest.
Cabbage	Cabbage Looper, Imported Cabbageworm, Diamondback Moth, Cabbage Aphid	Dust lightly. Apply up to 5 times per season. May be applied until 1 day before harvest.
Cucumber, Muskmelons, Pumpkin, Squash, Watermelon	Leafminer, Squash Bug, Cabbage Looper, Cucumber Beetle (adult), Cutworm, Melon Worm, Pickle Worm, Plant Bug (including Lygus And Stink Bug), Rindworm, Squash Vine Borer	Dust lightly. Apply up to 8 times per season. May be applied until harvest.

80910

[BACK/SIDE LABEL PANEL]

Celery, Lettuce (head and leaf), Parsley, Rhubarb, Spinach	Vegetable Leafminer, Cabbage Looper, Cutworm Complex, Fall Armyworm, Beet Armyworm, Corn Earworm, Leafhopper, European Corn Borer	Dust lightly. Apply up to 5 times per season. May be applied until 1 day before harvest.
Eggplant	Colorado Potato Beetle, Vegetable Leafminer, Cabbage Looper, Flea Beetle	Dust lightly. Apply up to 10 times per season. May be applied until 3 days before harvest.

CROP	TARGET PESTS	REMARKS
Onions (Dry bulb and Garlic)	Onion Thrips, Armyworm, Cutworm, Leafminer, Onion Maggot (adult), Stink Bug	Dust lightly. Apply up to 6 times per season. May be applied until 1 day before harvest.
Peppers (Bell)	Pepper Weevil, Vegetable Leafminer, Cabbage Looper, Flea Beetle, European Corn Borer	Dust lightly. Apply up to 8 times per season. May be applied until 3 days before harvest.
Potatoes	Colorado Potato Beetle, Potato Leafhopper, Aster Leafhopper, Potato Flea Beetle, Potato Aphid, Potato Tuberworm, Potato Psyllid, Cabbage Looper	Dust lightly. Apply up to 8 times per season. May be applied until 14 days before harvest.
Sweet Corn	Corn Earworm, European Corn Borer, Fall Armyworm, Southern Armyworm, Corn Rootworm (adult), Cutworm, Aster Leafhopper, Flea Beetle	Dust lightly. Apply up to 6 times per season. May be applied until 1 day before harvest.

[BACK/SIDE LABEL PANEL]

Tomatoes	Tomato Fruitworm, Cabbage Looper, Tomato Pinworm, Vegetable Leafminer, Beet Armyworm, Southern Armyworm, Colorado Potato Beetle, Granulate Cutworm, Hornworm	Dust lightly. Apply up to 6 times per season. May be applied until day of harvest.
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ORNAMENTALS: DIRECTIONS FOR APPLICATION

CROP	TARGET PESTS	REMARKS
Asparagus Fern	Japanese Beetle, Asparagus Beetle, Lygus Bug	Dust lightly. Apply to the fern stage of asparagus plant after speer harvest when adult stage of the asparagus beetle, lygus bugs and the adult stage of the Japanese beetle are present.
Roses	Beet Armyworm, Cabbage Looper, Omnivorous Leafroller	Dust lightly.

TREE CROPS: DIRECTIONS FOR APPLICATION

Dust lightly, using a dust gun or rotary duster.

CROP	TARGET PESTS	REMARKS
Apples	Apple Aphid, Redbanded Leafroller, Obliquebanded Leafroller, Plum Curculio, White Apple Leafhopper, Spotted Tentiform Leafminer, Tarnished Plant Bug	Dust lightly. Do not apply after petal fall.

[BACK/SIDE LABEL PANEL]

Peaches	Peach Twig Borer, Oriental Fruit Moth, Green Fruitworm, Lesser Peachtree Borer, Plum Curculio, Tarnished Plant Bug	Dust lightly. Apply up to 5 times per season. May be applied until 14 days before harvest.
Walnuts	Navel Orangeworm, Codling Moth, Walnut Husk Fly	Dust lightly. Apply up to 8 times per season. May be applied until 1 day before harvest.

WARRANTY STATEMENT

Read the entire Directions for Use and Warranty before using this Product. By using this product, user or buyer accepts the following warranty.

[[The directions for use of this product are believed to adequate and must be followed carefully. It is impossible to eliminate all risks associated with the use of this product. Unintended consequences may result because of unknown factors. All such risks shall be assumed by the user or buyer.]]

Control Solutions Inc. is committed to providing high quality products. To the extent consistent with applicable law, Control Solutions Inc. makes no warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond statements on this label. To the extent consistent with applicable law, Control Solutions Inc., the manufacturer, or the Seller shall not be liable for indirect, special, incidental or consequential damages. To the extent consistent with applicable law, the exclusive remedy of the user or buyer shall not exceed the purchase price paid.]

CONTROL SOLUTIONS, INC.
5903 GENOA-RED BLUFF
PASADENA, TEXAS 77507-1041
PHONE: (281) 892-2500

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EPA Establishment No. 44616-MO-1