6/0/2011

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

June 6, 2011

EMD Chemicals, Inc. c/o Matthew R. Schneider Garvey Schubert Barer 1000 Potomac Street, NW Fifth Floor Washington, DC 20007

Subject:

Applications for Label Notification dated May 5, 2011 to change "Proprionic" to "Propionic" and "West Niles Virus" to "West Nile Virus" in the ingredients statement and optional label claims, respectively.
Bug Repell IR3535 10% Lotion (EPA Reg. No. 70759-2)
Bug Repell IR3535 20% Spray (EPA Reg. No. 70759-3)
Bug Repell IR3535 20% Aerosol (EPA Reg. No. 70759-4)√
Your submissions dated May 5, 2011
Decision Numbers: 448842, 448843, and 448844

Dear Mr. Schneider:

The Biopesticides and Pollution Prevention Division is in receipt of your applications for Notification under PR Notice 98-10 dated above. A preliminary screen of these requests have been conducted for their applicability under PR Notice 98-10 and it has been determined that the action(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the labels submitted with these applications have been stamped "Notification Accepted" and will be placed accordingly in our records.

If you have any questions concerning this action, please feel free to contact Mr. Colin Walsh at (703) 308-0298 or via email at <u>walsh.colin@epa.gov</u>.

Sincerely,

Linda A. Hollis

Linda A. Hollis, Chief Biochemical Pesticides Branch Biopesticides and Pollution Prevention Division (7511P)

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Please read instructions on reverse before completing form. United States Environmental Protection Age Washington, DC 20460					Registratic Amendme Other	on	0. Approval expires 2-28-95 OPP Identifier Number	
Application for Pesticide - Section I								
1. Company/Product Number 70759-4			2. EPA Product Manager 3. Andrew Bryceland			3. Pr	oposed Classification	
4. Company/Product (Name) Bug Repell IR3535® 20% AEROSOL			PM# G					
 5. Name and Address of Applicant (Include ZIP Code) EMD Chemicals Inc. 480 South Democrat Road Gibbstown, NJ 08027 Check if this is a new address 			(b)(i), i to: EPA	EPA Reg. No.				
Check if this is a new address Product Name								
Amendment - Explain below. Image: Final printed labels in repsonse to Agency letter dated								
Section - III								
Section - III 1. Material This Product Will Be Packaged In:								
Child-Resistant Packaging Yes No Yes No Yes No Yes No Ves No Ves No No No No No. per Unit Packaging No No No No No No No No No No			Water Soluble Packaging Yes Ves Volume No If "Yes" No. per Package wgt container		M PI GI Pi	2. Type of Container Metal Plastic Glass Paper Other (Specify)		
3. Location of Net Contents Information 4. Size(s) Re			otail Container 5. Lo		cation of Label Directions			
✓ Label Container 4 fl oz; 6 fl			l oz Container					
6. Manner in Which Label is Affixed to Product ↓ Lithog Paper Stend			graph Other glued iled					
Section - IV								
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)								
Name Matthew R. Schneider, Esq.			Title Telepho Authorized Representative Telepho			ephone	No. (Include Ares Code)	
Certificat I certify that the statements I have made on this form and I acknowledge that any knowlinglly false or misleading stat both under applicable law.			all attachments thereto are true, accurate and complete.			te.	6. Date Application Received (Stamped)	
2. Signature			3. Title Authorized Representative			ر د	200 0 0 0 0 0 0 0 0 0 0 0 0	
4. Typed Name			5. Date	1		 2,	ננינ	
Matthew R. Schneider, Esq.			ODH	1	ັບ ເ ວິ່ງ ວິ່ງ			

EPA Form 8570-1 (Rev. 3-94) Previous editions are obsolete.

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EPA Form 8750-1 Additional Page 1 of 1

Product #: 70759-4 Product Name: Bug Repell IR3535® 20% AEROSOL Applicant: EMD Chemicals Inc.

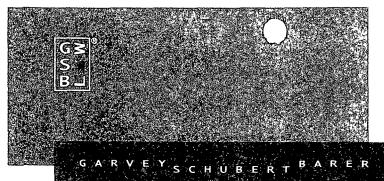
Section II: Explanation (continued):

Notification of Ingredient Statement Typographical Error Correction 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 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Corrections made: In ingredients statement, changed "aminoproprionic" to "aminopropionic" (removal of second "r"); in optional label claims corrected "West Niles Virus" to "West Nile Virus". All changes have marked in yellow on the submitted labels.

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WASHINGTON, D.C. OF)E fifth floor flour mill building 1000 potomac street nw washington, d.c. 20007-3501 TEL 202 965 7880 FAX 202 965 1729 OTHER OFFICES HOP9 beijing, china new york, new york portland, oregon seattle, washington GSBLAW.COM

Please reply to MATTHEW R. SCHNEIDER mschneider@gsblaw.com TEL EXT 1787

May 5, 2011

Andrew Bryceland U.S. Environmental Protection Agency Document Processing Desk (NOTIF) Office of Pesticide Programs (7504P) 1200 Pennsylvania Avenue, N.W. Washington DC 20460-0001

Dear Mr. Bryceland:

On behalf of EMD Chemicals, Inc. (EMD), Garvey Schubert Barer is submitting three Notifications for corrections to three labels for EPA Registration Numbers 70759-2, 70759-3, and 70759-4 (Bug Repell IR 3535® 10% Lotion, 20% Spray and 20% Aerosol, respectively). In the Ingredient Statement on the first page of each label, "proprionic" was corrected to "propionic". In addition, in the list of Optional Label Claims on the final page of each label "West Niles Virus" was corrected to "West Nile Virus". There were no other changes made to these labels.

Sinderely,

Matthew R. Schneider

Page 1 of 4 LABEL Bug Repell IR3535 20% Aerosol

(Front Panel)

Bug Repeil IR3535® 20% Aerosoi KEEP OUT OF REACH OF CHILDREN WARNING ACTIVE INGREDIENT

3-[N-Butyl-N-acetyl]-amino

propionic acid ethyl ester*.....20.0%

OTHER INGREDIENT......80.0%

*IR3535®

FIRST AID - If In Eyes: [optional front and back panel]

-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.

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

-For information on this pesticide product call the National Pesticide Information Center at 1-800-858-7378

EPA Reg. No. 70759-4 EPA Est. No. 13891-IN EMD Chemicals Inc.

480 South Democrat Road

Gibbstown, NJ 1-800-222-0342

IR3535® is a registered trademark of Merck, KGaA

© EMD 2008 – ALL RIGHTS RESERVED [optional front and back panel]

4 FL.OZ(118 ml);6 FL.OZ(177 ml)

Notification Accepted Date: JUN 0 6 2011 Reviewer: C. Walch

Page 2 of 4 LABEL Bug Repell IR3535 20% Aerosol

(Back Panel)

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS - Warning: For external use only. Causes substantial but temporary eye injury. Do not get in eyes. Do not spray on face. Do not rub eyes with product with fabric that has contacted product or treated skin. Discontinue use and consult a doctor if irritation or rash occurs. Ask a doctor before using on children under 1 year of age.

PHYSICAL OR CHEMICAL HAZARDS – EXTREMELY FLAMMABLE: Contents under pressure. Keep away from heat, sparks and open flame. Exposure to temperatures above 180° F may cause bursting. Use only as directed. Avoid contact with plastics, costume jewelry, leather and synthetic fibers. May damage painted or varnished surfaces, including nail polish.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not spray in enclosed areas. Do not use near food.

REPELLENCY – REPELS MOSQUITOS AND TICKS FOR UP TO 8 HOURS [optional front and back panel]

Hold container 6 to 8 inches from skin and spray with a slow sweeping motion evenly over exposed skin. Do not apply over cuts, wounds, freshly shaven or irritated skin. An adult must apply this product to children under 10. Do not apply to children's hands. TO APPLY TO FACE: Spray palm of hand and rub on.

FOR CONTINUED PROTECTION: reapply about every 8 hours or sooner if effectiveness diminished, not to exceed 3 applications per day. **Storage and Disposal:**

Storage: Store in cool dry place away from heat or flame.

Disposal:

If Empty: Do not reuse or refill this container. Place in trash or offer for recycling if available. ۲.۰۰۰۰ ۲.۰۰۰ ۲.۰۰۰ ۲.۰۰۰۰

Page 3 of 4 LABEL Bug Repell IR3535 20% Aerosol al solid waste

If Partly Filled: Call your local solid waste agency or call 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain. Exp. (date).

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Page 4 of 4 LABEL Bug Repell IR3535 20% Aerosol

[Optional Label Claims]:

DEET free

:

Complete protection against mosquitoes and ticks for up to 8 hours Family friendly For the whole family Long protection for the whole family 8-hour protection for the entire family Lightweight Non-greasy Non oily Pleasant feel Fragrance free Odorless No odor No need to wash off when returning from outdoors Mosquitoes may transmit West Nile Virus Ticks may transmit Lyme disease