

61483-78

12/8/2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

DEC - 8 2011

Hubert R. O'Neal, PhD
KMG-Bernuth, Inc.
9555 W. Sam Houston Pkwy S., Suite 600
Houston, TX 77099-2168

Dear Dr. O'Neal:

Subject: Application for Pesticide Notification (PRN 98-10)
Comply with State of California requirements (exclude use on Spinose Ear Ticks,
Lice, Stable Flies and House Flies in California)
Terminator II Insecticide Cattle Ear Tag
EPA Reg. No. 61483-78
Your submission dated November 4, 2011

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated November 4, 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,

Dana R. Pilitt

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

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

1. Company/Product Number 61483-78	2. EPA Product Manager Richard Gebken	3. Proposed Classification
4. Company/Product (Name) Terminator II Insecticide Cattle Ear Tag	PM# 10	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (Include Zip Code) KMG-Bernuth, Inc. 9555 W Sam Houston Pkwy S. Ste 600 Houston, Texas 7709-2168 <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, 2006
<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.)

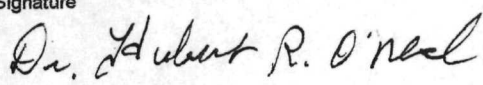
Submission of label to correct inadvertent deletion of pest indications not registered in California.

"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 <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (specify _____)		
* Certification must be submitted		if "Yes" Unit No. per Packaging Wt. 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 November 4, 2010	

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November 4, 2011

Document Processing Desk (NOTIF)
Office of Pesticides Programs (7504P)
U. S. Environmental Protection Agency
ATTN: RICHARD GEBKEN PM 10
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460-0001

Re: Terminator II Insecticide Cattle Ear Tag
EPA Registration No. 61483-78

Dear Mr Gebken:

Enclosed are the following documents in accordance with notification of correction of label language to indicate compliance with the State of California requirements.

- . EPA Form 8570-1 (Rev 3-94) dated November 4, 2011,
- . Copy of the label marked to show the changes,
- . ~~Two~~ ^{one} copies of the unmarked 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 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.”

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

Sincerely

Dr Hubert R. O'Neal
Hubert R. O'Neal, PhD

TERMINATOR II

INSECTICIDE CATTLE EAR TAG

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

KEEP OUT OF REACH OF CHILDREN

NOTIFICATION

WARNING

See Side Panel for Precautionary Statements

This product contains the toxic other ingredient Di-(2-ethylhexyl) adipate.

Active Ingredient	By Weight
Diazinon (CAS No. 333-41-5).....	20.0%
Other Ingredients:.....	80.0%
Total:.....	100.0%

NOTIFICATION

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*Not Registered For Use On This Pest In California.

FIRST AID	
Contains an organophosphate that inhibits cholinesterase.	
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 swallowed	<ul style="list-style-type: none"> • 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.
HOT LINE NUMBER	
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	
This product is a cholinesterase inhibitor. If symptoms of cholinesterase inhibition are present, atropine sulfate by injection is antidotal. 2-PAM is also antidotal and may be administered, but only in conjunction with atropine.	

Net Weight: 15 Grams per Tag

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS. WARNING.

May be fatal if absorbed through skin. Harmful if swallowed. Causes moderate eye irritation. Do not get in eyes, on skin, or on clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Wear chemical-resistant gloves made of rubber or any waterproof material (thickness equal to or greater than 14 mils) when applying tags.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes and socks
- Chemical-resistant gloves made of rubber or any waterproof material (thickness equal to or greater than 14 mils)

USER SAFETY REQUIREMENTS

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washable exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to birds, fish, and other wildlife. Do not apply directly to water. Do not contaminate water by disposal of used tags.

DIRECTIONS FOR USE

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

Reformulation or repackaging of this product is prohibited.

For optimum pest control, attach one tag to each ear (two per head) when pests first appear. Replace as necessary. This product has been proven effective against pyrethroid resistant horn flies for three months. Apply with the Allflex® Tagging System (Figures 1-4). Calves less than 3 months of age should not be tagged as ear damage may result. Tags should be removed prior to slaughter.



Figure 1.

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

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Figure 2.

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



Figure 3.

Position tag on the flat surface in center of ear. Do not allow shaft of the male button to penetrate any cartilage rib or blood vessel or ear damage may result.



Figure 4.

When properly positioned, the tag should hang as shown.

STORAGE AND DISPOSAL

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

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

Pesticide Disposal: Waste (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 landfill or by incineration. Do not burn unless allowed by state and local ordinances. 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 directions under normal conditions of use and Buyer assumes the risk of any use contrary to such directions. **Seller makes 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.

*Not registered for use in California.

Manufactured By:
KMG-Bernuth, Inc.
Houston, TX 77099 U.S.A.
(800) 322-8177

EPA Reg. No. 61483-78
EPA Est. No. 61483-KS-01