

73049-83



9/29/2009

1 of 8

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Nasser Assaf, Ph.D.  
Valent BioSciences Corporation.  
870 Technology Way  
Libertyville, IL 60048

SEP 29 2009

Dear Dr. Assaf:

Subject: Application for Pesticide Notification (PRN 98-10)  
Comply with Agency pyrethroid labeling letter dated June 4, 2009  
SBP-1382 Insecticide Aqueous Pressurized Spray 0.35% for House and Garden  
EPA Reg. No. 73049-83  
Your submission dated July 29, 2009

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated July 29, 2009 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. When preparing the actual printed labels, please be aware that there is a typographical error on your label in one of the newly added precautions. Specifically, under the heading OUTDOORS revise "except for the following permitting uses" to read "except for the following permitted uses".

Sincerely,

*Dana R. Pilitt*

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

2008



United States  
**Environmental Protection Agency**  
 Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 73049-83	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SBP-1382 Insecticide Aqueous Pressurized Spray 0.35% for House and Garden	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Valent BioSciences Corporation 870 Technology Way Libertyville, IL 60048  <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.)  
 Label Notification - No Fee; e-mail: Nasser.Assaf@valent.com; Fax: (925) 817-5160  
 See Self Certifications statements on cover letter.  
 Changes include:  
 -Environmental Hazard and General labeling requirement per Agency's letter of June 4, 2009

-No other changes have been made to the label other than those clearly marked.

**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		<input checked="" type="checkbox"/> Metal	
	If "Yes" Unit Packaging wgt.      No. per container	If "Yes" Package wgt      No. per container		<input type="checkbox"/> Plastic	
* Certification must be submitted				<input type="checkbox"/> Glass	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 to 16 ounces	5. Location of Label Directions <input checked="" type="checkbox"/> on label		
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph <input checked="" 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 Nasser A. Assaf, Ph.D	Title Regulatory Manager, ESD	Telephone No. (Include Area Code) (847) 968-4788

**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.

2. Signature 	3. Title Regulatory Manager, ESD	6. Date Application Received (Stamped)
4. Typed Name Nasser A. Assaf, Ph.D	5. Date July 29, 2009	

3098



**ENVIRONMENTAL SCIENCES DIVISION**

870 Technology Way, Suite 100  
Libertyville, IL 60048 ♦ 800-323-9597

July 29, 2009

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

ATTN: Richard Gebken  
Product Manager 13  
Insecticide Branch

SUBJECT: APPLICATION FOR PESTICIDE LABEL NOTIFICATION – No PRIA Service Fee Required  
Submission of Revised Labeling Per:  
- June 4, 2009 Environmental Hazard and General labeling for  
Pyrethroid Non-agricultural Outdoor Products  
SBP-1382-Insecticide Aqueous Pressurized Spray 0.35% for House and Garden;  
EPA Reg. No. 73049-83

Dear Mr. Gebken:

This application for label notification for the above subject product is being submitted to comply with the Agency's letter of June 4, 2009 Environmental Hazard and General labeling for Pyrethroid Non-agricultural Outdoor Products Notification among other minor changes which are clearly marked.

SBP-1382-Insecticide Aqueous Pressurized Spray 0.35% for House and Garden; EPA Reg. No. 73049-83; is a pyrethroid product for indoor/outdoor, homeowners and professional use, aerosol product.

Due to the limited space on EPA Form 8570-1, Section II, the self certification statements are as follows:

Agency's letter of June 4, 2009 Environmental Hazard and General labeling for Pyrethroid Non-agricultural Outdoor Products Notification

Notification of label change per June 4, 2009, letter from Environmental Protection Agency. This notification is consistent with the guidance in the June 4, 2009 letter and the requirements of EPA's regulations at 40 CFR part 156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR 156, 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.

Two (2) copies of revised draft labeling with changes clearly marked are enclosed. Additions are noted in underlined italics. Deletions are shown struck through.

cc: [illegible]



50f8

**SBP-1382<sup>®</sup>**  
**INSECTICIDE AQUEOUS PRESSURIZED**  
**SPRAY 0.35%**  
**FOR HOUSE AND GARDEN**

• *Can Be Used In Edible Product Areas Of Official Establishments Operating Under The Meat, Poultry, Shell Egg Grading, And Egg Products Inspection Program.*

**ACTIVE INGREDIENT:**

Resmethrin\* .....0.35 %

**OTHER INGREDIENTS:** ..... 99.65 %  
 100.00 %

**NOTIFICATION**

**SEP 29 2009**

\* Valent BioSciences Corporation's SBP-1382<sup>®</sup> brand of resmethrin insecticide.

**PRECAUCION AL CONSUMIDOR:** Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

**(TO THE USER:** If you cannot read English, do not use this product until the label has been fully explained to you.)

**EPA REG. NO. 73049-83**

**EPA EST. NO.**

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

<b>FIRST AID</b>	
<b>If on Skin or Clothing:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in Eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. In case of Medical emergencies or health and safety inquiries or in case of fire, leaking or damaged containers, information may be obtained by calling 1-877-315-9819.</p>	

**See Side Panel For Additional Precautionary Statements**

**NET WEIGHT:**

leaf 8

**SHAKE WELL BEFORE USING****PRECAUTIONARY STATEMENTS  
Hazards To Humans & Domestic Animals****CAUTION**

Harmful if absorbed through skin. Avoid contact with skin, eyes and clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Do not apply directly to food. In commercial food handling facilities, cover or remove any food and food processing equipment during application. Do not apply while food processing is underway. After space spraying in meat packing plants, bakeries and other food processing plants, wash all equipment, benches, shelving, etc., where exposed food will be handled, thoroughly with an effective cleaning compound and rinse with potable water. In the home, cover all food processing surfaces and utensils during treatment, or thoroughly wash before use. Remove pets, birds and cover fish aquariums before spraying. Prevent re-entry of dogs and cats into treated area until spray deposits are dry.

**Environmental Hazards**

This pesticide is highly toxic to fish. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.

**Physical And Chemical Hazards**

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F (54.5°C) may cause bursting. Do not apply this water-based product in conduits, motor housings, junction and switch boxes or other electrical equipment because of possible shock hazards. Do not use on surfaces that can be harmed or stained by water.

**DIRECTIONS FOR USE**

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

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in interior plantscapes, ornamental gardens or parks or lawns and grounds.

For use in and around hotels, motels, homes, food handling establishments, packaging and processing plants, seed houses, commercial, industrial, office, institutional and storage buildings, milk handling areas of milk, cheese and ice cream plants, milk storage rooms, egg processing plants, supermarkets, restaurants, bottling plants, canneries, flour and feed mills, bakeries, boats, ship cabins and hospitals. In hospitals, patients should be removed prior to treatment. Also for use in buses, automobiles, trucks, boxcars and ship cargo holds. Also for use in horse stables. In horse stables, not for application if horses will be used for food.

Application is prohibited directly into sewers drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

Shake well before each use. Remove protective cap. Aim spray opening away from person. Push button to spray.

**INDOORS**

FOR *Houseflies, Mosquitoes, Gnats, Flying Moths (Millers), Fruit Flies* and *Vinegar Flies*: Close all doors and windows. Point nozzle upward; direct the spray mist to all parts of the room, especially windows and other light sources which attract these insects. Fill the room with mist, then leave the treated area. Keep the room closed for at least 15 minutes. Ventilate the room when treatment is completed.

FOR CRAWLING INSECTS: *Cockroaches (Waterbugs), Earwigs, Grain Mites, Sowbugs (Pillbugs), Silverfish (Firebrats), Spiders, Centipedes, Millipedes, Fleas, Ants, Booklice* and *Crickets*: Spray thoroughly and frequently into hiding places such as cracks, crevices, moist areas, openings around pipes and sinks, under refrigerators, baseboards, door frames, bookcases and storage areas. Spray directly on insects where possible.

TO KILL *Ants* - INCLUDING *Fire Ants*: Spray doors, around window frames, and other points of entry. Spray ant trails, nests, and hills contacting as many ants directly as possible.

TO KILL *Bedbugs* and *Lice*: Apply as a spot treatment to cracks and crevices around baseboards, floorboards, bedboards and walls. First, thoroughly clean and air mattresses and springs. Then spot treat only areas that may harbor pests, concentrating on tufts, folds and seams. For persistent infestations, consult professional applicator.

TO KILL *Fleas* and *Ticks* IN DOG AND CAT PREMISES: Thoroughly spray the animal's bedding and other resting areas until the surface is slightly moist. Treat these areas at the rate of 2 seconds per linear foot (30 cm) at a distance of 12 to 18 inches (30 to 46

7d8

cm). Also spray the entire inside surface of dog houses. Thoroughly spray floors, cracks, crevices and bedding. Hit as many insects directly as possible. For best results, dogs and cats should also be treated with an appropriate insecticide.

TO PROTECT HOUSE PLANTS: Spray infested African violets, philodendron, begonias, geraniums and coleus for control of *Aphids*, *Exposed Thrips*, *Adult Whiteflies*, *Spider Mites*, and *Fungus Gnats*. Use with caution. To ascertain possible phytotoxicity, spray only a few plants, wait 24 hours, and check for possible injury.

## OUTDOORS

Do not water the treated area to the point of run-off. Do not make applications during rain. All outdoor application must be limited to spot or crack-and-crevice treatments only, except for the following permitting uses:

1. Treatment to soil or vegetation around structures;
2. Applications to lawns, turf, and other vegetation;
3. Applications to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors and eaves) are limited to spot and crack-and-crevice applications only.

TO KILL FLYING INSECTS: Spray areas infested with *Mosquitoes*, *Gnats (Midges)*, *House Flies*, *Stable Flies*, *Deer Flies* And *Flying Moths (Millers)*. Follow precautions listed above. Hold container 18 to 24 inches (46 to 61 cm) from shrubs, bushes and grassy areas. Spray these areas with a slow sweeping motion at the rate of from 1 to 3 seconds per cubic yard (0.76 cu. m) of space while moving away from the treated areas. To reduce annoyance from these flying insects, treat open porches and patios in a similar manner. Spray only when the air is still. Allow spray to dissipate before occupying the treated area.

TO PROTECT ORNAMENTAL PLANTS: To control *Aphids*, *Exposed Thrips*, *Adult Whiteflies*, *Leafhoppers*, *Gypsy Moths*, *Plant Bugs*, *Spittlebugs* and *Japanese Beetles* on smaller rhododendrons, pines, spruce, hemlock, spirea, dogwood, palm, mimosa, toyon, viburnum, euonymus, oaks, maples, locust, forsythia and althea, and mimosa webworm larvae on mimosa, spray directly on insects. Hold container 18 inches (46 cm) from the infested plants. Spray in short bursts of one to three seconds or spray at the rate of one linear foot (30 cm) of growth per second. Direct spray to all sides covering foliage until slightly moist. Avoid heavy wetting.

Spray peonies, iris, zinnia, snapdragons, ageratum, chrysanthemums, nasturtiums, daisy, geraniums, marigolds, daphne, fatsyhedera, ivy, tobira, queen sago and broad leaf acacia for control of aphids, exposed thrips, adult whiteflies, leafhoppers, plant bugs, spittlebugs and Japanese beetles. Spray as directed above.

Ornamental Quince, Juniper, Cypress, Ornamental Mulberry, Ash, Cotoneaster, Rose, Camellia, Azalea, Pyracantha and Caenothus may also be treated to control the above pests, but use with extreme caution. Certain varieties have shown some leaf burn under certain conditions of use such as heavy dosage.

TO Kill *Tent Caterpillars*: Make applications should be when caterpillars are young and tents are first noticed (usually late spring). For best results, apply in the late afternoon or evening when caterpillars have returned to their tents. Aim spray directly at tents, and totally saturate on all sides.

TO KILL *Gypsy Moth Caterpillars*: Make applications when caterpillars are young and first noticed (usually late spring). Spray plants evenly to the point of run-off, applying to both sides of leaves and other areas of plants where insects are suspected. For dense evergreens and shrubs, be sure spray reaches interior leaves and branches.

TO CONTROL NUISANCE PESTS: *Crickets*, *Silverfish*, *Earwigs*, *Sowbugs*, *Centipedes* and *Millipedes*: Same as directed above for indoor use.

*Ants*: Spray trails, nests and points of entry. Spray on ants where possible.

*Fire Ants*: Kills and temporarily reduces annoyance of these insects. To reduce annoyance from these ants and keep them from entering homes, spray patios, barbecue areas, driveways, door sills, window sills, other entrance areas, foundations of buildings, ant trails, around pools and areas where the ants are noticed. Spray until the area is wet contacting as many insects as possible. This treatment will not kill the colonies, but will reduce the immediate population for up to four hours. Avoid contacting plants, shrubbery and large areas of lawns.

*Fleas and Ticks*: Same as directed for indoor use.

*Spiders (Including Black Widow and Brown Recluse)*: Direct short bursts of spray on spiders.

*Wasps, Hornets, Yellow Jackets and Bees*: Make applications in late evening when insects are at rest. Spray liberally into hiding and breeding places contacting as many insects as possible.

8048

**STORAGE AND DISPOSAL**

**Storage:** Keep in locked storage area.

**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 1-877-315-9819]* for disposal instructions.

**IMPORTANT: READ BEFORE USE**

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following conditions, disclaimer of warranties and limitations of liability.

**CONDITIONS:** The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Valent BioSciences Corporation. All such risks shall be assumed by the user or buyer.

**DISCLAIMER OF WARRANTIES:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, VALENT BIOSCIENCES CORPORATION MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL.

No agent of Valent BioSciences Corporation is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Valent BioSciences Corporation disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

**LIMITATIONS OF LIABILITY:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT VALENT BIOSCIENCES CORPORATION'S ELECTION, THE REPLACEMENT OF PRODUCT.

**Alternate Disclaimer**

Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, seller shall have no liability for consequential damages.

©Valent BioSciences Corporation, 2009

SBP-1382 is a registered trademark of Valent BioSciences Corporation.

**Valent BioSciences Corporation**  
**Environmental Science Division**  
870 Technology Way  
Libertyville, IL 60048  
List No. 7304983  
02-0478/R2

