

68688-52

03/31/2003

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United States Environmental Protection Agency

William L. Washburn, Regulatory Affairs Manager
 Speer Products, Inc.
 4242 b.f. Goodrich blvd.
 P.O. Box 18993
 Memphis, TN 38118

MAR 31 2003

Subject: Submission of an Amendment to First Aid and Disposal Statements per Pr Notice
 2001-1 and 2001-6.

Product Name: Mercomist Aerosol Insect Killer

EPA Reg. Number: 68688-52

Date of Submission: November 14, 2002

Dear Mr. Washburn;

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.

1. Remove the following statements from the label

Only for Sale to, Use and Storage by Service Persons

**A professional strength heavy duty formula for use by Pest
 Control Operators and Persons responsible for Pest Control and
 Sanitation in:**

These statements, imply that the product is a restricted use pesticide within 156.10, and it is not. Language such as "Only for Sale to, Use and Storage by" are reserved statements within 40 CFR 156.10(j)(2)(i)(B). In addition, any other substitute words such as "Service Persons" in lieu of "Certified Applicators" is considered a false and misleading statement. In addition, the subsequent product attribute claims such as "professional strength, heavy duty formula for use by Pest Control Operators, and Persons responsible for Pest Control and Sanitation, are also considered false and misleading within the Federal Fungicide and Rodenticide (FIFRA) Section 2(q)(1)(A) and 40 CFR 156.10.

As defined in FIFRA Section 2(q)(1)(A), a product is misbranded if its labeling bears any statement, design or graphic representation which is false or misleading. FIFRA Section 12(a)(1)(E) states that it is unlawful for any person to distribute or sell any pesticide which is

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misbranded. EPA's regulation, 40 CFR 156.10(a)(5), specifies what statements are required on pesticide labeling and describe categories of statements that are considered to be false or misleading; such as:

- A false or misleading statement concerning the composition of the product;
- A false or misleading statement concerning the effectiveness of the product as a pesticide or device; (EPA may review and approve or disapprove non-pesticide claims appearing on a pesticide label).
- A false or misleading statement about the value of the product for purposes other than as a pesticide or device;
- A false or misleading comparison with other pesticides or devices;
- Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by an agency of the Federal Government;
- The name of a pesticide which contains two or more principal active ingredients if the name suggests one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling;
- A true statement used to give a false or misleading impression to the purchaser;
- Label disclaimers or warranty statements which negate or detract from labeling statements required under FIFRA and EPA's regulations;
- Safety claims of the pesticide, or its ingredients, including statements such as "safe," "safe to pipes", "nonpoisonous," "noninjurious," "harmless" or "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed."
- Non-numerical and/or comparative statements on the safety of the product, including but not limited to:
 - a. "Contains all natural ingredients"
 - b. "Among the least toxic chemicals known"
 - c. "Pollution approved"

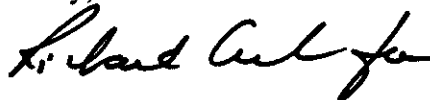
Within the ingredient statement, the word "Butoxid" is misspelled. You must add an "e" at the end to correct the typo.

The ingredient piperonyl butoxide must be succeeded by a footnote asterisk (*), and the following footnote must be placed directly under the active ingredient statement section:

"* Equivalent to 0.80% (butoxycarbityl) (6-propylpiperonyl) ether and 0.2% related compounds."

Revise the above referenced labels in accordance with the information provided above, and submit three (3) copies of the finished printed labels prior to releasing the product for shipment. If you have any questions, you may contact Richard J. Gebken, at (703) 305-6701.

Sincerely,



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United States Environmental Protection Agency

Marion Johnson
Product Manager 10
Insecticide Branch
Registration Division (7505C)

Enclosure

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MERCOMIST AEROSOL INSECT KILLER

Only for Sale to, Use and Storage by Service Persons

A professional strength heavy duty formula for use by Pest Control Operators and Persons responsible for Pest Control and Sanitation in:

Restaurants, Commercial Food Handling Establishments, Food Plants, Cafeterias, Supermarkets, Motels, Hospitals, Hotels, Apartments, Homes, Utilities, Bottling Plants, Bakeries, Canneries, Grain Elevators

ACTIVE INGREDIENTS:

Pyrethrins.....	0.50%
Piperonyl Butoxid.....	1.00%
N-Octyl Bicycloheptene Dicarboximide.....	1.00%
INERT INGREDIENTS:	97.50%
	100.00%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

Read Additional Precautions on back Panel

NET WEIGHT: _____ OZ.

EPA Reg. No. 68688-52
EPA Est. No. 11715-TN-1

**ACCEPTED
with COMMENTS
In EPA Letter Dated:
MAR 31 2003**

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.

68688-52

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Do not remain in treated areas and ventilate the area after treatment is completed. Avoid breathing vapor. Avoid contact with skin, eyes, or clothing. In case of contact, immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists. Do not contaminate water, food or foodstuffs. Remove all pets and birds. Cover fish tanks or remove before spraying.

In hospitals, remove patients from rooms prior to treatment. Keep rooms vacated for minimum of two hours and ventilate before patients are returned.

FIRST AID	
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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
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 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.

FIRST AID (Continued)**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 1-877-757-4943 for emergency medical treatment information.

DIRECTIONS FOR USE

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

FLYING INSECTS: Flies, Mosquitoes, Gnats, Wasps, Small Flying Moths, Fruit Flies. Close all windows and doors and direct fog upward at a rate of 1 to 2 seconds per 1000 cubic feet. Disperse in all directions. Keep area closed for 15 minutes.

STORED PRODUCTS INSECTS: Grain Weevils, Flour Beetles, Chocolate Moths, Drug Store Beetles, Clover Mites, Confused Flour Beetles, Grain Mites, Cheese Mites, Saw-toothed Grain Beetles, Rice Weevils, Red Flour Beetles, in exposed adult and larvae stages.

Contact as many insects as possible when treating infested areas such as cracks, crevices, stored products, machinery and dark secluded areas. For Carpet Beetles, treat infested area of carpets, localized areas of floors, baseboards, and into cracks and under carpets where these pests may be found. Spray 10 to 20 seconds per 100 square feet of floor space. Repeat treatment weekly or as insects appear.

ROACHES, SPIDERS, WATERBUGS, ANTS, SILVERFISH, AND CRICKETS: Hold aerosol close to cracks and mist directly into them, contacting as many insects as possible. Apply freely into all possible hiding places behind baseboards, sinks, cabinets, coffee makers, meter boxes, manholes. Repeat all treatments as necessary.

CRACK AND CREVICE APPLICATION: Apply directly into cracks and crevices with a snorkel tube supplied. Note: Careful crack and crevice treatment is allowed at any time.

FOOD PROCESSING AREAS OF FOOD PLANTS: Foods should be removed or covered during treatment. All food processing surfaces (i.e. benches, shelving, utensils, food contact surfaces, etc.) should be cleaned with an effective cleaning compound followed by potable water rinse before using. When using this product as a space spray in these areas, apply only when the facility is not in operation.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and birds. Keep out of lakes, streams, or ponds. Do not contaminate water by cleaning of equipment or disposal of wastes. Apply this product only as specified on this label.

PHYSICAL OR CHEMICAL HAZARDS

Flammable. Contents under pressure. Keep away from heat, sparks, and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool, dry place away from heat or open flame.

DISPOSAL: Do not Puncture or Incinerate! **If empty:** 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.

MANUFACTURED BY:
SPEER PRODUCTS, INC.
P.O. Box 18993
Memphis, TN 38181-0993

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