

61483-65

11/30/2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Hubert R. O'Neal, PhD
KMG-Bernuth, Inc.
9555 W. Sam Houston Pkwy S., Suite 600
Houston, TX 77099-2145

NOV 30 2011

Dear Dr. O'Neal:

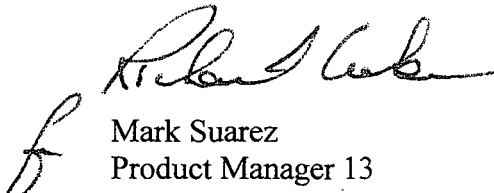
Subject: Application for Pesticide Notification (PRN 98-10)
Specify Nitrile protective gloves and glove thickness
Avenger Insecticide Cattle Ear Tag
EPA Reg. No. 61483-65
Your submission dated September 15, 2011

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated September 15, 2011 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds the action requested falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions regarding this letter, please contact Dana Pilitt, PhD of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,


Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7505P)

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United States EPA Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number c c c c c c c c c c
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Application for Pesticide - Section 1

1. Company/Product Number 61483-65	2. EPA Product Manager Mark Suarez	3. Proposed Classification c c c c c c c c c c c c <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Avenger Insecticide Cattle Ear Tag	PM# 13	
5. Name and Address of Applicant (Include Zip Code) KMG-Bernuth, Inc. 9555 W Sam Houston Pkwy S. Ste 600 Houston, Texas 7709-2145 <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 March 10, 2009
<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

NOV 30 2011

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


Submission of label to specify minimum thickness of Nitrile gloves in accordance with CA requirements

"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 U.S.C. 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	
* Certification must be submitted		If "Yes" Unit Packaging Wt.	No. per container	If "Yes" Package Wt.	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	
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 Dr. Hubert R. O'Neal	Title Regulatory Consultant	Telephone No. (Include Area Code) (713) 819-3932
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 Consultant	
4. Typed Name Dr. Hubert R. O'Neal	5. Date 9/15/2011	



September 15, 2011

Document Processing Desk (NOTIF)
Office of Pesticides Programs (7505P)
U. S. Environmental Protection Agency
ATTN: MARK SUAREZ PM 13
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460-0001

Re: Notification of Label Change
Avenger Insecticide Cattle Ear Tag
EPA Registration No. 61483-65

Dear Mr. Suarez:

Enclosed are the following documents in accordance with notification of change of label language to specify the minimum thickness of chemical-resistant Nitrile gloves, to be used by handlers and applicators for the subject product. This change is necessary based on the results of the State of California Worker Health and Safety Branch's Pesticide Product Label Evaluation dated March 7, 2011 (received by myself September 15, 2011. Specifically enclosed are the following documents:

- . EPA Form 8570-1 (Rev 3-94),
- . Copy of the label marked to show the change (page 1 of the label)
- . Two copies of the label without the high light marking
- . Copy of the State of California Worker Health and Safety Branch Pesticide Product Label Evaluation dated September 15, 2011. Note the specific language Required on Page 2 under **Basis For Proposed Action.**

"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 U.S.C. 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."

KMG-Bernuth requests an expedited review of this notification as timing for printing labels and producing product is eminent.

If you have any questions, please contact me 713-819-3932 or hroneal@suddenlink.net.

Sincerely

Hubert R. O'Neal, PhD

KMG-Bernuth, Inc. 9555 W. Sam Houston Pkwy S., Suite 600, Houston, TX 77099-2145

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AVENGER

Insecticide Cattle Ear Tag

For use on Beef and Lactating Dairy Cattle to control Horn Flies (including pyrethroid-resistant populations), Gulf Coast Ticks, Spinose Ear Ticks, and as an aid in the control of Face Flies, Lice, Stable Flies and House Flies.

NOTIFICATION

Active Ingredient:
Endosulfan (CAS No. 115-29-7) 30.0%
Other Ingredients 70.0%
Total 100.0%

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Keep Out of Reach of Children
WARNING

Precautionary Statements

Hazards to Humans

WARNING. May be fatal if swallowed. Causes substantial but temporary eye injury. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Do not get in eyes or on clothing. Wear chemical-resistant nitrile gloves of at least 0.3 mm (~12 mil) thickness (for example MAPA® Advantech Stansolv® A-10 CR519) and protective eyewear (goggles, face shield or safety glasses).

Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates and toxic to birds and mammals. Do not apply directly to water. Do not contaminate water by disposal of used tags. Use this product only as specified on this label.

First Aid

If swallowed:

- Call a poison control center or doctor immediately for treatment advice.
- Have person sip a glass of water if able to swallow.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious or convulsing person.

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.

9-15-2011

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-322-8177 for emergency medical treatment information.

Note to Physician

Endosulfan is a central nervous stimulant absorbable by mouth, inhalation or through contact with skin. It may cause convulsions. There is no specific antidote. Diazepam I.V. is the drug of choice. Barbituric acid derivatives such as Phenobarbital may be used additionally. A neuromuscular blocking agent may be used if convulsions persist. This type of drug may be used *only* if complete control of respiration can be maintained. Epinephrine derivatives are absolutely contraindicated.

Net Weight: 15 grams per tag (0.53 oz. per tag)
Contents: 2 pouches of 10 tags
2 bags of 10 rivets

KMG-Bernuth, Inc.
9555 W. Sam Houston Pkwy S., Ste 600
Houston, TX 77099-2145
U.S.A.
(800) 322-8177

Directions for Use

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

IT IS UNLAWFUL TO USE THIS PRODUCT AFTER JULY 31, 2016

For adequate control of horn flies, attach one tag per animal (see figures 1-5 below). For optimum control of horn flies, control of ear ticks, and as an aid in the control of face flies, lice, stable flies and house flies, attach one tag to each ear (two tags per animal). Replace as necessary. These tags have been proven to be effective against pyrethroid-resistant horn flies for up to five months. Calves less than 3 months of age should not be tagged as ear damage may result. Remove tag prior to slaughter.

Storage and Disposal

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

Pesticide Storage: Store in a cool place in original container. Opened pouches containing ear tags should be resealed for storage.

Pesticide Disposal: Spent tags resulting from the use of this product may be disposed of on-site or at an approved waste disposal facility.

Container Disposal: Nonrefillable container. Do not reuse or refill this container. Dispose of empty pouch in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Warranty and Limitation of Damages

Seller warrants that this material conforms to its chemical description and is reasonably fit for the purposes stated on the label when used in accordance with direction under normal conditions of use and Buyer assumes the risk of any use contrary to such directions. Seller make no other express or implied warranty, including any other express or implied warranty of Fitness or of Merchantability, and no agent of Seller is authorized to do so except in writing and with a specific reference to this warranty. In no event shall Seller's liability for any breach of warranty exceed the purchase price of the material as to which a claim is made.

EPA Reg. No. 61483-65
EPA Est. No. 61483-KS-001

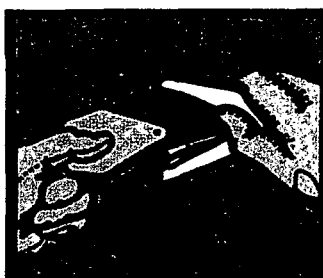


Figure 1

Disinfect pliers prior to use.
Place female tag under clip
by depressing spring.
Collar on tag must be pointing
down.

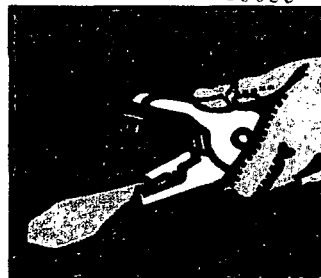


Figure 2

Slide male rivet on pin.
Align tip of male rivet with
hole in female portion of
tag. Tag and rivet are now
ready for application.

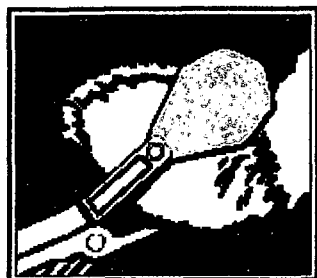


Figure 3

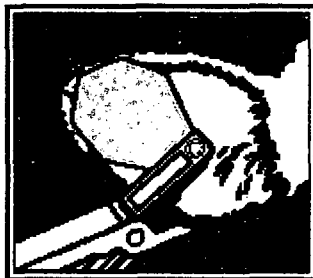


Figure 4

Position tag on the inner flat surface in center of ear.
Do not allow shaft of the male rivet to penetrate any
cartilage rib or blood vessel or ear damage may result.
We recommend that the tag be rotated at a 90° angle to
the pliers (Figure 3) for ease of application. Tag may
also be extended outward from the pliers in a straight
manner (Figure 4).

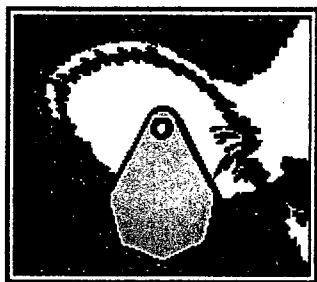


Figure 5

When properly positioned,
the tag should hang as
shown.

