

64405-6

12/12/2011

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

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

NOTIFICATION

DEC 12 2011

Ms. Anna Crowder
Nisus Corporation
100 Nisus Drive
Rockford, TN 37853
Dow AgroSciences LLC

Subject: Notification of alternate brand names and removal marketing statement
EPA Registration Number: 64405-6
Decision: 456759, 457541

Dear Ms. Crowder

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN)98-10 dated October 14, 2011, for the abovementioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions 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.

Products shipped with 18 months from the date of this letter or the next printing of the label, whichever occurs first, must bear the new revised label. If you have any questions, you may contact Samantha Hulkower at (703) 603-0683 or Hulkower.Samantha@epa.gov.

Sincerely,

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

Enclosures: Copy of Label Stamped "Notification"



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 EPA 64405-6	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) RTU Flea Spray	PM#	
5. Name and Address of Applicant (Include ZIP Code) NISUS Corporation 100 Nisus Drive Rockford, TN 37853 <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.

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

Additional brand name:
Cymex Bed Bug Dust Mites Fleas

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Metal Plastic Glass Paper Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 Quart + 1 Gallon		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Anna Crowder	Title Regulatory Affairs	Telephone No. (Include Area Code) 865-577-6119
2. Signature <i>Anna Crowder</i>		6. Date Application Received (Stamped)
3. Title Regulatory Affairs		
4. Typed Name Anna Crowder		5. Date 10.14.2011

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.

October 14, 2011

Mr. Mark Suarez, Product Manager
Department Processing Desk - *NOTIF*
Office of Pesticides Programs - *7504P*
U.S. Environmental Protection Agency
One Potomac Yard (South Building), Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

Dear Mr. Suarez:

Subject: Nisus Corporation
RTU Flea Spray
EPA Reg. No. 64405-6

Nisus Corporation is submitting the attached materials as an additional brand name. Attached are the following items:

- 1. Applications for Pesticide: Other - Notification
- 2. Two market labels

The additional brand name is:

Cymex Bed Bugs Dust Mites Fleas

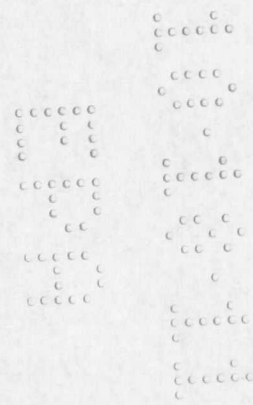
Please contact me if you should have any questions concerning this notification.

Regards,

Anna Crowder
Anna Crowder
Regulatory Affairs

Attachments

annac@nisuscop.com



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RTU Flea Spray®

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

Active Ingredient:

Disodium Octaborate Tetrahydrate (CAS No. 12008-41-2)	8.5%
Other Ingredients	<u>91.5%</u>
Total	100.0%

EPA Reg. No. 64405-6

EPA Est. 64405-TN-1

U.S. Patent No. _____

NOTIFICATION

DEC 12 2011

**Keep Out of Reach of Children
CAUTION**

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.

Net Contents: ___ gals. (___ lts.)
Net Wt: ___ lbs. (___ ks.)

{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.

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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.

Odorless Flea Adulticide
Colorless Flea Ovicide

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: 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.

Storage and Disposal

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

Storage: Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. Do not freeze.

Container Disposal: Non-refillable container; do not reuse or refill this container. **If empty:** 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.

{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 fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set 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.**

Inherent Risks of Use

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.

© _____

{Marketing Claims}

Interior Boracide Spray

Kills and Prevents Fleas

Also Controls and Prevents Carpet Beetles, Dust Mites and Household Fungus

For Use In Apartments, Boats, Factories, Food Processing Plants,
Garages, Homes, Hospitals, Hotels, Kennels, Motels, Offices, Restaurants, Schools, Supermarkets, Trains,
Trucks, Veterinary Areas, Warehouses and Zoos
Liquid Insecticide

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Liquid Spray Insecticide
Fast-acting Liquid Spray
Kills Bed Bugs on Contact
Bed Bug Contact Kill
Fast-acting Contact Kill
Kills Bed Bugs

{End of Marketing Claims}

[] Denotes optional/alternate language

{ } Denotes language that will not appear on market labeling.