

73049-90



9/29/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

SEP 29, 2009

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

Dear Dr. Assaf:

Subject: Application for Pesticide Notification (PRN 98-10)
Comply with Agency pyrethroid labeling letter dated June 4, 2009,
Revise per Pesticide Registration Notice 2007-4 (Container Disposal),
and update Warranty Statement
SBP-1382 Oil Base Insecticide 0.20%
EPA Reg. No. 73049-90
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.

Sincerely,

Dana R. Politt

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

2098



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 73049-90	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SBP-1382 Oil Base Insecticide 0.20%	PM# 10	
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
 -Revise Storage & Disposal Statements in Compliance with PR Notice 2007-4,
 -Updated warranty statement in agreement with US EPA OPP Guidance on Warranty Statements (Oct. 17, 2006)
 -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 type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* 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"/> Container		4. Size(s) Retail Container 1 ounce to 1 gallon		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) 969-4788
2. Signature 		6. Date Application Received (Stamped)
3. Title Regulatory Manager, ESD		
4. Typed Name Nasser A. Assaf, Ph.D		
5. Date July 29, 2009		

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 both under applicable law.

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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
- PR-Notice 2007-4, Container Disposal
- PR-Notice 98-10, Warranty Statement update
SBP-1382 Oil Base Insecticide 0.20%; EPA Reg. No. 73049-90

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; PR Notice 2007-4, Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment Revision of Container Disposal and US EPA OPP Guidance on Warranty Statements (Oct. 17, 2006) among other minor changes which are clearly marked.

SBP-1382 Oil Base Insecticide 0.20%; EPA Reg. No. 73049-90; is read-to-use liquid, pyrethroid product for homeowners/professional, indoor/outdoor use.

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.

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PR Notice 2007-4, Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal Notification of label change per PR-Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. 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 §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

US EPA OPP Guidance on Warranty Statements (Oct. 17, 2006)

This notification is consistent with the provisions of PR Notice 98-10 and the EPA regulations at 40 CFR 152.46, and 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 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.

Notification of warranty statements per PR Notice 98-10 II J.

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

If you need additional information or have any questions regarding this submission, please do not hesitate to contact me at (847) 968-4844 or e-mail to: Nasser.assaf@valent.com.

Sincerely,

Nasser A. Assaf, Ph.D.
Regulatory Manager, ESD

Enclosures

cc: VBC Regulatory File

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SBP-1382®

OIL BASE INSECTICIDE 0.20%

• *A Synthetic Pyrethroid For Controlling The Following Small Flying Insects And Crawling Insects: Houseflies, Mosquitoes, Gnats, Fruit Flies, Flying Moths (Millers), Wasps, Hornets, Yellow Jackets, Cockroaches, Waterbugs, Ants, Crickets, Silverfish, Earwigs, Spiders, Grain Mites, Sowbugs, Centipedes And Millipedes*

ACTIVE INGREDIENTS:

Resmethrin*† 0.2%

OTHER INGREDIENTS†: 99.8%

100.0%

*Cis/trans isomers ratio: max. 30% (+/-) cis and min. 70% (+/-) trans.

†Valent BioSciences Corporation's SBP-1382® brand of resmethrin insecticide.

†Contains Petroleum Distillates

EPA REG. NO. 73049-90

EPA EST. NO.

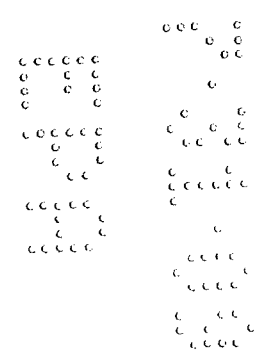
KEEP OUT OF REACH OF CHILDREN

CAUTION

See Side Panel For Additional Precautionary Statements

NET CONTENTS:

FIRST AID	
If Swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
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 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.
HOT LINE NUMBER	
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.	
NOTE TO PHYSICIAN	
Contains petroleum distillate - vomiting may cause aspiration pneumonia.	



PRECAUTIONARY STATEMENTS
Hazards To Humans And Domestic Animals

CAUTION

Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing mist. Cover or remove exposed foods. Avoid contamination of cooking utensils and food preparation surfaces. Remove pets and cover fish aquariums before spraying. Do not allow dogs or cats to re-enter treated areas until spray deposits are dry.

Environmental Hazards

This pesticide is highly toxic to fish. ~~Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.~~ Drift and runoff from treated sites may be hazardous to fish in adjacent waters. ~~Do not contaminate water when disposing of equipment washwaters.~~ To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.

Physical Or Chemical Hazards

Combustible. Do not use or store near heat or open flame. Extinguish open flame before space spraying. Store at room temperatures above 32°F.

DIRECTIONS FOR USE

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

For use outdoors in yards, patios, around swimming pools, poultry houses. For use indoors and outside premises of hotels, motels, homes, food handling establishments, packaging and processing plants, seed houses, commercial, industrial, office, institutional and storage buildings, milk handling areas of milk plants, milk storage rooms, egg processing plants, supermarkets, restaurants, bottling plants, canneries, flour and feed mills, bakeries, boats, ship cabins, and hospitals. IN HOSPITALS, remove patients prior to treatment. Also for use in buses, automobiles, trucks, boxcars, ship cargo holds, and in dog kennels and horse stables. IN HORSE STABLES, NOT FOR APPLICATION IF HORSES WILL BE USED FOR FOOD.

Cover or remove foods during treatment. Cover all food processing surfaces during treatment or thoroughly clean before using. When using the product in these areas apply only when the facility is not in operation.

Before application, remove plants and animals from area to be treated. Cover or remove fish aquariums.

Remove horses before spraying stables.

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.

INDOORS

Thermal Applications - For use undiluted in electric, propane, or gas-powered thermo-foggers and such portable thermal applicator equipment that can deliver spray particle sizes within the aerosol-size range.

TO KILL *Houseflies, Mosquitoes, Gnats, Fruit Flies, Flying Moths (Millers)*: Remove or cover exposed food and food handling surfaces. Remove animals, fish and plants. Shut off ventilating systems, air ducts, air conditioning equipment and close off room or area to be treated. Do not apply while food processing plant is occupied or in operation. Extinguish all flames and pilot lights. APPLY AS A DRY FOG AT THE RATE OF 1-1/3 fluid ounces per 1,000 cubic feet of space. Direct nozzle of thermal applicator toward the upper corners of the room and along the ceiling. Close off room for at least one-half hour. Do not remain in treated areas. Ventilate the area after treatment.

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SPACE SPRAY: To kill *Houseflies, Mosquitoes, Gnats, Fruit Flies, Flying Moths (Millers)*: Close off room or area to be treated. Shut off air-conditioner and ventilator system: Seal all open vents. Remove animals and plant life. Cover or remove fish aquariums. Apply undiluted as a very fine mist space spray through manually operated equipment or with electric or other powered applicators. Avoid staining by holding the spray nozzle at least five feet from objects. Direct the fine spray mist toward the upper corners of the room or area. Fill the area with a fine mist space spray at the rate of 5 fluid ounces per 5,000 cubic feet. Leave room closed for one-half hour. Ventilate thoroughly before re-entry. Sweep up and destroy insects.

CONTACT SPRAY: To kill *Cockroaches, Waterbugs, Ants, Crickets, Silverfish, Earwigs, Spiders, Grain Mites, Sowbugs, Centipedes and Millipedes*. Adjust spray to produce large wetting-type spray particles. Direct spray to contact these insects in cracks and crevices in floors, baseboards, around pipes, behind cabinets and other harborage. Spray these infested areas until thoroughly wet. Repeat treatment if insects return.

TO KILL *Ants*: Spray around doors and window frames, ant trails, and hills in addition to direct spray to contact insects.

TO KILL *Spiders*: Spray directly on these pests and use repeated applications to the webbing and all cracks and crevices which harbor spiders.

OUTDOORS

Do not water the treated area to the point of run-off. Do not make applications during rain.

Thermal Applications - This formulation is to be used undiluted in only such portable thermal applicator equipment that can deliver spray particle sizes within the aerosol-size range.

For reduction in annoyance from *Flies, Mosquitoes* and *Gnats* in yards, patios, around swimming pools, and horse stables. Hold thermal applicator at least five feet from any object, especially plants and shrubbery. Avoid wetting any plant foliage. Apply undiluted at the rate of 3 gallons per acre. Fog only when there is no breeze, or the wind velocity is less than 3 miles per hour. The ideal time is generally at dusk when the wind dies down and the air temperature and ground temperature are approximately the same. Under these conditions the fog will linger in the treated area for a longer time. Apply fog while moving away from treated area. Avoid inhalation of the fog. Do not enter the treated area until the fog has dissipated. Repeat application when insects return.

[Products used exclusively for outdoor foggers may omit the outdoor spot or crack-and-crevice statements.] All outdoor application must be limited to spot or crack-and-crevice treatments only, except for 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.

CONTACT SPRAY: To kill nuisance pests around buildings, patios and paved areas: Spray directly on insects. Avoid spraying turf or plants.

***Ants*:** Spray around doors and window frames, ant trails, and hills in addition to direct spray to contact insects.

***Wasps, Hornets, Yellow Jackets*:** Make applications in late evening when insects are at rest. Point spray opening away from face. Aim spray at nest opening in bushes, under eaves, chimneys, cracks and crevices. Thoroughly saturate nest with spray, contacting as many insects as possible. Spray liberally into hiding and

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breeding places.

Earwigs, Sowbugs, Spiders, Centipedes and Millipedes: Apply as a contact spray, as for indoor use.

TO CONTROL *Flies, Mosquitoes* and *Gnats* and CRAWLING INSECTS around premises, spray thoroughly around doors, window frames and similar areas of entry. Also thoroughly spray garbage and refuse areas, especially around poultry houses, barns, and similar areas of heavy infestation. Do not spray on turf or plants.

STORAGE AND DISPOSAL

Storage: Store product in original container in a locked storage area.

Container Disposal: *If empty: Nonrefillable container.* Do not reuse *or refill* this container. Place in trash or offer for recycling if available. *If partly filled:* Call your local solid waste agency [or 1-877-315-9819] 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

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 ~~should~~ 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.

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Environmental Science Division
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02-0554/R2

