

67702-6

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

July 10, 2006

Walter G Talarek
c/o Walter C. Talarek, PC
1008 Riva Ridge Drive
Great Falls, VA 22066-1620

SUBJECT: Notification of addition of alternative statements for listings of pests and sites,
alternative warranty statement and optional marketing claim per PR Notice 98-10.
Forwarded by the Notifications Team for IB to review as an amendment.

EPA Registration Number: 67702-6

Date of Submission: September 16, 2005.

Dear Mr. Talarek;

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable subject to the comments listed below.

Note: Submit 3 copies of the revised labeling incorporating all of the changes identified below prior to releasing the product for shipment. All text marked with a strikeout needs to be removed. All text identified in italics need to be added.

1. Page 1 of 5:

- a. Within the Ingredient Statement, revise "Inert Ingredients" to "Other Ingredients"
- b. The First Aid Statement is missing the "IF SWALLOWED" and appropriate language per PR Notice 2001-1. This must be re-inserted into the FIRST AID section. Please refer to Table 2 of the Acute Toxicology Decision on NEU1161 (page 7) of the Registration Eligibility Decision Document.

"If swallowed

- Call 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 the poison control center or doctor.***
- Do not give anything by mouth to an unconscious person."***

- c. The FIRST AID section should also contain "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-[xxx-xxxx]¹ for emergency medical treatment information.*"
- d. Revise the unit volume to Net Contents: [XX]² "fl.oz. "
- e. Within the Hazards to Humans and Domestic Animals section revise the text within this subsection as follows:
"Hazards to Humans and Domestic Animals:
CAUTION. *Harmful if swallowed* Avoid contact with skin, eyes or clothing. ~~Wash thoroughly with soap and water after handling.~~ *Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.*" Remove pets and cover fish aquariums before using.
- f. Revise the Environmental Hazards section as follows:
Environmental Hazards:
 This product is toxic to fish. ~~Do not apply directly to water. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.~~ *Do not contaminate water when disposing of equipment washwaters or rinsate.*

2. Page 2 of 5:

- a. The storage and disposal instructions must appear grouped together, preferably blocked, **within** the Directions for Use section 40 CFR 156.10 (i)(2)(ix). It is preferred that the storage and disposal instructions appear at the end of the Direction for Use section. This placement eliminates the break between the heading "Directions for Use" and the body of the use directions. Where the Directions for Use are contained in a label booklet, at a minimum, the container

¹ Telephone numbers. EPA encourages registrants to include a company telephone number or toll-free hotline number on the pesticide label as first suggested in PR Notice 97-4, Consumer Access Numbers on Pesticide Labels. If a number is included, confusion can be avoided by placing emergency numbers with the "First Aid" or "Hot Line Number" text, numbers for chemical spills with the spill cleanup information in the Storage and Disposal section, and numbers for general information elsewhere on the label. If a number is included, it should include a phrase or statement indicating the kinds of information the number should be used for, or if it may be used for all information, a simple lead-in phrase. The explanatory statement may include hours of service. For example:

"For emergency information on [product, usage, etc.], call 1-800-555-0000, Monday through Friday, 9 a.m. to 5 p.m. After 5 p.m. call your poison control center."

or, more simply,

"Questions? 1-800-555-0000."

² The registrant would fill in the appropriate volumetric unit here.

storage and disposal instructions should appear at the end of the Directions for Use on the container label.

Note: Revise the paragraph containing the listed pests. The available data for this product does not support "Control" as a claim, and does not support various species of ants that have been excluded in the revised text:

- b. Revise the paragraph by removing the words "pests and" from the applicable sentence, as this is not usable information. "Please read entire label. Use only as directed. Shake well before each use. Thoroughly wet all parts *by spraying to point before runoff* ~~of the pests and to listed~~ plants. Repeat treatment in 1 - 2 weeks if necessary. May be used on *listed* edible crops up to and including day of harvest."
- c. Revise the following paragraph as follows: "NEU116I RTU will ~~control~~ *kill* ~~exposed~~ insect pests such as: aphids, beetles (~~e.g.~~, Colorado potato beetle, flea beetle, Japanese beetle, asparagus beetle), caterpillars (~~e.g.~~, gypsy moth caterpillars, tent caterpillar, diamondback moth larvae, leafrollers), ants (*except Fire Ants, Harvester Ants, Carpenter Ants, and Pharaoh Ants*), mealybugs, mites, leafhoppers, scale, thrips, fungus gnats, whitefly, adelgids, plant bugs, sawfly larvae, psyllids, spittlebugs, and phylloxera."
- d. "OR
~~Controls~~ *Kills exposed* pests such as: aphids, beetles (~~e.g.~~, Colorado potato beetle, flea beetle, Japanese beetle, asparagus beetle), caterpillars (~~e.g.~~, gypsy moth caterpillars, tent caterpillar, diamondback moth larvae, leafrollers), ants (*except Fire Ants, Harvester Ants, Carpenter Ants, and Pharaoh Ants*), mealybugs, mites, leafhoppers, scale *insects*, thrips, fungus gnats, whitefly, adelgids, plant bugs, sawfly larvae, psyllids, spittlebugs, and phylloxera."

3. Page 3 of 5:

- a. Revise the text within the "DIRECTIONS FOR DORMANT USE" as follows:
~~Controls~~ *"Kills exposed* egg stages of pests present in dormant season and scale insects, mites and mealybugs on dormant shrubs (e.g., roses), evergreens, woody plants, fruit trees and shade trees. Thoroughly wet *by spraying to point before runoff* ~~the dormant~~ plants or trees."
- b. Revise the sub header "Use Precautions" to **Use Restrictions**" and revise the entire section as follows:
"USE RESTRICTIONS:
- b. Oil removes the glaucous (blue) bloom from such evergreens as Colorado blue spruce and Koster spruce. ~~Use caution care on~~ *Apply carefully* to blooms and buds and on oil sensitive plants such as: Chamaecyparis, Cryptomeria, Japanese Holly, Red Cedar and Smoke Tree. If concerned about sensitivity of plants, test *by*

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spraying a portion of the plant and wait several days to determine if burn occurs before spraying larger areas.

Do not apply within 21 days of a sulfur application.

Do not use NEUI 161 RTU spray when temperatures are above 90°F.”

- c. Remove the following section entirely from the label, as the warranty and disclaimer conflict with the guarantees presented on the label:

[The registrant may use any of these optional statements:

“NOTICE TO BUYER

Seller warrants that this product conforms to the chemical description on this label and is reasonably fit for purposes stated on this label only when used in accordance with directions under normal use conditions. This warranty does not extend to use of this product contrary to label directions, or under abnormal use conditions, or under conditions not reasonably foreseeable to seller. Buyer assumes all risk of any such use. Seller makes no other warranties, either expressed or implied.”

OR

Unconditionally guaranteed by W. Neudorff GmbH KG. If for any reason you are not satisfied with this product, send proof of purchase to the address shown and we will gladly refund your purchase price.

OR

[Supplemental Distributor's] No-Quibble Guarantee®

If for any reason you, the consumer, are not satisfied after using this product, you are entitled to get your money back. Simply send us evidence of purchase, and we will mail you a refund check promptly.]

4. Page 4 of 5:

- a. Remove the following claims:

- ~~Provides broad spectrum control.~~³
- ~~Based on plant oils.~~⁴
- ~~Does not persist in the environment.~~⁴
- ~~Does not persist for long periods in the environment~~
- ~~Insecticide from plants for plants.~~⁴
- ~~From plants for plants~~⁴
- ~~Made from plant extracts~~⁴
- ~~Derived from plant extracts~~⁴
- ~~Made from chrysanthemum flowers~~⁴
- ~~Made with natural, botanical pyrethrins from chrysanthemum flowers~~⁵

³ This is a false and misleading statement.

⁴ This formulation contains ingredients that are not derived from chrysanthemum flowers; therefore this is a false and misleading statement.

- ~~Derived from naturally occurring ingredients~~⁶
- ~~Satisfaction guaranteed~~⁶
- ~~Unconditionally guaranteed~~⁶
- ~~Money back guarantee~~⁶

b. Revise the submitted marketing claims as follows:

- Dormant and growing season insect spray ~~for control~~ *to kill exposed stages of* adelgids, armored scale, beetle larvae, cankerworms, caterpillars, fungus bugs, leafhoppers, leafminers, leafrollers, mealybugs, mites, psyllids, scale insects, spider mites, thrips, webworms and whiteflies.
- ~~Controls~~ *Kills all exposed stages of insects, including eggs.*
- ~~Controls~~ *Kills exposed mites, whiteflies, aphids, and all stages of listed insects & eggs*
- *For use on listed roses, flowers & vegetables*
- *For use on listed plants* ~~indoors~~ *and outdoors*⁷
- *Can use on listed flowers, vegetables and roses*
- *Provides quick control* ~~kill of exposed states of listed pests~~

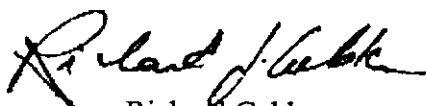
5. Page 5 of 5:

- a. At the bottom of the page change "Registrant:" to "Manufactured by"

"Manufactured by:
W. Neudorif GmbH KG
An der Muhle 3, Postfach 1209
D-3 1860 Emmerthal, Germany"

If you have any questions, you may contact Richard J. Gebken, at (703) 305-6701.

Sincerely,



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

Enclosures

⁵ Natural is not permitted when used with formulations containing pyrethrins; therefore this marketing claim is false and misleading.

⁶ This guarantee conflicts with the warranty and disclaimer section identified in 3c above.

⁷ The directions for use must explicitly identify all indoor uses with clear and concise directions for this use pattern.

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NEU1161 RTU

Active Ingredients	By Wt.
Pyrethrins	0.01%
Canola Oil.....	1.00%
Inert Ingredients.....	98.99%
Total	100.00%

This product contains 0.0824 lbs. of canola oil and 0.0008 lbs. of pyrethrins per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID
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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

NET CONTENTS: fluid ounces

EPA Registration #:
Patent Pending

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EPA Establishment # 67702-WG-1

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals: CAUTION. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Remove pets and cover fish aquariums before using.

Environmental Hazards: This product is toxic to fish. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.

ACCEPTED
with COMMENTS
In EPA Letter Dated
JUL 10 2006
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
67702-6

STORAGE AND DISPOSAL

STORAGE: Store this product in its original container and keep in a secure storage area out of reach of children and domestic animals.

DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

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

Please read entire label. Use only as directed. Shake well before each use. Thoroughly wet all parts of the pests and plants. Repeat treatment in 1-2 weeks if needed. May be used on edible crops up to and including day of harvest.

PESTS/SITES AND APPLICATION INSTRUCTIONS

[The registrant may use one of the two statements:

NEU1161 RTU will control insect pests such as: aphids, beetles (e.g., Colorado potato beetle, flea beetle, Japanese beetle, asparagus beetle), caterpillars (e.g., gypsy moth caterpillars, tent caterpillar, diamondback moth larvae, leafrollers), ants, mealybugs, mites, leafhoppers, scale, thrips, fungus gnats, whitefly, adelgids, plant bugs, sawfly larvae, psyllids, spittlebugs, and phylloxera.

For use indoors, outdoors and in greenhouses on fruit and nut trees (e.g., apples, cherries, peaches, pears, nuts); flowering, foliage and bedding plants; corn; soybeans; melons; tomatoes; vegetables (e.g., beans, cabbage, cucurbits, peas, potatoes); figs; small fruits (e.g., grapes, strawberry, raspberry); citrus; ornamental and shade trees (e.g., birch, evergreens, holly, oak); houseplants.

OR

Controls pests such as: aphids, beetles (e.g., Colorado potato beetle, flea beetle, Japanese beetle, asparagus beetle), caterpillars (e.g., gypsy moth caterpillars, tent caterpillar, diamondback moth larvae, leafrollers), ants, mealybugs, mites, leafhoppers, scale, thrips, fungus gnats, whitefly, adelgids, plant bugs, sawfly larvae, psyllids, spittlebugs, and phylloxera.

Can be used indoors and outdoors on fruit and nut trees (e.g., apples, cherries, peaches, pears, nuts); flowering, foliage and bedding plants; corn; soybeans; melons; tomatoes; vegetables (e.g., beans, cabbage, cucurbits, peas, potatoes); figs; small fruits (e.g., grapes, strawberry, raspberry); citrus; ornamental and shade trees (e.g., birch, evergreens, holly, oak); houseplants.]

DIRECTIONS FOR DORMANT USE

Controls egg stages of pests present in dormant season and scale insects, mites and mealybugs on dormant shrubs (e.g., roses), evergreens, woody plants, fruit trees and shade trees. Thoroughly wet the dormant plants or trees.

USE PRECAUTIONS

Oil removes the glaucous (blue) bloom from such evergreens as Colorado blue spruce and Koster spruce. Use caution on blooms and buds and on oil sensitive plants such as: Chamaecyparis, Cryptomeria, Japanese Holly, Red Cedar and Smoke Tree. If concerned about sensitivity of plants, test spray a portion of the plant and wait several days to determine if burn occurs before spraying larger areas.

Do not apply within 21 days of a sulfur application.

Do not use NEU1161 RTU spray when temperatures are above 90°F.

[The registrant may use any of these optional statements:

"NOTICE TO BUYER

Seller warrants that this product conforms to the chemical description on this label and is reasonably fit for purposes stated on this label only when used in accordance with directions under normal use conditions. This warranty does not extend to use of this product contrary to label directions, or under abnormal use conditions, or under conditions not reasonably foreseeable to seller. Buyer assumes all risk of any such use. Seller makes no other warranties, either expressed or implied."

OR

Unconditionally guaranteed by W. Neudorff GmbH KG. If for any reason you are not satisfied with this product, send proof of purchase to the address shown and we will gladly refund your purchase price.

OR

[Supplemental Distributor's] No-Quibble Guarantee®

If for any reason you, the consumer, are not satisfied after using this product, you are entitled to get your money back. Simply send us evidence of purchase, and we will mail you a refund check promptly.]

[Marketing claims and product information that may be presented on the container or supplemental labeling:

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- Dormant and growing season insect spray for control of adelgids, aphids, armored scale, beetle larvae, cankerworms, caterpillars, fungus gnats, lace bugs, leafhoppers, leafminers, leafrollers, mealybugs, mites, plant bugs, psyllids, scale insects, spider mites, thrips, webworms and whiteflies.
- Provides broad spectrum control.
- Patented formulation.
- Unique, patented formula
- Kills all stages of insects, including eggs.
- Based on plant oils.
- Does not persist in the environment.
- Does not persist for long periods in the environment
- Contact insecticide, ovicide.
- Insecticide from plants for plants.
- From plants for plants
- Controls mites, whiteflies, aphids, and all stages of insects & eggs
- For household use only.
- For roses, flowers & vegetables
- Manufactured under a license of Neudorff.
- Made from plant extracts
- For use on plants-indoors and outdoors
- Derived from plant extracts
- Can use on flowers, vegetables and roses
- Made from chrysanthemum flowers
- Made with natural, botanical pyrethrins from chrysanthemum flowers
- Derived from naturally occurring ingredients
- Easy to use
- Insecticide/Miticide
- Insect spray
- Roses and flowers
- Houseplants and gardens
- Fruits and vegetables
- NEU1161 RTU is a contact killer for both insect and mite pests.
- Contact insecticide
- For best results, pests must be contacted directly with spray.
- Fast-acting
- Kills insects fast
- Kills insects on contact
- Kills bugs on contact
- Provides quick control of pests
- Read entire container label before using this product
- Easy to use
- Satisfaction guaranteed
- Unconditionally guaranteed
- Money back guarantee
- May be used up to and including day of harvest.

NEU1161 RTU LABEL

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- To locate a store where this product is sold, please call the toll free number below.
- PyrolTM is a trademark of W. Neudorff GmbH KG
- Made with PyrolTM Insecticide, a trademark of W. Neudorff GmbH KG
- Contains PyrolTM Insecticide, a trademark of W. Neudorff GmbH KG
- www.neudorff.de



Registrant: W. Neudorff GmbH KG, Postfach 1209, An der Mühle 3,
D-31860 Emmerthal, Germany