

53883-39

9/1/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

SEP 01 2010

Don O'Shaughnessy, Ph.D.
Agent for Control Solutions, Inc.
c/o D. O'Shaughnessy Consulting, Inc.
427 Hide Away Circle
Cub Run, KY 42729

SUBJECT: Application for Pesticide Notification per PR Notice 98-10: Addition of Optional
Marketing Language
Martin's Surrender Permethrin Granules
EPA Reg. No. 53883-39
Application Dated June 12, 2009

Dear Dr. O'Shaughnessy:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 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 requested falls within the scope of this PRN. The label that was submitted with the above application is acceptable, date-stamped "Notification", and will be placed in our records.

If you have any questions, please call me directly at 703-305-5335 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in cursive script that reads "Rachel C. Holloman".

Paul Mastradone, Ph.D. *PM*
Notifications & Minor Formulations Team Leader, Acting
Registration Division (7505P)
Office of Pesticide Programs

2009

Please read instructions on reverse before completing form.

Form Approved: JMB No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 53883 - 39	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Martin's Surrender Permethrin Granules	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 _____	NOTIFICATION SEP - 1 2010
<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 add optional marketing language per PR Notice 98-10. See highlighted text on 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
* 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
2. Signature 		6. Date Application Received (Stamped)
3. Title Regulatory Affairs Specialist		
4. Typed Name Amy Warren	5. Date 06-12-09	

D# #16407

309



June 16, 2009

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
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
EPA Reg. No. 53883-39**

Dear Sir or Madam:

Enclosed is a Notification for Optional Marketing Language. See highlighted text, "Controls listed pest for up to 4 weeks" on page 1. This is a slight rewording of already approved label language. Please see already approved statement "Up to 4 week control" also on page 1 of the label.

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.

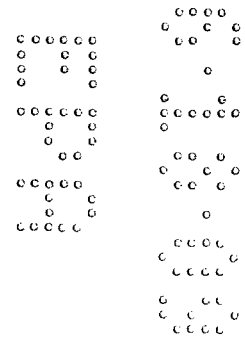
Enclosed please find:

1. Application for Pesticide (EPA Form 8570-1)
2. Copy of Label

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Amy Warren
Regulatory Affairs Specialist



4089

Updated Storage and Disposal

NOTIFICATION

Treats up to 5000 sq. Ft.

SEP - 1 2010

(OPTIONAL MARKETING LANGUAGE)
Treats Up To 13 Fire Ant Mounds [4 lb size only]

(OPTIONAL MARKETING LANGUAGE)
MARTIN'S SURRENDER PERMETHRIN GRANULES contains permethrin, a long lasting insecticide which provides contact and residual control for up to 4 weeks of troublesome outdoor insect pests. Controls grubs and other listed root feeding insects.

(OPTIONAL MARKETING LANGUAGE)

SPREADER SETTINGS

Spreader Settings to Apply at Listed Rate (pounds per 1000 sq. ft.)

Drop Spreaders: 2 lbs		Rotary Spreaders: 2 lbs	
Ames	12	Ames	12
Earthway Model 73008	12	Earthway	12
Precision Red Devil	1	Precision Red Devil	1
Scotts Accugreen AG-3	2	Cyclone SB3000	6
Scotts EvenGreen EV-1	6	Scotts EasyGreen EG-3	26
Scotts PrecisionGreen PF-4	5	Scotts Speedygreen SG-3	5

Martin's Surrender Permethrin Granules

Lawn Insect Control

[alt. name: Martin's Lawn & Perimeter Granules]

Kills on contact * Up to 4 week control * Controls listed pest for up to 4 weeks * Protects your home from invading ants * Also stops [kills (optional wording)] spiders, roaches, ants, fleas, brown dog ticks * Grub Control * Ready to use * Use on All Types of Lawns

Kills: Grubs, Fleas, Ants, Crickets, Brown Dog Ticks, Fire Ants, Chinch Bugs, Armyworms, Billbugs, Cutworms, Earwigs, Sod Webworms and other listed insects

Active Ingredient

Permethrin [* (3-phenoxyphenyl)methyl (±) cis-trans-3-(2,2-dichloroethenyl)-2,2-Dimethylcyclopropanecarboxylate] 0.25%

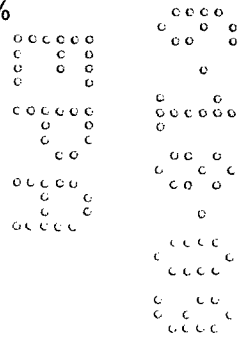
Inert Ingredients 99.75%

Total 100.00%

*cis-trans isomer ratio: min 35%(±) cis, max. 65% (±) trans.

KEEP OUT OF REACH OF CHILDREN
CAUTION

See additional precautionary statements on back of bag.



5019

Updated Storage and Disposal

Net Weight: Ten Pounds

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
CAUTION

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid inhalation of dust. Avoid contact with skin, eyes or clothing. Wash thoroughly after handling. Avoid contamination of food and feed.

STOP. READ ENTIRE LABEL BEFORE USE.

FIRST AID	
Have the product container or label when calling a poison control center or doctor, or going for treatment.	
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. • Call a poison control center or doctor for treatment advice.
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 eye. • Call a poison control center or doctor for treatment advice.
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 or doctor for further treatment advice.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish. Do not apply directly to water. Drift and runoff from treated areas may be hazardous to aquatic organisms in treated areas. Do not contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

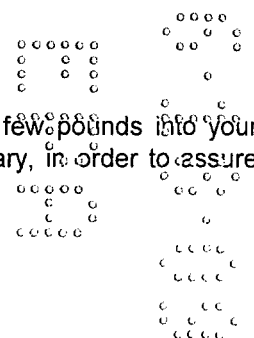
It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For outdoor use around the home only.

Three Easy Steps to Use this Product

- Step #1: Determine size of the job, measure the area to be treated.
- Step #2: Use spreader setting chart to determine appropriate setting for your spreader.
- Step #3: Treat as directed in rate chart. Thorough coverage is important. Water in granules where indicated.

Food utensils such as teaspoons and measuring cups should not be used for food purposes after use with pesticides.

Note: The spreader settings listed below are approximate. Accurately weigh a few pounds into your spreader and apply to a measured area. Then adjust spreader setting if necessary, in order to assure correct rate of application.



7 of 9

Updated Storage and Disposal

Directions for Applying Martin's Surrender Permethrin Granules

Treatment Areas	Target Pest	Remarks	Use Rate
Band Treatment Around House Foundation	Ants, Fleas, Brown dog ticks, Millipedes, Clover mites, Roaches, Spiders, Silverfish, Sowbugs (Pillbugs), Crickets, Earwigs	These pests are commonly found around or near foundations of houses as well as in lawns. Certain of these pests may enter houses. Apply a 5-foot band of granules uniformly. Water lightly after application.	3.2 oz. For each 100 sq. ft. area (5' by 20')
Overall Lawn Application for Grass and Dichondra Lawns	Ants, Armyworms, Brown dog ticks, Chinch bugs, Clover mites, Crickets, Cutworms, Earwigs, Fleas, Lawn moths (sod webworms), Leafhoppers, Millipedes, Sowbugs	Apply with a fertilizer spreader. See spreader setting chart on the side of bag. Apply when grass is dry. Water lawn lightly after application.	For application with other types of equipment, apply at the rate of 2 lbs. per 1000 sq. ft. (an area 20' by 50') or 3.2 oz. per 100 sq. ft. (an area 10' by 10'). For heavy lawns such as St. Augustine grass, the rate should be increased to 3 lbs. per 1000 sq. ft. (or 4.8 oz. per 100 sq. ft.)
	Grubs, Japanese beetle grubs, Ataenius spretulus (dung beetles)	Water grass thoroughly after application. For billbug control, apply when activity is first observed or when chewed or brown grass indicates damage from these insects. For grub control, except dung beetle, treat any time between late July and early October. For dung beetle grub control, apply in spring or early summer when damage is first noticed. Water grass thoroughly with 1/4 - 1/2 inches of water after application. Treat again in late summer or early fall if a second generation occurs.	Apply 2.5 lbs. per 1000 sq. ft. of lawn.
Spot Treatment	Ants	Water lightly after application.	Apply 1 1/2 teaspoons over and around each ant hill.
	Fire Ants	Immediately after application, water in thoroughly. A minimum of 1 gallon of water should be applied to each mound area. Apply gently to avoid disturbing ants. Use of high pressure watering equipment may disturb the ants and cause migration, reducing product effectiveness. Note: For best results, apply in cool weather, 65 - 80F, or in early morning or late evening hours. Treat new mounds as they appear.	Apply 1 cup over, and 2 ft. around each fire ant mound.

Small circular marks or artifacts at the bottom right of the page.

Updated Storage and Disposal

(OPTIONAL DIRECTIONS)

OPTION A

BAND TREATMENT AROUND HOUSE

General Directions

The following pests are commonly found around or near foundations of houses as well as in lawns. Some of these pests may enter the home. Apply a 3 to 5 foot band of granules next to the house's foundation.

INSECTS: Ants, Fleas, Brown dog ticks, Clover mites, Crickets, Earwigs, Millipedes, Sowbugs (Pillbugs)

RATE: 3.2 oz. for each 100 sq. ft. area (5 ft. by 20 ft.)

HOW TO USE: Distribute granules evenly. Water lightly after application.

SPOT TREATMENT FOR ANTS

RATE: Apply 1 - 1/2 teaspoons over and around each ant hill.

HOW TO USE: Water lightly after application.

OPTION B

BAND TREATMENT AROUND HOUSE

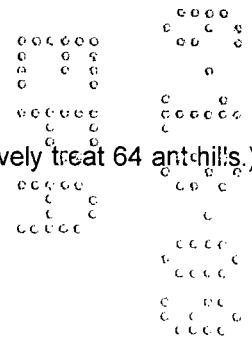
1. MARTIN'S SURRENDER PERMETHRIN GRANULES kills ants, as well as fleas, brown dog ticks, clover mites, crickets, earwigs, millipedes, roaches, sowbugs (pillbugs), spiders, silverfish and other pests.
2. Break the seal and open the pop-top cap.
3. Evenly sprinkle granules in a 3 to 5 foot wide band along the foundation of your home. Granules should be spaced like the ones pictured below (show picture). Use rate = 3.2 oz. for each 100 sq. ft. Area (5'x 20').
4. Gently water treated areas.

USE TIPS

1. Try to get even coverage throughout your "barrier band".
2. Reapply after hard rains to areas where down spouts empty.

SPOT TREATMENT FOR ANTS

1. Evenly sprinkle granules over and around each ant hill.
2. Use 1/2 oz. (1 - 1/2 teaspoons) per ant hill. (NOTE: This package will effectively treat 64 ant hills.) [The note is for a 2 pound package.]
3. Gently water treated areas.



9089

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container in a dry place. Store in locked area out of reach of children.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spilled bait, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for Guidance.

Container Disposal: Non-refillable container. Do not reuse or refill this container. Empty container through use according to label instructions. 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.

[WARRANTY

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, TX 77507-1041

EPA Reg. No. 53883-39
EPA Est. No. 53883-TX-002

