

64405-12

1/10/2013

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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

JAN 10 2013

Dear Dr. Kintz-Early:

Subject: Application for Pesticide Notification (PRN 98-10)
Add alternate brand name: Fireback IGR Insect Growth Regulator,
Revise Warranty language
Cymex Aerosol
EPA Reg. No. 64405-12
Your submission dated September 19, 2012

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated September 19, 2012 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. The Agency's records will be updated to include the Alternate Brand Name: Fireback IGR Insect Growth Regulator.

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, Ph.D. of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Gebken".

for Richard Gebken
Product Manager 10
Insecticide Branch
Registration Division (7505P)

**EPA**

United States
Environmental Protection
Agency

Washington, DC 20460

- ☐ Registration
☐ Amendment
☒ Other - Notification

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 64405-12	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cymex Aerosol	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Nisus Corporation 100 Nisus Drive Rockford TN 37853	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 _____	
<input type="checkbox"/> Check if this is a new address		

Section - II

- ☐ Amendment - Explain below. ☐ Final printed labels in response to Agency letter dated ____
☐ Resubmission in response to Agency letter dated ____ ☐ "Me Too" Application
☒ Notification - Explain below. ☐ Other - Explain below

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

Notification of the addition of warranty language and an alternate brand name "Fireback IGR Insect Growth Regulator" per PR Notice 98-10.

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 152.26, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 15 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
*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"/>		4. Size(s) Retail Container 26.5 oz		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"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)

Name Janet Kintz-Early	Title Regulatory Affairs, Senior Entomologist	Telephone No. (Include Area Code) 865-577-6119
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 Affairs, Senior Entomologist	
4. Typed Name Janet Kintz-Early	5. Date 9/19/12	

Notification

September 19, 2012

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
One Potomac Yard
2777 S, Crystal Drive, Room 5-4900
Arlington, VA 22202

Attn: Richard Gebken, PM 10

Subject: Notification per PR Notice 98-10 to add warranty language and submit an alternate brand name.

Dear Mr. Gebken:

- 1- I am submitting a notification for the product Cymex Aerosol 64405-12. All changes are highlighted and shown on the enclosed label. Per our corporate attorney the phrase "To the extent consistent by applicable law" has been changed to "To the extent not prohibited by applicable law." This change allows us to maintain consistency throughout the warranty.
- 2- We also would like to submit the following alternate brand name:

Fireback IGR Insect Growth Regulator

Enclosures

- EPA form 8570-1
- 1 copy of the revised SAL with changes highlighted
- 2 copies of the final marketing label

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

Sincerely,
for Nisus Corporation



Dr. Janet Kintz-Early
Senior Entomologist
Regulatory Affairs



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Cymex™ Aerosol

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

Active Ingredients:

Methoprene (CAS No. 40596-69-8)	0.10%
Permethrin (CAS No. 52645-53-1)	0.20%
Pyrethrins (CAS No. 8003-34-7)	0.05%
N-octyl bicycloheptene dicarboximide* (CAS No. 113-48-4)	0.40%
Other Ingredients	99.25%
Total	100.00%

*MGK® 264, Insecticide Synergist

MGK is a registered trademark of McLaughlin, Gormley, King Company.

Keep Out of Reach of Children

CAUTION

See back panel for First Aid and additional Precautionary Statements.

EPA Reg. No. 64405-12

EPA Est. 70062-HUN-1

Net Weight: 1 lb. 10.5 oz. (26.5 oz.) (750 g)



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

NOTIFICATION

JAN 10 2013

{Back Panel}

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if swallowed, absorbed through skin or inhaled. Causes moderate eye irritation. Avoid breathing vapor and contact with skin, eyes or clothing. Thoroughly wash with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

First Aid

If Swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor 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 person.
If on Skin or Clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Immediately rinse skin with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.

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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.• 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 mouth-to-mouth if possible.• Call a poison control center or doctor for further treatment advice.
For emergency information on this product, call the National Pesticides Information Center at 1-800-858-7378, 6:30 AM to 4:30 PM Pacific Time (PT), 7 days per week. During other times, call the poison control center at 1-800-222-1222.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

(Note: The First Aid statements' grid format will be used if label space allows, otherwise a paragraph format will be used.)

Physical or Chemical Hazards

Extremely flammable. Contents under pressure. Keep away from fire, sparks and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 130°F (54°C) may cause bursting. Protect from direct sunlight. Do not spray close to naked flames or incandescent bodies. Do not smoke during application.

DIRECTIONS FOR USE

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

Shake Well Before Use

Introduction:

Cymex Aerosol [This product] contains an Insect Growth Regulator (IGR) and insecticide combination for indoor control of bed bugs, fleas and ticks, ensuring six-months of residual effect. Cymex Aerosol [This product] gives protection against both adult and larval fleas. Methoprene, the IGR, works specifically on pre-adult fleas, preventing them from maturing into biting adults. The performance of pyrethrins and Permethrin are enhanced by the synergist, kill adult ticks, fleas and other insects very quickly and effectively. Cymex Aerosol [This product] was developed for surface treatments. **Do not spray directly on pets.**

Use Restrictions

- Do not treat pets with this product.
- Do not apply this product in a way that will contact adults, children, or pets, either directly or through drift.
- Do not allow adults, children, or pets to enter the treated area until sprays have dried.
- Remove pets, birds, and cover fish aquariums before spraying.
- Remove or cover exposed food or drinking water before application.
- Avoid contamination of food and feedstuffs. Remove or cover dishes, utensils, food processing equipment, and food preparation surfaces or wash them before use.
- Do not apply directly to animals.
- Remove or cover dishes, utensils, food processing equipment, and food preparation surfaces, or wash them before use.
- Do not use in aircraft cabins.
- Do not use in food handling establishments in which food is held, processed, prepared, and/or served. When used in the home, cover or remove all exposed food and cooking utensils and cover all food processing surfaces or wash thoroughly after treatment and before reuse.

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Application Directions:

A 1 pound 10.5 ounce (750 ml/750 gm) can treats up to 3,000 square feet [2.65 ounces/300 square feet or 0.9 ounce/100 square feet] of surface area. A noticeable foam will appear during application; this foam helps provide a uniform spray pattern and will dissolve a few minutes after application.

To Kill and Control Bedbugs: Spray directly onto bedbugs and onto areas that may harbor bedbugs such as under beds, box springs, areas where baseboards, walls & carpets come together, night stands, head boards, molding or other areas that may provide harborage. Other areas may include wall voids, cracks and crevices, around doors and windows, closets, false ceilings and storage areas. Reapply after 7 days if reinfestation is heavy or for areas that were possibly missed.

For Flea and Tick Infestations: Hold can upside down, point application tip toward surface to be treated and push button to activate. Apply in a sweeping motion 2-3 feet from the surface area being treated. Apply spray in a uniform pattern to all surfaces infested with fleas and ticks including carpets, rugs, drapery, furniture and around pet sleeping/resting areas. Lightly dampen, but do not saturate, treated surfaces. Thorough coverage provides the best results for flea and tick infestations. Do not reoccupy treated areas until spray has dried. Remove pet's old bedding and replace with clean, fresh bedding after treatment of pet areas. Simultaneously treat pets with a flea and tick control product registered for use on pets prior to allowing reentry into treated areas. Reapply as reinfestation warrants, within 14-21 days, especially to infested areas possibly missed in the original treatment.

Storage and Disposal

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

Pesticide Storage: Store in a cool, dry place, away from heat, sparks and open flame. Keep container closed and out of reach by children and animals. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on-site or at an approved waste disposal facility. **Container Handling:** Non-refillable container; do not reuse or refill this container. Do Not Puncture or Incinerate! **If empty:** Place in trash or offer for recycling if available. [This container may be recycled in aerosol recycling centers. At present, there are only a few such centers in the country. Before offering for recycling, empty the can by using the product according to the label.] **If partly filled:** Call your local solid waste agency for disposal instructions.

(Per PR Notice 2007-4 the batch code/lot number will appear on the label or container.)

Warranty 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)

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TO THE EXTENT NOT PROHIBITED BY ~~CONSISTENT WITH~~ APPLICABLE LAW, THE MANUFACTURER WILL NOT 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.

Distributed [Sold] by: [Manufactured for:]



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

Cymex is a trademark of Nisus Corporation

{Marketing Claims}

Kill and Prevents Infestations of Bed Bugs, Fleas and Ticks.

For use in and around Residential, Institutional and Commercial Structures including Homes, Apartments, Garages, Museums, Public and Private Institutions, Schools, Hotels, Hospitals, Kennels, Stables, Farm Buildings, Trucks, Trailers, Warehouses and Non-Food Areas of Supermarkets, Restaurants and Food Processing Plants.

{End of Marketing Claims}



{Enlargement:
No CFCs.

Contains no CFCs which deplete the ozone layer.
Federal regulations prohibit CFC propellants in aerosols.}

PLEASE RECYCLE
WHEN EMPTY



[] Denotes optional/alternate language

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

