64405-6

11/20/2012



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

> OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Dr. Janet Kintz-Early Nisus Corporation 100 Nisus Drive Rockford, TN 37853

NOV 2 0 2012

Subject: Label Notification(s) for Pesticide Registration 98-10

Dear Dr. Kintz-Early:

Subject: Notification to Make Label Changes EPA Registration Number: 64405-6 Date of Submission: May 16, 2012

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated May 12, 2012 for the product RTU Flea Spray. 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 Confidential Statement of Formula (CSF) and/or label submitted with the application has (have been stamped "Notification" and will be placed in our records.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely. Mark Suarez

Product Manager 13 Insecticide Branch Registration Division (7504P)

Please read instructions on reverse	e before completu		Form Approv	red, 🤇 No. 2070-	-0060	2/
	United States			stration		entifier Number
EPA	Environmental Protection	on Agency	_ •	ndment		
	Washington, DC 204	460		r - Notification	n	
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1. Company/Product Number			roduct Manager		3. Proposed C	lassification
	05-6		Mark Suarez			
4. Company/Product (Name) RTU Flea Spray		PM#	13		None None	Restricted
5. Name and Address of Applica		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(I), my				
Nisus Corporation		f	is similar or identic	n 1 4 - n	and labeling to:	
100 Nisus Drive		. EPA R	eg. No	14032550		
Rockford TN 37853	Produc	t Name	1/0V 2	8 2012		
Check if this is a n	ew address					
<u> </u>		Sectio				
Amendment – Explain below			· · · · · · · · · · · · · · · · · · ·	labels in response to	o Agency letter da	ted
Notification - Explain below.	o Agency letter dated	<u> </u>	Me Too" App			
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Notification

May 16, 2012

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

Attn: Mark Suarez, PM 13

Subject: Notification per PR Notice 98-10 to add "patent pending," add additional package sizes with corresponding storage and disposal directions and add a common name to the label as clarification to satisfy the State of California per PR Notice 98-10.

Dear Dr. Suarez:

I am submitting a notification for the product RTU Flea Spray EPA Reg. No. 64405-6. All changes are highlighted and shown on the enclosed label.

Enclosures

• EPA form 8570-1

1 copy of the revised label with changes highlighted

If you have any questions regarding this submission, please contact me at 865.577.6119 or janete@nisuscorp.com.

G

ceccu

Sincerely, for Nisus Corporation

Dr. Janet Kintz-Early Senior Entomologist Regulatory Affairs



100 Nisus Drive Rockford, TN 37853 800.264.0870 865.577.6119 fax 865.577.5825 www.nisuscorp.com

64405-6: Page 1 of 5 02/23/2011 SAL, 12/5/11 EPA requested changes & 5/1/12 CAL requested changes Additions are Underlined, in the second seco

RTU Flea Spray®

[{Select marketing claims from "Marketing Claims" section}]

 Active Ingredient:
 8.5%

 Disodium Octaborate Tetrahydrate (CAS No. 12008-41-2)
 8.5%

 Other Ingredients
 91.5%

 Total
 100.0%

 EPA Reg. No. 64405-6
 EPA Est. 64405-TN-1

 LOV 2 B 2012

U.S. Patent No.

Keep Out of Reach of Children CAUTION

Net Contents: ___ Gallon(s) (__<u>Liters)</u> {5 fl. oz., 1 quart, 1 gallon, 5 gallons, 50 gallons and 250 gallons} Net Weight: ___ Pound(s) (___Kilos)

(Back Panel)

Notice

Read and understand the entire label before using. Use only according to label directions.

Before buying or using this product, read *Warranty Disclaimer* and *Limitation of Remedies* statement found elsewhere on this label. If terms are unacceptable, return unopened package to seller for full refund of purchase price. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under *Warranty Disclaimer* and *Limitation of Remedies*.

DIRECTIONS FOR USE

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

Product Information

Do not use in edible product areas of food handling establishments, restaurants or other places where food is commercially prepared. Do not use in serving areas while food is exposed. Do not contaminate feed and foodstuffs. Do not enter or allow others to enter treated areas until spray has dried. Treated areas must not be occupied during application. In hospitals, patients must be removed prior to treatment of the area. Ventilate area for 2 hours before returning patients.

Do not apply **RTU Flea Spray** to wood floors, linoleum or ceramic tile surfaces due to the possible creation of a slippery surface or light residue. Do not walk on surfaces treated with **RTU Flea Spray** until completely dry. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

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Application Instructions

Thoroughly vacuum all furniture, upholstery, carpeting, rugs and pet bedding before application. Seal and discard vacuum bag and collected debris. Remove people and pets during product application and allow treatment to completely dry before reintroducing people or pets into treated areas. Best results are obtained when combined with a simultaneous treatment of pets using a product approved for use on pets. Although **RTU Flea Spray** will kill adult fleas [within 48 to 72 hours], better knock-down of adult fleas may be obtained by simultaneous use of another approved insecticide.

Apply to carpets, area rugs, draperies, upholstery and floor cracks. Apply using a fine, uniform spray to carpets and area rugs at the rate of one [(1)] gallon of solution per 750 to 1,250 square feet of surface, depending upon density and thickness. **Treat to dampness but do not saturate.** Entire rug and carpeting areas may be treated.

Pay particular attention to application of pet bedding and resting areas. Apply in cracks and crevices along baseboards and [around floor coverings as well as] under furniture and furniture cushions. Cement and concrete floors may also be treated using a rate of one [(1)] gallon of solution per 1,250 square feet of surface area. Note: Freshly treated concrete floors may be slippery.

Carpet Beetles, Dust Mites and Household Fungus (Mildew): Thoroughly vacuum before treatment and seal and discard bag with collected debris. Apply as a fine, uniform spray to affected areas of carpets, rugs or upholstery at the rate of one [(1)] gallon of solution per 750 to 1,250 square feet of area, depending upon density and thickness. **Treat to dampness but do not saturate.** Entire areas of rugs and carpeting may be treated.

To Kill Bed Bugs: Apply at a rate of 3 – 5 oz per square foot of treatment area. Apply as a contact treatment onto active bedbug infestations in cracks and crevices on and around baseboards, floorboards, bed frames, headboards, furniture, window frames, door frames, walls, wall hangings and millwork. Apply as a topical spray application to mattresses, box springs, carpets, walls, furniture, rugs and other floor coverings. Treat folds, seams and tufts in mattresses, sofas and other furniture where bedbugs harbor.

Do not apply as a surface spray to wood floors, linoleum or ceramic tiles due to the possible creation of a slippery surface or light residue. Do not walk on, lay or sit on treated surfaces until dry. Always test fabrics for color fastness before application by treating in an inconspicuous area first.

Cleanup: Use soap and water to clean up tools.

[For product packaged in non-refillable household/residential use market containers:]

Storage and Disposal

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

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Container Management: If empty: Non-retillable container; do not reuse of refill this container; place in trash or offer for recycling, if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

[For product packaged in non-refillable non-household/residential use market containers 5 gallons or less:]

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Storage and Disposal

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

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Container Management: Non-refillable container: do not reuse or refill this container. Offer for recycling, if available, or reconditioning, if appropriate; otherwise, call your local solid waste agency for disposal instructions. Promptly triple rinse (or equivalent) container after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Batch Code [Lot Number]:

(For product packaged in non-refillable non-household/residential use market containers greater than 5 gallons:)

Storage and Disposal

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

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Container Management: Non-refillable container: do not reuse or refill this container. Offer for recycling, if available, or reconditioning, if appropriate; otherwise, call your local solid waste agency for disposal instructions. Promptly triple rinse (or equivalent) container after emptying. Triple rinse as follows; Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and for several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Batch Code [Lot Number]:

(For product packaged in non-household/residential use refillable market containers:)

Storage and Disposal

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. Container Management: Refillable container. Refill this container only with RTU Wood Preservative/PesticideTM. Do not reuse this container for any other purpose. Cleaning this container before refilling is the responsibility of the refiller. Cleaning the container before final disposal is the responsibility of the person disposing of the container. To clean the container, empty the contents of this container according to use directions. Fill the container about 10% full with water, then agitate vigorously. Pump rinsate into rinsate collection system. Repeat this procedure two more times. Container Disposal: If empty: If not intending to refill this container, place cleaned container in trash or offer for recycling, if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain. CECC

(The Batch Code or Lot Number will appear either on the container or labeling per PR Notice 2007-4)

Warranty Limitations and Disclaimer

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably if for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks cet forth below. To the extent not prohibited by applicable law, MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER **EXPRESS OR IMPLIED WARRANTY.** ε ε ε ε ε ε

Inherent Risks of Use

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The directions for use of this product are believed to be adequate and must be carefully followed. It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions, abnormal conditions, the presence of other materials, climatic conditions or the manner of use/application, all of which are beyond the control of the Manufacturer. The buyer/user assumes all such risks.

Limitation of Remedies

To the extent not prohibited by applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability or other legal theories) shall be limited to, at Manufacturer's election, one of the following:

- 1. Refund of purchase price paid by buyer or user for product bought, or
- 2. Replacement of amount of product used.

To the extent not prohibited by applicable law: a) Manufacturer shall not be liable for losses or damages resulting from handling or use of this product unless Manufacturer is promptly notified of such loss or damage in writing; and b) IN NO CASE SHALL MANUFACTURER BE LIABLE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING WITHOUT LIMIT, HEALTH RELATED DAMAGES OR INJURIES.

The terms of this **Warranty Disclaimer** and **Limitation of Remedies** cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Manufacturer or the seller is authorized to vary or exceed the terms of this **Warranty Disclaimer** or **Limitation of Remedies** in any manner.

It is not intended that this product be used to practice any applicable patent, whether mentioned or not, without procurement of a license, if necessary, from the owner, following investigation by the user.



100 Nisus Drive Rockford, TN 37853 (800) 264-0870

RTU Flea Spray[®] is a Registered Trademark of Nisus Corporation Made in the U.S.A.

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{Optional Marketing Claims}

Interior Boracide Spray

Kills and Prevents Fleas Also Controls and Prevents Carpet Beetles, Dust Mites and Household Fungus (Mildew)

For Use In Apartments, Boats, Factories, Food Processing Plants,	6 L	
Garages, Homes, Hospitals, Hotels, Kennels, Motels, Offices, Restaurants, Schools, Superma	irkets, i rains,	
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[One-Year Guarantee

RTU Flea Spray is guaranteed to control flea infestations in carpets up to one year providing product is applied according to the RTU Flea Spray label. All application procedures must be followed, and carpet areas must not be shampooed or steam cleaned after application. Documentation of application procedures required. Guarantee limited to replacement of product by manufacturer.]

{End of Marketing Claims}

[] Denotes optional/alternate language

() Denotes language that will not appear on market labeling.

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