

73049-386

06-20-2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

June 20, 2011

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

**Subject: Amended Reregistration Label for CYPER-ACTIVE® TECHNICAL INSECTICIDE
EPA Registration No. 73049-386**

Dear Dr. Assaf:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all of the information submitted with your application to support the reregistration of the referenced product in connection with the **CYPERMETHRIN RED**, and have concluded that your submission is acceptable with the following label revision provision(s):

Environmental Hazards section comment(s):

Revise the text "This pesticide is extremely toxic to fish and other aquatic organisms." to "This pesticide is toxic to fish and aquatic invertebrates."

Hazards to Humans and Domestic Animals section comment(s):

Replace this section with **Warning:** May be fatal if swallowed. Harmful if absorbed through skin. Harmful if inhaled. Causes moderate eye irritation. Avoid breathing vapor or spray mist. Avoid contact with eyes, skin, or on clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. User should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

Physical and Chemical Hazards section comment(s):

Since there are no flammable hazards anticipated for this product, the Physical and Chemical Hazards heading and statements currently on the label may be removed.

Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR §156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not be substantially differ from those claims approved through the registration process. Therefore, should the Agency find, or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to EPA's Office of Enforcement and Compliance Assurance

(OECA). As an alternative, you may refer consumers to the company's phone number or e-mail address.

PLEASE NOTE: This product is not being reregistered under sections 3(c)5 and 4(g) of FIFRA at this time.

A copy of your label stamped "Accepted with Comments" is enclosed for your records. Within 45 days of the date of this letter, you must submit an updated label incorporating all of the above changes. If we do not receive an amended label in response to this letter, this registration will be subject to cancellation in accordance with section 6(e) of FIFRA. Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

If you have any questions about this letter, please contact Linda A. DeLuise at 703.305.5428 or via e-mail at deluise.linda@epa.gov.

Sincerely Yours,



Richard J. Gebken
Product Manager (10)
Insecticide Branch
Registration Division (7504P)

Enclosures: Label stamped "Accepted with Comments"
Acute Toxicity Review: Dated October 15, 2010
Product Chemistry Review: dated September 30, 2010

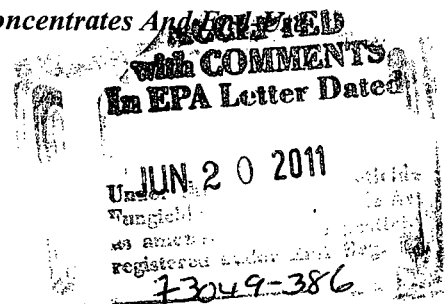
CYPER-ACTIVE® TECHNICAL INSECTICIDE

- *An Insecticide Intended For Formulation Into Manufacturing Concentrates And For Field Products With Acceptable Use Patterns*
- *For The Formulation Of Insecticides Only*

ACTIVE INGREDIENT:

Cypermethrin.....88.0 %

OTHER INGREDIENTS:.....12.0 %
100.0 %



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. 73049-386
Item No. 15270 / 15837

EPA Est. No.

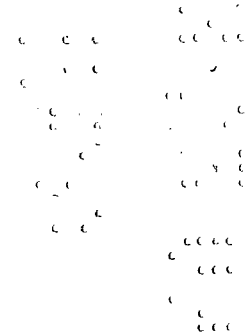
KEEP OUT OF REACH OF CHILDREN

WARNING

See Side Panel For Additional Precautionary Statements

FIRST AID	
If Swallowed:	<ul style="list-style-type: none"> • Call poison control center or doctor immediately for treatment advice. • Have person sip glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If Inhaled:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further 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 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.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For additional information on this product (including health concerns, medical emergencies or pesticide incidents), you may call 1-877-315-9819	

NET CONTENTS:



PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

WARNING

MAY BE FATAL IF SWALLOWED. MAY CAUSE EYE IRRITATION. Avoid contact with skin, eyes or clothing. Wear goggles or face shield as protection against splashes. Wear protective gloves to reduce skin contact. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Avoid breathing vapors. May cause allergic skin reactions.

Environmental Hazards

This pesticide is extremely toxic to fish and other aquatic organisms. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product into sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

Physical and Chemical Hazards

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

This product must not be formulated into end-use products that contain directions for use on sod farms, agricultural uncultivated areas, fencerows, hedgerows, or rights-of-way. These use sites must be removed from all end-use product labels and any special need registration must be canceled.

This product must not be formulated into wettable powder end use formulation unless they are packaged in water soluble bags.

This product must not be formulated into end-use products that contain directions for use on both agricultural crops and for other uses, such as in and around residential, commercial and industrial sites or on farm animals. This product may only be formulated into end-use products that with directions for use for agricultural crops (WPS) uses only or end-use products with directions for use for non-agricultural-crop (Non-WPS) uses only.

Only for formulation into an insecticide for the following uses(s): Domestic Indoor (Household), Domestic Outdoor (Household/Ornamental), Greenhouse Ornamentals, Non-Food/Feed areas of Food Handling Establishments, Commercial/Industrial Uses (non-food/feed), Termiticide Uses (soil contact nonfumigation treatment).

This product may be used to formulate products for any additional use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such uses.

Formulators using this product are responsible for obtaining EPA registration for their formulated products.

PROTECTIVE CLOTHING

When mixing/loading or otherwise handling the concentrate wear mid-forearm to elbow length chemical resistant gloves, long-sleeved shirt, and long pants.

STORAGE AND DISPOSAL

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

Storage: Keep container closed when not in use. Do not store near food or feed. Protect from freezing. In case of spill or leak on floor or paved surfaces, soak up with sand, earth or synthetic absorbent. Remove to chemical waste area.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the hazardous waste representative of the nearest EPA Regional Office for Guidance.

Container Disposal: Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or by other procedures approved by state and local authorities.

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5**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, 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 warranty statement]

[Note user: 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.]

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Cyper-Active is a registered trademark of Valent BioSciences Corporation.

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870 Technology Way
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