

73049-167

09/29/2009

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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 and
Revise per Pesticide Registration Notice 2007-4 (Container Disposal)
TetraPerm Crawling Insect Killer WBA
EPA Reg. No. 73049-167
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. Pelitt

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



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 73049-167	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) TetraPerm Crawling Insect Killer WBA Q3	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
- Revise Storage & Disposal Statements in Compliance with PR Notice 2007-4,

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

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 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
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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	



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

TetraPerm Crawling Insect Killer WBA Q3; EPA Reg. No. 73049-167

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; and 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 among other minor changes which are clearly marked.

TetraPerm Crawling Insect Killer WBA Q3; EPA Reg. No. 73049-167; is an aerosol 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.

cc: VBC Regulatory File

TETRAPERM® CRAWLING INSECT KILLER WBA Q3

- *Recommended For Household And Commercial/Industrial Use In Non-Food/Feed Areas*
- *Contains Synergized Permethrin And Tetramethrin*
- *Provides Quick Killing Action And Residual Control*
- *Quick Killing*
- *Economical Do-It-Yourself Pest Control*
- *Use Indoors And Outdoors*
- *Use Indoors*
- *Use Outdoors*
- *Kills Fire Ants*
- *Kills Fleas - Roaches - Ants*
- *Kills Fleas*
- *Kills Roaches; Kills Ants*
- *Kills On Contact - Kills Fast*
- *Kills Hidden Bugs*
- *Kills Bugs You See And Even The Ones You Don't*
- *A Broad Spectrum Insecticide Highly Effective Against Ants, 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, Termites, Ticks And Many Other Similar Crawling Insects*
- *Highly Effective Against Carpenter Ants*
- *Water-Based Formula; Non-Staining*
- *No Oily Residues; No Unpleasant Odor*
- *Protects For Up To 4 Weeks*
- *Contains No CFCs Or Other Ozone Depleting Substances. Federal Regulations Prohibit CFC Propellants In Aerosols.*

NOTIFICATION

SEP 29 2009

ACTIVE INGREDIENTS:

Tetramethrin.....	0.10%
Permethrin*	0.25%
Piperonyl Butoxide**	0.50%
OTHER INGREDIENTS:	<u>99.15%</u>
	100.00%

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

**Equivalent to min. 0.4% (butylcarbityl) (6-propylpiperonyl) ether and 0.1% related compounds.

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. 73049-167

EPA EST NO.

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
If on Skin or Clothing:	• 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.	

See Side Panel For Additional Precautions

NET CONTENTS:

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

CAUTION

Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Prevent re-entry of dogs and cats into the treated area until spray deposits are dry.

Environmental Hazards

This product is toxic to fish. Do not apply directly to water.

Physical or 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 may cause bursting. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

DIRECTIONS FOR USE

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

Shake Well Before Use.

Do not use on surfaces that can be harmed or stained by water.

Do not use in food/feed areas of food/feed handling establishments, restaurants or other areas where food/feed is commercially prepared or processed. Do not use in serving areas while food/feed is exposed or facility is in operation. Serving areas are areas where prepared foods are served such as dining rooms but excluding areas where foods may be prepared or held.

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

TetraPerm Crawling Insect Killer may be used as a crack and crevice treatment or as a spot application in non-food/feed areas. Treat all areas where insects hide or through which insects may enter.

For use in non-food/non-feed areas such as garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage (after canning or bottling).

Do not apply this product in occupied patient rooms or in any rooms/areas while occupied by patients, the elderly or infirm. Do not apply to classrooms when in use.

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.

General Information:

TetraPerm Crawling Insect Killer provides effective control of pests in and on buildings and structures and their immediate surroundings and on modes of transport. Permitted areas of use include, but are not limited to: apartment buildings, homes, hotels, hospitals, nursing homes, schools, industrial buildings, laboratories, mausoleums, private residences, utilities and the non-food/feed areas of food/feed handling establishments, and on: vessels, railcars, aircraft (cargo area only), buses, trucks and trailers.

Surface Spray 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).

Crack & Crevice Injection: Remove protective cap, hold container upright and attach injection tube for injection into cracks and crevices where insects may be hiding, living and breeding. Place injection tip 1/2 inch into cracks, crevices, holes and other small openings where insects may be a problem. Release a one-second spray per spot. In serious infestations, if possible, place spots approximately 12 inches apart. In light infestations or for preventative treatment, place spots approximately three feet apart. In long running cracks, move the injector tip along the crack while spraying. Move at the rate of one linear foot per second in heavy infestations and three feet per second in light infestations. See the additional directions below for effective control of specified insects.

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 in 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. Inject into wall voids and infested wood through existing openings or newly drilled small holes.

Brown Dog Ticks and **Fleas** in Buildings: Apply to 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 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.

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 spaces 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 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.

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**, **Cover 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.

Fire Ants: To treat mounds, use soil injector. To maximize spray distribution, insert injector into the mound full length if possible. Inject the mound at 3-6 sites at a rate of 5-10 seconds spray per site. For very large mounds (over 36 inches in diameter), increase the number of injection sites. Space injection sites in a circular pattern on the mound surface with one

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site in the center. To quiet active ants on mound surface, sweep surface with spray from a distance of 18 inches. For best results, apply in cool weather or in early morning or late evening hours. Treat new mounds as they appear.

STORAGE AND 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.

Container 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] 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 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.]

OR

[Guaranteed to work or your money back.]

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