

73049-161

(09-30-2010)

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Nasser Assaf, Ph.D.
Valent BioSciences
870 Technology Way, Suite 100
Libertyville, IL 60048

SEP 30 2010

Subject: Label Notification(s) for Pesticide Registration Notice 98-10

Dear Dr. Assaf:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated April 23, 2010 for the following product(s):

Tetraperm® Crawling Insect Reg. No. 73049-161
Killer FEQ 23

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 98-10 and finds that the label change(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Linda A. DeLuise at 703-305-5428.

Sincerely,

A handwritten signature in black ink, which appears to read "Richard J. Gebken", is written over a horizontal line.

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7504P)



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 73049-161	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) TetraPerm Crawling Insect Killer FEQ 23	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 to the product for which registration and labeling to: EPA Reg. No. <u>SEP 30 2010</u> 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 per Pyrethroid Letter dated June 4, 2009 and revised warranty statement per PR Notice 98-10.

e-mail: nasser.assaf@valent.com

Fax: (925) 817-5160

Section - III

1. Material This Product Will Be Packaged In:					
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	2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* 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 6.0 - 32.0 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 checked="" 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 Manager, Product Safety & Regulatory Affairs	
		Telephone No. (Include Area Code) (847) 968-4844	
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 Manager, Product Safety & Regulatory Affairs	
4. Typed Name Nasser A. Assaf, Ph.D.		5. Date April 23, 2010	
6. Date of Application Received (Stamped)			



870 TECHNOLOGY WAY
LIBERTYVILLE, IL 60048 - 800-323-9597

April 23, 2010

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: Mark Suarez
Product Manager 13
Insecticide Branch

SUBJECT: LABEL NOTIFICATION – No PRIA Service Fee Required
Submission of Revised Labeling Per:
- June 4, 2009 Pyrethroid Non-Agricultural Outdoor Use Products
- PR-Notice 98-10 – Warranty Statement Revision
TetraPerm® Crawling Insect Killer FEQ 23; EPA Reg. No. 73049-161

Dear Mr. Suarez:

Attached, please find one (1) copy of revised labeling that has been marked to show all changes. We are updating the label to comply with the following:

Notification of label change per June 4, 2009, letter from Environmental Protection Agency Re: Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products: 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.

Notification of Revised Warranty Statements per OPP Guidance of Oct. 17, 2006, and PR Notice 98-10: This notification is consistent with the provisions of PR Notice 98-10 and the EPA regulations at 40 CFR 152.46.

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 PR Notice 98-10, 40 CFR §§ 156 and 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.

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.

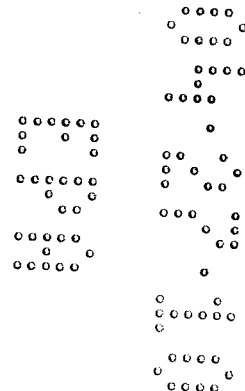
Sincerely,

Nasser A. Assaf

Nasser A. Assaf, Ph.D.
Manager, Product Safety & Regulatory Affairs

Enclosures

cc: VBC Regulatory File



TETRAPERM[®]

CRAWLING INSECT KILLER FEQ 23

- **FOR HOUSEHOLD USE**
- **CONTAINS SYNERGIST PIPERONYL BUTOXIDE, PERMETHRIN AND TETRAMETHRIN**
- **PROVIDES QUICK KILLING ACTION AND RESIDUAL CONTROL**
- **ECONOMICAL DO-IT-YOURSELF PEST CONTROL**
- **USE INDOORS AND OUTDOORS**
- **KILLS FLEAS - ROACHES - ANTS**
- **KILLS ON CONTACT - KILLS FAST**
- **KILLS HIDDEN BUGS**
- **KILLS BUGS YOU SEE AND EVEN THE ONES YOU DON'T SEE**
- **A BROAD SPECTRUM INSECTICIDE HIGHLY EFFECTIVE AGAINST ANTS, BEES, CARPENTER ANTS, CARPET BEETLES, CENTIPEDES, COCKROACHES, CRICKETS, EARWIGS, FIREBRATS, FLEAS, FLOUR BEETLES, GRAIN BEETLES, GROUND BEETLES, MILLIPEDES, MOLE CRICKETS, MOTHS, PILLBUGS, SCORPIONS, SILVERFISH, SOWBUGS, SPIDERS, TICKS AND MANY OTHER CRAWLING INSECTS.**
- **NO OILY RESIDUE - NO UNPLEASANT ODOR**
- **PROTECTS FOR UP TO 4 WEEKS**
- **PROTECTS FOR UP TO 12 WEEKS**
- **PROTECTS FOR UP TO 3 MONTHS**
- **DIELECTRIC BREAKDOWN VOLTAGE OF 47,000 VOLTS**

NOTIFICATION

SEP 30 2010

ACTIVE INGREDIENTS:

Tetramethrin.....	0.10 %
Permethrin*.....	0.25 %
Piperonyl Butoxide**.....	0.50 %
OTHER INGREDIENTS:	99.15 %
	100.00 %

*Cis/trans ratio: min. 35% (+/-) cis and max. 65% (+/-) trans.

**Equivalent to 0.40% (butylcarbityl)(6-propylpiperonyl) ether and 0.1% related compounds.

PRECAUCION AL USARIO: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada amplimente.
(**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. 73049-161

EPA EST. NO.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
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.
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 a poison control center or doctor.• Do not give any liquid to the person.• Do not give anything by mouth to an unconscious person.
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.	

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

PRECAUTIONARY STATEMENTS

Hazards To Humans And Domestic Animals

CAUTION

Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Prolonged or frequent repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Avoid contamination of food and feed. Remove pets and cover fish aquariums before spraying. Prevent re-entry of dogs and cats into treated area until spray deposits are dry.

Environmental Hazards

This product is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water.

Physical and Chemical Hazards

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.

DIRECTIONS FOR USE

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

In the home, cover all food processing surfaces and utensils during treatment or thoroughly wash before use. Cover or remove exposed food.

Do not use in commercial food/feed handling establishments, restaurants or other areas where food is commercially prepared or processed.

Application is prohibited directly into sewers or 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.

Remove protective cap, hold container upright and direct spray away from face. Hold can 12 - 15 inches from surface being sprayed. Press valve down and spray as directed. Spray surface until slightly wet (at a rate of 4 ounces product to treat approximately 25 square feet of surface area).

INDOORS

Cockroaches (including adult and immature stages of both non-resistant and organophosphate and carbamate resistant strains), **Ants**, **Booklice**, **Boxelder Bugs**, **Centipedes**, **Crickets**, **Dermestids**, **Firebrats**, **Fleas**, **Palmetto Bugs**, **Silverfish**, **Sowbugs**, **Ticks** and **Waterbugs**: Apply thoroughly to all areas where these pests crawl and hide, especially in cracks and crevices, and hidden areas around sinks and storage areas, behind baseboards, around doors and windows behind and under refrigerators, cabinets, sinks and stoves, the underside of shelves, drawers, bookcases, and similar areas. When pests are driven out, spray directly.

Ants: Spray freely around ant trails, doors and windows and other places where ants enter premises. Spray around nests hidden under steps, brickwork, concrete, etc. Break apart accessible nests and spray freely on and around debris.

Carpenter Ants: For effective control, locate and treat nests and surrounding areas. Apply around doors and windows and other places where ants enter premises and where they crawl and hide. Spray into infested wood through existing openings.

Brown Dog Ticks and **Fleas** in Buildings: Apply in infested areas such as pet beds and resting quarters, nearby cracks and crevices, under the edges of rugs and floor coverings, between and under cushions of upholstered furniture and other areas where these pests may be present. Remove old bedding of pets and replace with clean fresh bedding after treatment of pet areas. Do not use directly on pets.

Spiders: Apply along and behind baseboards, to window and door frames, corners, pipes, storage localities, attics, crawl spaces and other areas over which these pests may crawl.

Centipedes, **Earwigs**, **Ground Beetles**, **Millipedes**, **Mole Crickets**, **Pillbugs**, **Sowbugs**, **Scorpions** and **Ticks**: Apply around doors and windows and other places where these pests may enter premises. Treat baseboards, storage areas and other locations where these pests are found.

Pantry Pests - Grain Beetles (Rusty, Merchant, and Saw-toothed), **Flour Beetles (Red and Confused)**, **Chocolate Moths**, **Cigarette Beetles**, **Clover Mites**, **Cluster Flies**, **Drugstore Beetles**, **Elmleaf Beetles**, **Rice Weevils**, **Lesser Grain Borers**, **Spider Beetles** and **Tobacco Moths**: Treat exposed stages. Remove all foodstuffs, utensils and shelf paper from area to be treated. Discard used shelf paper and any infested foodstuffs. Apply spray to shelves and in cracks and crevices behind and under cupboards and cabinets. Allow spray to dry prior to replacement of shelf paper, food and utensils.

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Carpet Beetles (Black, Furniture and Varied): Spray on and under edges of floor coverings, under rugs and furniture and in closets or other localities where these insects are found.

Webbing Clothes Moths: Use this product as a crack and crevice treatment in closets and other storage areas where these pests are found. This is an adjunct treatment and will not control moth larvae already on clothes. Do not apply to clothing.

OUTDOORS

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

Point spray nozzle away from face. Hold can on slight downward angle. For best results, spray when air is calm. Spray with wind if breeze is blowing.

PESTS ON OUTSIDE SURFACES OF BUILDINGS: For control of building infestation due to *Ants, Clover Mites, Crickets, Earwigs, Millipedes, and Sowbugs (Pillbugs)*. Spray foundation of building where insects are active and may find entrance up to a height of 2 to 3 feet. Apply as a residual spray to outside surfaces of buildings where insects tend to congregate. Spray areas include (but are not limited to) screens, window frames, eaves, porches, patios, garages and refuse dumps.

CRAWLING Insects: *Ants, Cockroaches* (Including *Asian Cockroaches*), *Crickets, Centipedes*, and *Silverfish*. Spray infested surface of patio or picnic area, hitting as many insects as possible. Also spray legs of tables and chairs to repel ants. Spray ant hills for best control.

Ants, Lone Star Ticks, Dog Ticks, Crickets, Fleas and Earwigs: Apply thoroughly to infestation in bushes, grass or weeds. For ants: Spray freely around ant trails and hills.

STORAGE & DISPOSAL

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

Storage: Do not store near heat or open flame. Store in cool dry area away from children.

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.

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 should 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.

To the extent consistent with applicable law, buyer assumes all responsibility for safety and use not in accordance with directions.

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Valent BioSciences Corporation
Environmental Science Division
870 Technology Way
Libertyville, IL 60048
List No. 73049161

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NET CONTENTS: