

73049-455

3/12/2010

1089



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

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

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

MAR 12 2010

Subject: Label Notification(s) for Pesticide Registration 98-10

Dear: Dr. Assaf

Subject: Notification to Add New Marketing Claim

EPA Registration Number: 70349-455 73049-455

Date of Submission: January 29, 2010

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 29, 2010, for Cyper-Active AS2 TRA. The Registration Division (RD) has conducted a review of this request for its applicability under 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The Confidential Statement of Formula (CSF) and/or label submitted with the application has with your application has been stamped "Notification" and will be placed in our records.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Gebken".

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

2009

Please read instructions on reverse before completing form.

Form Approved. EPA Form No. 2070-0060, Approval expires 2-28-95



United States  
Environmental Protection Agency  
Washington, DC 20460

☐ Registration  
☐ Amendment  
☒ Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 73049-455	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cyper-Active AS2 TRA	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 _____	<b>NOTIFICATION</b>  <b>MAR 12 2010</b>
<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.)

This notification is consistent with the provision of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 section 12 and 14 of FIFRA.

Notification of additional Non-FIFRA marketing claim per PR-Notice 98-10 (Section IV F). "Do-It-Yourself &amp; Save Money"

**Section - III**

1. Material This Product Will Be Packaged In:					
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	2. Type of Container <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"/>	
3. 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 Manager, Product Safety & Regulatory Affairs	Telephone No. (Include Area Code) (847) 968-4844
<b>Certification</b> 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.		5. Date Application Received  <b>(Stamped)</b>
Signature 	3. Title Manager, Product Safety & Regulatory Affairs	
Typed Name Nasser A. Assaf, Ph.D.	5. Date January 29, 2010	

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## Front Panel of Box

**CYPER-ACTIVE® AS2 TRA**

(The following two statements are to be directly below the product name in bold type)  
**Do not use solely as an air freshener or air sanitizer.**

**For Insecticide Use Only.**

*(The following must be on the front panel.)*

**For Use In Residential Areas Only**

MAR 12 2010

[Note To Reviewer: Optional Marketing Language to be used on can and/or box]

- [Kills Roaches, Fleas, Ants (except Fire, Carpenter, & Pharaoh ants), [Argentine Ants, Harvester Ants] Spiders (except brown recluse), [Black Widow], Silverfish, Mosquitoes, House Flies, Brown Dog Ticks, & Firebrats
- Kills Insects [Bugs] By Contact!
- Temporarily reduces Airborne Bacteria & Odors
- Contains 3 (2 oz) Foggers
- Contains 3 Cans
- 3 cans treat up to 9600 cu ft
- Whole House 6 Pack!
- Treats an Average 2400 Square Foot [sq.ft] Home
- Keeps Killing German Cockroaches For up to 12 Weeks [wks] on impervious surfaces
- Won't Leave a Wet, Messy Residue
- Totally dry formula [fog]
- Dry Concentrate Fog
- Concentrated
- Dry Fog Leaves No Mess
- Triple Action!
- Temporarily reduces Airborne Bacteria
- Temporarily reduces odor-causing airborne bacteria
- Sanitizes the air
- Controls Odors Leaving A Fresh Scent
- Dry Formula!
- [Leaves] No Sticky Mess
- Won't Stain or Discolor
- Guaranteed To Work Or Your Money Back
- Value Pack
- [Logo] No CFC's - Federal Regulations Prohibit CFC Propellants in Aerosols
- Contains No CFCs or other Ozone Depleting Substances. Federal Regulations Prohibit CFC Propellants in Aerosols.
- Do-It-Yourself & Save Money!

**Active Ingredients:**

Cypermethrin\* .....0.824%

Triethylene Glycol.....5.147%

**Other Ingredients:**.....94.029%  
 100.000%

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

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**

See back panel for additional precautionary statements and first aid  
 [The entire label is printed in Spanish language inside the box]

Net Wt. xx oz (xx g) Each – Total Net Wt. x oz (xxxg)

4029

**Back Panel of Box**

This product is unique because its triple action kills insects by contact, temporarily reduces odor-causing bacteria, and leaves the room smelling clean and fresh. And with its dry concentrated formula, there's also no need to worry about staining or discoloring your [fine] furniture. When fogging to kill insects, this product simultaneously sanitizes the air. This product contains an active ingredient, which temporarily reduces the number of airborne bacteria which causes odors. This product leaves no lasting odor after airing out a room. Because of the dual nature of this product (i.e. killing insects and temporarily reducing airborne bacteria) be sure to follow the label directions explicitly. Do not use solely as an air freshener or sanitizer. For Insecticide Use Only.

[Note to Reviewer - The printed label will include the 3 listed bullet points below or the Product Facts Box]

[Kills insects, sanitizes the air, and leaves a fresh scent]

[Kills ants (except fire, carpenter & Pharaoh ants) [Argentine ants, harvester ants], roaches, fleas, house flies, mosquitoes, spiders (except brown recluse), [black widow spiders], brown dog ticks, silverfish, firebrats]

[Use In: Apartments, Homes, Attics, Basements, Garages, Household Storage Areas]

**[PRODUCT FACTS:**

**Triple action:** Kills insects, sanitizes the air, and leaves a fresh scent.

**Insects:** Kills ants (except fire, carpenter & Pharaoh ants), [Argentine ants, harvester ants], roaches, fleas, house flies, mosquitoes, spiders (except brown recluse), [black widow spiders], brown dog ticks, silverfish, firebrats

**Where to Use:** Apartments, homes, attics, basements, garages, household storage areas]

**DIRECTIONS FOR USE:** It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**FOR HOUSEHOLD USE ONLY**

[Note to Reviewer – The following text will be dependent upon packaging size. See optional bullets at end of label]

[For Use with box that contains Three 2 oz cans]

One 2 oz can will treat an area up to 3200 cu ft (20' x 20' with an 8' ceiling)

[For Use with box that contains Six 2 oz cans]

Six 2 oz cans will treat an average 2400 square foot [sq.ft] home (50' x 48' with an 8' ceiling).

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

OPEN cabinets, cupboards, drawers, closets and doors in area to be treated. REMOVE or cover exposed foods, dishes, utensils, food processing equipment and surfaces. REMOVE pets and birds, cover and turn off fish aquariums before use. Cover waxed wood floors, waxed furniture

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and other plastic surfaces near the fogger (newspaper may be used). CLOSE outside doors and windows. SHUT OFF fans and air conditioners. 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 on and off (i.e. refrigerators, thermostats, etc.) Call your gas utility or management company if you need assistance.

**Step 2: ACTIVATION OF FOGGER**

Do not place the fogger on a water stainable surface. Place a chair or table in the center of area to be fogged approximately 2 ft above the floor. Cover with several layers of newspaper or paper towels. Tilt can opening AWAY from face and depress tab firmly with thumb until it clicks in locked position. Set fogger on newspaper. Immediately leave treated area and keep area closed for at least 4 hours. Before reoccupying the area, open all doors and windows and allow treated area to air for 30 minutes.

**STORAGE AND DISPOSAL**

**Storage:** Store in a cool, dry place away from heat or open flame, preferably in a locked storage area.

**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 for disposal instructions.

**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.

**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.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>
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**HOT LINE NUMBER**

Have the product container or label with you when calling a poison control center or doctor. You may also contact 1-xxx-xxx-xxxx for emergency medical treatment information.

**Physical or Chemical Hazards**

**Flammable.** 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. 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

Questions? Comments? See code on the bottom of can then call (xxx) xxx-xxxx or E-mail [xxx@xxx.com](mailto:xxx@xxx.com)

Cyber-Active is a registered trademark of Valent BioSciences Corporation

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

6009

EPA Reg. No: 73049-455

EPA Est. No:

## Optional Text

- [Four [4] [Cans] Foggers inside
- Concentrated Fogger [fog]
- Dry Concentrate Fogger
- New! Concentrated formula!
- Bonus 33% More
- Contains 3 [2 oz] [1.5 oz] [1 oz] Foggers [Cans]
- Contains 4 [2 oz] [1.5 oz] [1 oz] Foggers [Cans]
- Contains 4 cans [foggers]
- 4 Foggers
- 4 Cans Inside!
- Four [4] Foggers [Cans] for the price of three [3]!
- [Four [4] Pack Bonus] – 4 Foggers [Cans] treat 4 rooms (Average room size 20' x 20' with an 8' ceiling) {for use with 2 oz can}
- 4 Cans [foggers] treat up to 12,800 cu ft {for use with 2 oz can}
- Treats an average 1200 square foot [sq. ft.] home {for use with three- 2 oz cans or four- 1.5 oz cans}
- Treats an average 900 square foot (sq. ft.) home [Area] {for use with three- 1.5 oz cans}
- Treats an average 600 square foot (sq. ft.) home [area] {for use with three- 1 oz cans}
- Treats an average 1600 square foot (sq. ft.) home [area] {for use with four- 2 oz cans}
- Treats an average 800 square foot (sq. ft.) home [area] {for use with four- 1 oz cans}
- Three [3] 2 oz cans treat up to 9,600 cu ft [Four [4] 2 oz cans treat up to 12,800 cu ft]
- Three [3] cans [foggers] treat an average 1200 square foot [sq. ft.] home
- Three [3] 1.5 oz cans treat up to 7,200 cu ft [Four [4] 1.5 oz cans treat up to 9,600 cu ft]
- Three [3] 1 oz cans treat up to 4,800 cu ft [Four [4] 1 oz cans treat up to 6,400 cu ft]
- One [1] 2 oz can [fogger] will treat an area up to 3200 cu ft (20' x 20' with an 8' ceiling)
- One [1] 1.5 oz can [fogger] will treat an area up to 2400 cu ft (17' x 17' with an 8' ceiling)
- One [1] 1 oz can [fogger] will treat an area up to 1600 cu ft (14' x 14' with an 8' ceiling)
- Each [2 oz] can [fogger] treats up to 3,200 cu ft [Each [1.5 oz] can treats up to 2,400 cu ft] [Each [1 oz] can treats up to 1,600 cu ft]
- Each 2 oz [can] [fogger] treats an average 400 sq feet (20' x 20' with an 8' ceiling)
- Each 1.5 oz [can] [fogger] treats an average 300 sq feet (20' x 15' with an 8' ceiling)
- Each 1 oz can [fogger] treats an average 200 sq feet (20' x 10' with an 8' ceiling)
- Three [3] Foggers [Cans] treat 3 rooms (Average room size 20' x 20' with an 8' ceiling) {for use with 2 oz can}
- Three [3] Foggers [Cans] treat 3 rooms (Average room size 17' x 17' with an 8' ceiling) {for use with 1.5 oz can}
- Three [3] Foggers [Cans] treat 3 rooms (Average room size 14' x 14' with an 8' ceiling) {for use with 1 oz can}
- Four [4] Foggers [Cans] treat 4 rooms (Average room size 17' x 17' with an 8' ceiling) {for use with 1.5 oz can}
- Four [4] Foggers [Cans] treat 4 rooms (Average room size 14' x 14' with an 8' ceiling) {for use with 1 oz can}
- Net Wt. 2.0 oz (56 g) Each – Total Net Wt. 6.0 oz (168 g)
- Net Wt. 1.5 oz (37 g) Each – Total Net Wt. 4.5 oz (111 g)
- Net Wt. 1 oz (28 g) Each – Total Net Wt. 3 oz (84 g)

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- Net Wt. 2.0 oz (56 g) Each – Total Net Wt. 8.0 oz (224 g)
- Net Wt. 1.5 oz (37 g) Each – Total Net Wt. 6 oz (148 g)
- Net Wt. 1 oz (28 g) Each – Total Net Wt. 4 oz (112 g)
  
- [For use with a box that contains Three 2 oz cans]
- [For use with a box that contains Three 1.5 oz cans]
- [For use with a box that contains Three 1 oz cans]
  
- [For use with a box that contains Four 2 oz cans]
- [For use with a box that contains Four 1.5 oz cans]
- [For use with a box that contains Four 1 oz cans]]

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Text on can

**CYPER ACTIVE® AS2 TRA**

(The following two statements are to be directly below the product name in bold type.)

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(The following must be on the front panel.)

**For Use In Residential Areas Only**

**Active Ingredients:**

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Triethylene Glycol..... 5.147%

**Other Ingredients:**..... 94.029%

100.000%

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

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

See back panel for additional Precautionary Statements and First Aid  
Refer to outer carton for Directions for Use.

**STORAGE AND DISPOSAL**

**Storage:** Store in a cool, dry place away from heat or open flame, preferably in a locked storage area.

**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 for disposal instructions.

Questions? Comments? See code on the bottom of can then call (xxx) xxx-xxxx or E-mail  
[xxx@www.com](mailto:xxx@www.com)

Net Wt.: x.x oz (xx g)



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**PRECAUTIONARY STATEMENTS**  
**Hazards To Humans & Domestic Animals**

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HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor. You may also contact 1-xxx-xxx-xxxx for emergency medical treatment information.	

**Physical or Chemical Hazards**

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Highly Flammable Ingredient (FLAMMABILITY ICON)  
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