


73049-437

03/15/2007

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	U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505P) 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460	EPA Reg. Number: 73049-437	Date of Issuance: MAR 15 2007
		Term of Issuance: Conditional	
		Name of Pesticide Product: TetraPerm 22 WB Wasp, Hornet and Yellow Jacket Killer	
NOTICE OF PESTICIDE: X Registration Reregistration			
(Under FIFRA as amended)			
Name and Address of Registrant (include ZIP Code): Valent BioSciences 870 Technology Way, Suite 100 Libertyville, IL 60048			
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>This product is <u>conditionally</u> registered in accordance with FIFRA sec. 3(c)(7)(A), provided that you:</p> <ol style="list-style-type: none">1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.2. You will make the following label changes before you release the product for shipment:<ol style="list-style-type: none">a. Revise the EPA Registration Number to read "EPA Registration Number 73049-437."			
Signature of Approving Official:		Date:	

b. Change the Hazards to Humans and Domestic Animals section to read "Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse."

c. Under First Aid you may delete the If Swallowed section. This is toxicity Category IV therefore this statement is not required.

d. Under First Aid add

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.

e. Change the Note to Physician to read "May pose an aspiration hazard. Contains petroleum distillate."

f. Change "Up to 20 feet Spray" and "Sprays up to 20 feet" and "Up to 20 feet (above ground)." to "Up to 10 feet Spray" and "Sprays up to 10 feet" and "Up to 10 feet (above ground)."

g. Delete "Residual Activity Stops Wasps and Hornets Returning to the Nest." The data does not support this claim.

h. Delete "Drops Wasps, Hornets, Yellow jackets, & Bees Instantly." The data does not support these claims.

i. Delete "Knocks Down Instantly" and "Instant Knockdown Power". The data does not support these claims.

j. Delete "This jet spray also kills insects that may return to the nest. In most cases, using this product prevents (stops) wasps and hornets from returning to the nest." The data does not support this claim.

k. Delete all references to Carpenter Bees. (Their behavior and nesting habits differs significantly from the wasp species on the label and the data submitted does not support this claim.).

l. Delete "Dual action: Kills and Repels.". The data does not support this claim.

m. Move "[Because this] [product contains water] [is a water-based product,] Do not spray in or around electrical equipment to safeguard against possible shock hazard." to under Physical and Chemical Hazards.

n. Delete "Eliminates entire nest". Words or phrases indicating total or complete control are unacceptable.

o. Delete the bullet "powerful" or qualify it by saying, "Powerful Jet Spray".

p. Under "Important Read Before Use change " The directions for Use are believed to be adequate and should be..." to The directions for Use are believed to be adequate and must be..."

ACUTE TOXICITY PROFILE

STUDY	CATEGORY	CLASSIFICATION
Acute Oral	IV	Cited (MRID 43219504 and 41745602)
Acute Dermal	IV	Cited (MRID 43219505)
Acute Inhalation	IV	Cited (MRID 43219506 and 41745603)
Eye Irritation	III	Cited (MRID 43219507 and 41745604)
Dermal Irritation	III	Cited (MRID 43937102 and 41745605)
Dermal Sensitization	Negative	Cited (MRID 43219509 and 41745606)

Attached is a copy of the product chemistry, acute toxicity and efficacy reviews.

The Agency assigned a Toxicity Category III in terms of eye irritation potential because, unlike the cited products, the percentage of petroleum distillate is greater than 10%).

4. You are currently generating studies corresponding to guidelines 830.6317 (one year storage stability) and 830.6320 (corrosion characteristics). Upon completion the results must be submitted to the Agency.

5. Please note that a notice of availability of EPA's registration eligibility document (RED) for product containing Permethrin was published in the FR on June 28, 2006 (Vol71 No. 124 page 36788). Additional data and/or labeling changes may be required for products containing Permethrin.

6. Please submit two (2) copies of your final printed labeling before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact
Linda A. DeLuise of my team at (703) 305-5428.

TETRAPERM® 22 WB WASP, HORNET & YELLOW JACKET KILLER

- *[Strong Jet Spray Formula]*
- *Water Based*
- *Fast Knockdown*
- *Watch them Drop*
- *Knockdown and Killing Power*
- *Kills [Wasps] Fast*
- *KILLS [Wasps], [Hornets], [and] [Yellow Jackets] on Contact*
- *Up to 20 Ft. [Jet] Spray*
- *Eliminates [Entire] Nest*
- *[Residual Activity] Stops Wasps & Hornets Returning to Nest*
- *Powerful Jet Spray [Blast] – Up To 20 Feet [Above Ground]*
- *Sprays Up To 20 Feet*
- *[TetraPerm] Kills [the] Entire Nest*
- *Drops Wasps, Hornets, Yellow Jackets & Bees Instantly*
- *Knocks Down Instantly*
- *[TetraPerm] Kills Wasps, Hornets, Yellow Jackets & Bees*
- *Indoor/Outdoor Use*

(additional alternate front panel bullets located at end of label)

ACTIVE INGREDIENTS:

Tetramethrin.....	0.2 %
Permethrin*.....	0.2 %
OTHER INGREDIENTS**:	99.6 %
	100.0 %

**Cis/trans* ratio: max. 55% (+/-) *cis* and min. 45% (+/-) *trans*.

**Contains Petroleum Distillates

ACCEPTED
with COMMENTS
in EPA Letter Dated

MAR 15 2007

Under the Federal Insecticide, Fungicide, and Herbicide Act as amended, for the pesticide registered under FIFRA 73049-437.

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-

EPA EST. NO.

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
If swallowed:	<ul style="list-style-type: none"> • Immediately call a poison 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.
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.	

See Side/Back Panel for Additional Precautions

NET CONTENTS:

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

CAUTION

Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse.

Environmental Hazards

This product is 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.

NOTE: This product is non-staining to most building siding depending on age and condition. Before using in areas where this product may contact siding, test in an inconspicuous area, then check back in a few hours.

SHAKE WELL BEFORE USING

Read Entire Label.

HELPFUL TIPS:

For best results, use this product early in the morning or at dusk when insects are less active.

Spray at a safe distance from the nest and do not stand directly underneath it.

Aim the can away from you while spraying.

If it is breezy, spray with the wind at your back to avoid the spray drifting in your direction.

[Because this] [product contains water] [is a water-based product,] Do not spray in or around electrical equipment to safeguard against possible shock hazard.

To kill the entire nest, spray until it is soaked.

This jet spray also kills insects that may return to the nest. In most cases, using this product prevents [stops] wasps and hornets from returning to the nest.

Wait at least 24 hours before removing the nest.

To kill *wasps*, *hornets*, *mud daubers*, *yellow jackets* and *bees* under eaves, screens, window frames, doors, patios, cracks, holes or crevices wherever insects are noticed, directly spray insects for about 1 - 2 seconds.

This product may also be used indoors, in areas such as attics or crawl spaces where insects build nests. Whenever used indoors, follow directions for use carefully. Once nest is treated, leave the area quickly and close door behind you. Do not re-enter area for at least 24 hours to ensure all insects are killed.

Specific Instructions:

To Kill Wasps: Treatments should be made at dusk or early morning when insects are least active. Shake can and hold upright, pointing valve toward nest with wind at back.

To Kill Hornets: Hornets make their nests in trees and shrubs and under eaves. Do not treat hornet's nests unless you can clearly see the entrance hole at the base. Wait until dusk or early morning when wasps are at rest. Direct spray into entrance hole and continue to spray into nest as wasps fall out until can is empty or no more wasps are seen. Quickly leave the area.

To Kill Yellow Jackets: Yellow jackets make their nests in tree stumps, walls, railroad ties or similar structures. Watch for wasp activity during the day to locate nest location. Treat at dusk or early morning when insects are at rest [in nest]. Empty entire contents of can into nest hole from close range to ensure product enters entrance hole and leave area immediately.

To Kill Mud Daubers: Treatments should be made at dusk or early morning when insects are least active. Shake can and hold upright, pointing valve toward nest with wind at back. Spray directly on insects and their nests.

To Kill Carpenter Bees: Locate area of infestation and/or insect tunnels and cavities. Spray into tunnels and galleries. Seal the entrance holes with small pieces of stainless steel wool after application.

To Kill Tent Caterpillars: Make applications 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.

Do not apply to pets or contaminate feed, foodstuffs, dishes or utensils. Avoid spraying vegetation directly.

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.

[**NOTICE:** Buyer assumes all responsibility for safety and use not in accordance with directions.]

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 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.

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Valent BioSciences Corporation
Environmental Science Division
870 Technology Way
Libertyville, IL 60048

(additional front panel alternate bullets)

- *[Contains No CFC's or Other Ozone Depleting Substances. Federal Regulations Prohibit CFC Propellant in Aerosols]*
- *Non-Staining*
- *Powerful*
- *Instant Knockdown Power*
- *Dual Action: Kills and Repels*
- *No Unpleasant Odor*
- *Will Not "Burn" Shrubby or Trees*
- *No Oily Residue*
- *Also Kills Carpenter Bees*
- *Also Kills Mud daubers, Gypsy Moth Caterpillars & Tent Caterpillars]*

[] Denote alternate text in addition to any subset of the directions for use.