

73748-4

04-04-2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Jane Miller
Univar USA, Inc.
C/o Biologic
115 Obtuse Hill Road
Brookfield, CT 06804



Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Ms. Miller:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice PRN 2007-4 dated March 18, 2011 for the following product(s):

Kontrol 4-4

EPA Reg. No. 73748-4

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Linda A. DeLuisé at 703-305-5428.

Sincerely,

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

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



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 73748-4	2. EPA Product Manager R. Gebken	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Kontrol 4-4	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Univar USA, Inc. c/o Biologic, Inc. 115 Obtuse Hill Road Brookfield, CT 06804 <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: NOTIFICATION EPA Reg. No. _____ Product Name <u>APR 4 2011</u>	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" 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.)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. 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 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2.5, 30, 55, 275 gal.		5. Location of Label Directions <input checked="" type="checkbox"/>	
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 Jane M. Miller	Title Agent	Telephone No. (Include Area Code) (203) 740-1200
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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 	3. Title Agent		
4. Typed Name Jane M. Miller	5. Date March 18, 2011		

BIOLOGIC INC.
agribusiness professionals

March 18, 2011

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
One Potomac Yard
2777 S. Crystal Drive
Room S-4900, 4th Floor
Arlington, VA 22202

Attention: Mr. R. Gebken (PM #10)
Ms. Linda Deluise

******URGENT REQUEST******

RE: "Kontrol 2-2"; EPA Reg. No. 73748-3;
"Kontrol 4-4"; EPA Reg. No. 73748-4;
"Kontrol 30-30 Concentrate"; EPA Reg. No. 73748-5
Notification to revise Storage and Disposal Statement – Current Language is Not Environmentally Correct

Dear Mr. Gebken:

On behalf of Univar USA, Inc. we are submitting the above mentioned Application for Pesticide Notifications to correct Container Disposal instructions that are not appropriate for these formulations. We offer the following as an explanation:

1. In July of 2009 we submitted revised storage and disposal directions as per PR Notice 2007-4 for the Univar product. The revised language was taken out of the PR Notice and the changes were subsequently approved. The directions called for rinsing the empty containers with water.
2. It has come to our attention that the instructions to "rinse with water" are not appropriate for an "oil" based product thus users do not have a way of reusing or disposing the resulting rinsate.
3. In reviewing several competitors' labels (note the "Biomist 30-30 ULV", EPA Reg. No. 8329-42 label enclosed) we noticed that the EPA has approved the use of "mineral oil" to rinse the containers. This is more appropriate and allows the rinsate to be reused by the applicator. This results in no disposal issue.

We are asking that the Agency grant Univar the same ability to use mineral oil to rinse empty containers and further, since this has been accepted on identical products, we would appreciate a quick review and approval. Univar is at the beginning of its season and needs to get labels printed as soon as possible.

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MASTERLINE KONTROL 4 - 4

For Mosquitoes, Flies and Gnats

A Quick Knockdown, Low Odor, Non-Corrosive Synergized Synthetic Pyrethroid for the Control of Adult Mosquitoes in Residential, Recreational, and Other Areas.
Also for Use Against Biting and Non-Biting Midge and Black Flies

For use only by federal, state, tribal, or local governmental officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

ACTIVE INGREDIENTS:

Permethrin (3-phenoxyphenyl)methyl(+/-)Cis/trans 3-(2,2-dichloroethenyl) 2,2-Dimethyl cyclopropanecarboxylate.....4.6%
Piperonyl Butoxide Technical
Equivalent to 80% (butylcarbityl)(6-propylpiperonyl) ether and 20% related compounds.....4.6%
INERT INGREDIENTS:.....90.8%

Contains a Petroleum Distillate Solvent

TOTAL.....100.0%

Contains 0.3344 pounds of Permethrin and 0.3344 pounds of Piperonyl Butoxide per gallon.

KEEP OUT OF REACH OF CHILDREN
CAUTION

NOTIFICATION

APR 4 2011

See [Side Panel][Inside Attached Booklet] For Additional Precautionary Statements.

“PRECAUCION AL USUARIO: Si usted no lee ingles, no use este producto hasta que la etiqueta haya sido explicado ampliamente”

First Aid	
If Swallowed:	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.
If on Skin or Clothing:	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:	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.
If Inhaled:	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 advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
Note to Physician: Contains petroleum distillate – vomiting may cause aspiration pneumonia.	

NET CONTENTS:

2.5 GAL _____ 30 GAL _____ 55 GAL _____ 275 GAL _____

PRECAUTIONARY STATEMENTS HAZARDS TO DOMESTIC ANIMALS AND HUMANS

Caution: Causes moderate eye irritation. Harmful if swallowed. Avoid contact with skin, eyes or clothing. Avoid breathing vapors or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove contaminated clothing and wash before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to aquatic organisms, including fish and aquatic invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence or disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body. Do not contaminate bodies of water when disposing of equipment rinsate or washwaters.

PHYSICAL AND CHEMICAL HAZARDS

Do not use, pour, spill 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.

Note: Before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

STORAGE AND DISPOSAL

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

Pesticide Storage and Spill Procedures: Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Nonrefillable Container: Metal or Plastic Container. Do not reuse or refill container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities, such as burning of plastic containers. If burned, stay out of smoke. Triple rinse as follows:

Containers 5 gallons or less: Empty the remaining contents into application equipment and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water mineral oil and recap. Shake for 10 seconds. Four rinsate into mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Once cleaned, offer for recycling or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill or by other procedures approved by State and local authorities. Do not cut or weld metal containers.

Containers larger than 5 gallons: Empty the remaining contents into application equipment. Fill the container 1/4 full with water mineral oil. Replace and tighten closures. Tip container on its side and roll back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Once cleaned, offer for recycling or reconditioning if appropriate.

Pressure rinse as follows (all sizes): Empty the remaining contents into application equipment or a mix tank and

continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable container: Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

Return container to point of purchase for reuse with seal intact and in salable condition. Before refilling, inspect thoroughly for damage such as cracks, punctures, bulges, dents, abrasions, and damaged or worn threads on closure devices. After filling and before transporting, check for leaks. Do not refill or transport damaged or leaking container.

To clean the container before final disposal, empty the remaining contents from the container into application equipment or mix tank. Fill the container about 10 percent full with water mineral oil. Agitate vigorously or recirculate water with pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing process two more times.

BULK STORAGE AND DISPOSAL

AGITATE BEFORE USE

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

Storage: Ground water contamination may be reduced by diking and flooring of permanent liquid bulk storage sites with an impermeable material.

Pesticide Disposal: Pesticide spray mixture or rinsate that cannot be used according to label instructions must be disposed of according to Federal and local procedures under Subtitle C or the Resource Conservation and Recovery Act.

CONDITIONS AND RATES TO USE FOR MOSQUITO CONTROL

KONTROL 4-4 may be applied either diluted or undiluted as a thermal or non-thermal fog. Applicators should wear long sleeved shirt, long pants, shoes and socks.

KONTROL 4-4 is recommended for application in ultra low volume (ULV) non-thermal aerosol (cold fog) to control adult mosquitoes, flies and gnats in residential and recreational areas where these insects are a problem, such as, but not limited to parks, campsites, woodlands, athletic fields, golf courses, residential areas, municipalities, gardens, playgrounds, recreational areas and overgrown waste areas. For best results, treat when insects are most active and conditions are conducive to keeping the fog close to the ground.

Both ground and aerial applications should be made when meteorological conditions are conducive to keeping the spray cloud close to the ground, such as when an air temperature inversion is present. Applications during the cool hours of early morning or evening are preferable. Air temperatures should be greater than 50° F when conducting all types of applications. Application in calm air conditions is to be avoided. Apply only when ground wind speed is greater than 1 mph. Do not apply when wind speeds exceed 10 mph. Applications cannot exceed the recommended rates.

Do not re-treat a site more than once in 12 hours. Do not apply more than 0.18 lbs. of permethrin per acre per year to any site. More frequent treatments may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations or if specifically approved by the state or tribe during a natural disaster recovery effort.

KONTROL 4-4 can be applied over specific growing crops and range grasses prior to harvest for the control of adult mosquitoes and biting flies within or adjacent to these areas. Application can only be made where the following crops are present:

- | | |
|------------------|------------------------------------|
| Alfalfa | Range Grasses |
| Almonds | Horseradish |
| Apples | Leafy Vegetables (except Brassica) |
| Artichoke, globe | Lettuce, head |
| Asparagus | Mushrooms |
| Avocado | Onion, dry bulb |

- Broccoli
- Brussels Sprouts
- Cabbage
- Cauliflower
- Celery
- Cherries
- Corn, fodder
- Corn, forage
- Corn, grain (field and pop)
- Corn, stover
- Corn, sweet kernel plus cob with husks removed
- Eggplant
- Filbert
- Garlic
- Peaches
- Pears
- Pepper, bell
- Pistachio
- Potato
- Soybeans
- Spinach
- Tomatoes
- Vegetable; cucurbits
- Walnuts

In the treatment of corrals, feedlots, animal confinements/houses, swine lots, poultry ranges and zoos, cover any exposed drinking water, drinking fountains and animal feed before application. Do not contaminate non-approved sites with spray drift.

GROUND APPLICATION INSTRUCTIONS (Thermal and Non-Thermal Application)

DROPLET SIZE CALIBRATION FOR GROUND APPLICATION EQUIPMENT: Spray equipment must be adjusted so that the volume median diameter is less than 30 microns ($Dv\ 0.5 < 30\ \mu m$) and that 90% of the spray is contained in droplets smaller than 48 microns ($Dv\ 0.9 < 48\ \mu m$). Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

THERMAL AEROSOL FOGGING

TRUCK MOUNTED: Apply diluted or undiluted with suitable Thermal Fogging equipment. Do not exceed the maximum a.i./acre rates. May be applied at speeds of 5 to 20 mph, treating a 300 ft. swath. To reduce oil requirement and sludge buildup in equipment, use a suitable mineral oil of 60 – 100 second viscosity. For use with hand foggers, use the same a.i./acre rates and a swath width of 50 ft with a walking speed of 2 mph. Do not wet foliage since the oil base formulation may be phytotoxic. Do not fog when wind conditions exceed 10 miles per hour. Use well maintained and properly calibrated fogger.

Suggested Dilution Rates to Achieve 0.00175# a.i. per Acre

			HAND HELD THERMAL FOGGERS 50 FT SWATH AT 2 MPH 0.00318# A.I. PER ACRE	
MACHINE OUTPUT GAL/HOUR	DILUTION RATIO WITH FOG OIL 5MPH	DILUTION RATIO WITH FOG OIL 10 MPH	MACHINE OUTPUT	DILUTION RATE
10 gal/hr	1 : 9.5	1 : 4.25	0.25 gal/hr	1 : 12
20 gal/hr	1 : 20	1 : 9.5	2.0 gal/hr	1 : 16.4
30 gal/hr	1 : 30	1 : 14.75	5.0 gal/hr	1 : 48.4
			8.0 gal/hr	1 : 68.4

NON-THERMAL AEROSOL (COLD FOG)

KONTROL 4 – 4 ULV Non-Thermal Aerosol (cold fog) Application: To control mosquitoes, midges and blackflies, apply **KONTROL 4 – 4** using any standard ULV ground applicator capable of producing a non-thermal aerosol spray. Apply the product at a flow rate of 4.1 to 16.2 ounces per minute at an average vehicle speed of 10 mph. If different vehicle speed is used, adjust the rate accordingly. These rates are equivalent to 0.00175 to 0.007 pounds of permethrin and the same amount of 0.00175 to 0.007 pounds of synergist piperonyl butoxide per acre. Vary flow rates accordingly to vegetation density and mosquito population. Use higher flow rates in heavy vegetation or when populations are high. An accurate flow control system must be used to ensure proper flow rate. **KONTROL 4 – 4** may also be applied by diluting with a suitable solvent such as mineral oil and applying so as not to exceed the maximum pounds of active ingredient per acre as shown in the first column of the ULV table shown below. That table represents some suggested application rates for ground ULV applications. If an alternative dilution rate is used, adjust the flow rate accordingly.

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Conditions and Rates to use KONTROL 4 – 4 Undiluted for Mosquito Control

PERMETHRIN/PBO LBS. A.I./ACRE	APPLICATION RATES/FLUID OUNCES TO USE PER MINUTE			
	5 mph	10 mph	15 mph	20 mph
0.007/0.007	8.1	16.2	24.4	32.5
0.0035/0.0035	4.0	8.1	12.2	16.2
0.00175/0.00175	2.0	4.1	6.1	8.2

AS A BARRIER SPRAY USING A MISTER TYPE UNIT

For use in non-thermal equipment, apply **KONTROL 4 - 4** with a mist blower adjusted to deliver droplets with a volume median diameter of 50 – 120µm. Use undiluted or diluted to achieve an application of 0.00175 / 0.00175 # a.i./acre. Use a 50 ft (15.2m) swath while walking at a speed of 2 mph (3.2 kph). If using a different speed, swath or dilution, do not exceed the maximum a.i./acre. When this product is applied as a barrier treatment, do not apply within 100 feet (30 meters) of lakes and streams.

AERIAL APPLICATION INSTRUCTIONS

The use of aircraft specially equipped and capable of applying ULTRA LOW VOLUMES of **KONTROL 4-4** may be necessary.

DROPLET SIZE CALIBRATION FOR AERIAL APPLICATION EQUIPMENT: Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns ($D_v 0.5 < 60 \mu m$) and that 90% of the spray is contained in droplets smaller than 115 microns ($D_v 0.9 < 115 \mu m$). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial application shall be made at altitudes ranging from 75 to 300 feet. Fixed wing aircraft with flat fan or rotary nozzles, or rotary wing aircraft equipped with rotary nozzles, apply at a sufficient airspeed to deliver the appropriate amount of a.i./acre (from 0.00175 to 0.007 # a.i./acre) and to achieve the appropriate droplet range. Apply only when ground wind speed is greater than 1 mph.

PROHIBITION FOR AERIAL USE: Not for aerial application in Florida unless specifically authorized by the Bureau of Entomology and Pest Control, Florida Department of Agriculture and Consumer Services.

NOTICE: Buyer and user assume all risks and liability of use, storage and/or handling of this product not in accordance with the terms of this label.

BUYER GUARANTEE LIMITED TO LABEL CLAIMS

Univar USA, Inc.
9430 Research Blvd., Suite 350
Echelon Bldg. IV
Austin, Texas 78759

EPA Registration No. 73748-4
EPA Establishment No. 53883-TX-002

