



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

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

SEP 10 2009

Dear Dr. Assaf:

Subject: Application for Pesticide Notification (PRN 98-10)  
Comply with Agency pyrethroid labeling letter dated June 4, 2009  
and update Warranty Statement  
TetraPerm 22 WB Wasp, Hornet, & Yellow Jacket Killer  
EPA Reg. No. 73049-437  
Your submission dated August 6, 2009

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated August 6, 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. Pilitt*

*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 73049-437	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) TetraPerm 22 WB Wasp, Hornet & Yellow Jacket Killer	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

-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 type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input 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 type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input 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
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.		6. Date Application Received (Stamped) 
2. Signature NAASSAF	3. Title Regulatory Manager, ESD	
4. Typed Name Nasser A. Assaf, Ph.D	5. Date August 6, 2009	



August 6, 2009

ATTN: Richard Gebken  
Product Manager 13  
Insecticide Branch

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 US EPA OPP Guidance on Warranty Statements (Oct. 17, 2006) among other minor changes which are clearly marked.

TetraPerm 22 WB Wasp, Hornet & Yellow Jacket Killer; EPA Reg. No. 73049-437; is an aerosol read-to-use pyrethroid product for homeowners, 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.

4087



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](mailto:Nasser.assaf@valent.com).

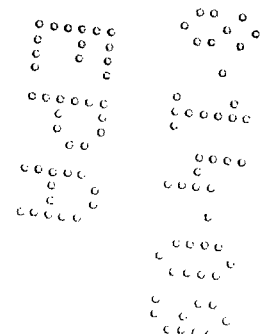
Sincerely,

*NAASSAF*

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

Enclosures

cc: VBC Regulatory File



# 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*
- *Powerful Jet Spray [Blast] – Up To 20 Feet [Above Ground]*
- *Sprays Up To 20 Feet*
- *[Tetraperm] Kills Wasps, Hornets, Yellow Jackets & Bees*
- *Indoor/Outdoor Use*

**NOTIFICATION**

**SEP 10 2009**

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

**ACTIVE INGREDIENTS:**

Tetramethrin.....	0.2 %
Permethrin*.....	0.2 %
<b>OTHER INGREDIENTS**:</b> .....	99.6 %
	100.0 %

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

\*\*Contains Petroleum Distillates

**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. 73049-437

EPA EST. NO.

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

See Side/Back Panel for Additional Precautions

FIRST AID	
<b>If in Eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If Swallowed:</b>	<ul style="list-style-type: none"> <li>• Immediately call a poison center or doctor.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give <b>any</b> liquid to the person.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If on Skin or Clothing:</b>	<ul style="list-style-type: none"> <li>• Take of contaminated clothing.</li> <li>• Rinse Skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
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	
May pose an aspiration hazard. Contains petroleum distillate.	

**NET CONTENTS:**

6007

## PRECAUTIONARY STATEMENTS

### Hazards To Humans & Domestic Animals

#### CAUTION

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

## 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.

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.

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.

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

**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] 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 of Sale and Limitation of Warranty and 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 of Sale and Limitation of Warranty and 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, any warranties having been made, express or implied, are not applicable if this product has been used contrary to label directions, under abnormal conditions, or under conditions not reasonably foreseeable to Valent BioSciences Corporation, and buyer assumes the risk of any such use to the extent permitted by law. 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 alternate text

Note [Notice]: Seller warrants that this product complies with the specifications express 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 the applicable law, Seller shall have not liability for consequential damages.]

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TetraPerm is a registered trademark of Valent BioSciences Corporation.

**Valent BioSciences Corporation**  
**Environmental Science Division**  
 870 Technology Way  
 Libertyville, IL 60048  
 02-0808/R2

(additional front panel alternate bullets)

- [Contains No CFC's Or Other Ozone Depleting Substances. Federal Regulations Prohibit CFC Propellant In Aerosols
- Non-Staining
- Powerful Jet Spray
- Quick Knockdown Power
- No Unpleasant Odor
- Will Not "Burn" Shrubbery Or Trees
- No Oily Residue
- Also Kills Mud Daubers, Gypsy Moth Caterpillars & Tent Caterpillars]

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

