

73049-453

01/14/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

JAN 14 2009

Dear Dr. Assaf:

Subject: Amendment- residue data against German cockroaches for 12 weeks (MRID 47533601)
Cyber- Active 515
EPA Registration Number 73049-453
Your submission dated September 5, 2008

The application referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following comments:

1. The data support 'kills' claims for the adult life stage of house fly, German cockroach, Oriental cockroach, Yellow Fever mosquito, Southern house mosquito, Argentine ant, harvester ant, firebrat, brown dog tick, and the cat flea.
2. The data support the label claim: "Keeps killing German cockroaches for 12 weeks." but only if it is qualified with the addition of the term "on impervious surfaces" therefore change the statement to read "Keeps killing German cockroaches for 12 weeks on impervious surfaces"

A copy of a stamped 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.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard A. Gebken".

Richard Gebken
Product Manager (13)
Insecticide Branch
Registration Division (7505P)

Enclosure

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CYPER-ACTIVE® 515

[Alternate Brand Names: Cyper-Active® TRA; Cyper-Active® Fumigator]

- [New formula ("New" expiration 6 months)]
- [Do-It-Yourself] Pest Control
- Ready-To-Use
- For indoor use
- Treats up to 6000[5000][4000][3000][2000] cu ft
- For Use in areas including Apartments, Attics, Basements, Boats, Boxcars, Cabins, Campers, Garages, Homes, Household Storage Areas, Kennels, Pet Sleeping Areas, Rooms, Ship Cabins, Trucks, Washrooms and Non- Food/Feed Areas of Closed Barns, Day Camps, Horse Stables, Hospitals, Hotels, Industrial Plants, Motels, Preschools, Sheds, Theaters And Warehouses
- Non-Staining; No [Wet] Oily Residues
- Water-Based Formula
- Keeps killing German cockroaches for 12 weeks
- Kills by Contact
- Kills: [Ants (except fire, carpenter, & Pharoah ants)], [Argentine ants, harvester ants], Booklice, Carpet Beetles, Centipedes, Cockroaches, [German cockroaches, Oriental cockroaches], Confused Flour Beetles, Crickets, Earwigs, Firebrats, Fleas, Flies, Fruit Flies, Gnats, Grasshoppers, Houseflies, Midges, Millipedes, Mole Crickets, Mosquitoes, [(Southern House Mosquito) (Yellow Fever Mosquito)] Palmetto Bugs, Pillbugs, Rice Weevils, Saw-Toothed Grain Beetles, Silverfish, Small Flying Moths, Sowbugs, Spiders (except brown recluse and black widow), Brown Dog Ticks & Waterbugs
- (for 2 oz size only) - Convenient size to treat individual rooms]

ACTIVE INGREDIENT:

Cypermethrin* 0.515 %

OTHER INGREDIENTS** : 99.485 %

100.00 %

*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. 73049-453

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN CAUTION

See Side/Back Panel for Additional Precautions

NET CONTENTS:

REGISTERED
with EPA
(EPA Label Data)

JAN 14 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
73049-453

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. • 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. In case of <i>Medical</i> 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.	

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

Caution: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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. This product contains a highly flammable ingredient. It may cause a fire or explosion if not used properly. Follow the "Directions for Use" on this label carefully.

Highly Flammable Ingredient (FLAMMABILITY ICON)
 Ingrediente Altamente Inflamable

STOP. Read entire label before use.

DIRECTIONS FOR USE

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

One 6 ounce aerosol can treats up to 6,000 cubic feet of unobstructed area (a room 30 ft x 25 ft with an 8 foot ceiling).

Clean and treat pet sleeping areas. Use an approved product registered for treating fleas and ticks on cats and/or dogs before allowing pets to re-enter area. Make sure surfaces are dry before allowing pets and small children to re-enter treated area.

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 food may be prepared or held. In the home all food processing surfaces and utensils should be removed or covered during treatment or thoroughly washed before use.

ALTERNATE USE DIRECTIONS

One 5 ounce aerosol can treats up to 5,000 cubic feet of unobstructed area (a room 25 ft x 25 ft with an 8 foot ceiling).

OR

One 4 ounce aerosol can treats up to 4,000 cubic feet of unobstructed area (a room 20 ft x 25 ft with an 8 foot ceiling).

OR

One 3 ounce aerosol can treats up to 3,000 cubic feet of unobstructed area (a room 18.5 ft x 20 ft with an 8 foot ceiling).

OR

One 2 ounce aerosol can treats up to 2,000 cubic feet of unobstructed area (a room 12.5 ft x 20 ft with an 8 foot ceiling).

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

For [maximum kill] [best performance] [best results]:

HOW TO USE:**Step 1: PREPARATION**

Open cupboards, cabinets, trunks, and interior doors, [such as closets,] in area to be treated

Close outside doors and windows and turn off fans and air conditioning.

Remove pets, birds, and tightly cover or remove fish bowls and aquariums before fogging. Shut off fish tank air flow systems.

Cover or remove plants before application.

Cover waxed wood floors, window sills and cover or remove waxed furniture in the immediate area surrounding the fogger (newspaper may be used).

Remove or cover exposed foods, dishes and utensils. Cover all food processing surfaces during treatment or thoroughly clean before using.

Temporarily disconnect smoke alarms.

DO NOT use more than one fogger per room. DO NOT use in small, enclosed spaces such as closets, cabinets or under counters or tables. Do not use in a room 5 ft. x 5 ft. or smaller; instead, allow fog to enter from other rooms. **Turn off ALL ignition sources such as pilot lights (shut off gas valves), other open flames or running electrical appliances that cycle off and on (i.e., refrigerators, thermostats, etc).** Call your gas utility or management company if you need assistance with your pilot lights.

Step 2: ACTIVATION OF FOGGER

[When ready to use the fogger] SHAKE CAN WELL [JUST BEFORE USING]. Using several layers of paper (such as paper towels or newspaper), place on floor in center of room to be treated. NOTE: Do not place fogger on water-stainable surface. Tilt [can opening] [aerosol can] away from face (aerosol can sprays straight up) and depress tab firmly with thumb until it clicks into locked position. [Set] [place] fogger on [news]paper, leave the room and close door[s]. Keep area closed for 2 hours. Then air out room by opening all doors and windows for at least 30 minutes. Turn smoke alarms, aquariums, fans and air conditioning back on.

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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: Non-refillable container. Do not reuse or refill this container. 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 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.]

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

[Guaranteed Results.]

[Guaranteed results or your money back. If you are not satisfied with this product for any reason, send your written request for a refund to the address on this box, together with the original dated store receipt showing the price you paid. Please allow 6-8 weeks for processing.]

Valent BioSciences Corporation, 2008

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

[Contains no CFCs or other ozone depleting substances. Federal regulations prohibit CFC propellants in aerosols.]

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

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