

81824-4

4/2/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

APR 2 2010

Ross Gilbert
Ensystex II, Inc.
c/o Pyxis Regulatory Consulting Inc.
4110 136th St. NW
Gig Harbor, WA 98332

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

Dear Ross Gilbert:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice PRN 2007-4 dated March 16, 2010 for the following product(s):

Maxxthor Golf CG (EPA Reg. No. 81824-2)
Maxxthor SG (EPA Reg. No. 81824-3)
ENS-100 (EPA Reg. No. 81824-4)

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 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Regina Foushee'-Smith at 703-605-0780.

Sincerely,

A handwritten signature in black ink that reads "Richard J. Gebken".

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

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United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 81824-4	2. EPA Product Manager R. Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ensystex II, Inc / ENS-100	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Ensystex II, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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 submitted for expedited review of its composition and labeling to: NOTIFICATION EPA Reg. No. <u>APR - 2 2010</u> Product Name _____	

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____

Resubmission in response to Agency letter dated _____ "Me Too" Application.

Notification - Explain below. 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 of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Section - III

1. Material This Product Will Be Packaged In:

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	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other (Specify) <u>lined fiber drum</u>
* 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
 Label Container

4. Size(s) Retail Container
25 kg, 50 kg

5. Location of Label Directions
 On Label On Labeling accompanying product

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Ross Gilbert	Title Agent	Telephone No. (Include Area Code) (253) 853-7369
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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 Ross Gilbert	5. Date 3/16/10

PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

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March 16, 2010

COURIER DELIVERY

Richard Gebken (PM 13)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Ensystem II, Inc. – ENS-100 (EPA Reg. No. 81824-4)
Revision to Container Disposal Instructions per PRN 2007-4

Dear Mr. Gebken,

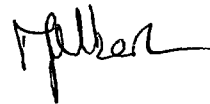
On behalf of Ensystem II, Inc. please find the enclosed label notification revising the container disposal instructions for ENS-100 per PRN 2007-4.

In support of this notification submission, we submit the following documents:

1. Completed Application for Registration (EPA Form 8570-1)
2. One (1) copy of the ENS-100 labeling with changes tracked
3. One (1) copy of the ENS-100 labeling with changes incorporated
4. Certification with Respect to Label Integrity
5. One (1) copy of the ENS-100 labeling on CD
6. Letter of Authorization

Please feel free to contact me by phone (253) 853-7369 or by email at Ross@PyxisRC.com if you have any questions or need any additional information.

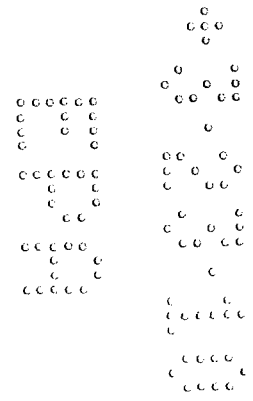
Sincerely,



Ross Gilbert

Enclosures

cc: D. Nimocks; Ensystem II, Inc.



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NOTIFICATION

ENS-100

APR - 2 2010

ACTIVE INGREDIENT:

Bifenthrin: (2-methyl[1,1'-biphenyl]-3-yl) methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylate* 96.5%

OTHER INGREDIENTS: 3.5%

TOTAL: 100.0%

*Cis isomers 97% minimum, trans isomers 3% maximum.

WARNING

FIRST AID	
If swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled:	<ul style="list-style-type: none"> • 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 treatment advice.
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. You may also contact 1-800-424-9300 for emergency medical treatment information.	

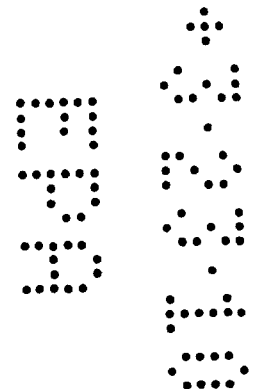
EPA Reg. No. 81824-4

EPA Est. No.

Manufactured for:

Ensystem II, Inc.
Fayetteville, NC 28303

Net Weight:



**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
WARNING**

May be fatal if swallowed. Harmful if inhaled or absorbed through skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid breathing dust. Avoid contact with skin, eyes, or clothing. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

PHYSICAL OR CHEMICAL HAZARDS

Do not use 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.

Only for formulation into an insecticide/miticide for (1) The following uses:

Terrestrial Non-Food:

- Termiticide and Soil Contact Nonfumigation Treatment
- Wood Treatment and Protection
- Outdoor Insect Control
- Ornamental plants, trees, shrubs and vines (woody)
- Golf courses
- Residential Lawns
- Indoor Insect Control

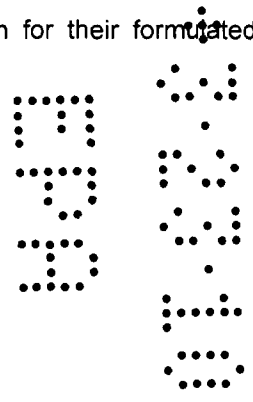
Food Handling Establishments: Places other than private residences in which food is held, processed, prepared or served.

Non-Food/Feed Areas: May be used to manufacture end-use products labeled for use as a spot or crack and crevice treatment in non-food areas, including: floor drains (to sewers), garbage rooms, lavatories, entries/ vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closes, and storage (after canning or bottling).

(2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and

(3) Uses for experimental purposes that are in compliance with USEPA requirements.

Formulators using this product are responsible for obtaining USEPA registration for their formulated product which may be labeled for the use patterns as found listed on this label.



STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Do not store product below 40°F. Store in original container only.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into formulation application equipment. Then offer for recycling if available or Then dispose of liner in a sanitary landfill or by incineration or, -if allowed by state and local authorities, by burning. If burned, stay out of smoke. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner.

Terms and Conditions Of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of the purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitation of Remedies.

Warranty Disclaimer

ENSYSTEX II warrants that this product conforms to the chemical description on the label and that it is reasonably fit for the purposes stated on the label when used in strict accordance with the directions for use, subject to the inherent risks set forth below. ENSYSTEX II MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of factors such as use of the product contrary to the label directions, adverse conditions (such as unfavorable temperatures, soil conditions, excessive rainfall, etc.), presence of other materials, the manner of application or other factors, all of which are beyond the control of ENSYSTEX II or the seller. All such risks shall be assumed by the Buyer and User.

Limitation Of Remedies

The exclusive remedy for losses or damages resulting from the use of this product (including claims based on contract, negligence, strict liability or other legal theories), shall be limited to, at ENSYSTEX II's election, one of the following: Refund of purchase price paid by the buyer or user for product bought or replacement of amount of product used.

ENSYSTEX II shall not be liable for losses or damages resulting from handling or use of this product unless ENSYSTEX II is promptly notified of such loss or damage in writing. To the extent permitted by law, ENSYSTEX II shall not be liable for consequential or incidental damages or losses even, if ENSYSTEX II knew of, was advised of, or should have been aware of the possibility of such damages.

The terms of the Terms and Conditions of Use, Warranty Disclaimer, Inherent Risks of Use and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of ENSYSTEX II or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

EPA 20100316

