

83923-8

1/12/2009

1045



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Michael Kellogg, Agent,
Pyxis Regulatory Consulting, Inc.
For Ensystem IV, Inc.
4110 13th. St. NW
Gig Harbor, WA 98332

JAN 12 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Alternate Brand Name "Abathor Gel Bait"
EPA Reg. No. 83923-8
Application Dated December 8, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/08/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2095

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
---	--	-----------------------

Application for Pesticide - Section I

1. Company/Product Number 83923-8	2. EPA Product Manager J. Hebert/Tom Harris	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ensystex IV, Inc. / Averthor Gel Bait	PM# 7	
5. Name and Address of Applicant (Include ZIP Code) Ensystex IV, 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 similar or identical in composition and labeling to: EPA Reg. No. _____ JAN 12 2009 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.

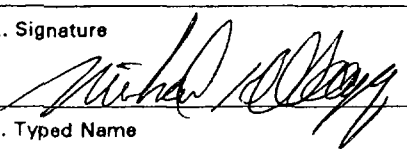
Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of the addition of an alternate brand name per PRN 98-10. The alternate brand name is "Abathor Gel Bait". This notification is consistent with the provisions 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 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 <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 checked="" type="checkbox"/> Container		4. Size(s) Retail Container 1.06 oz (30 gram)		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Michael Kellogg	Title Agent	Telephone No. (Include Area Code) (253) 853-7369			
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 Michael Kellogg		5. Date 12/8/08			

3045

PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

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

December 8, 2008

COURIER DELIVERY

John Hebert (PM 7)
Document Processing Desk (NOTIF)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

RE: Ensystem IV, Inc. – Averthor Gel Bait (EPA Reg. No. 83923-8)
Notification of an Alternate Brand Name per PRN 98-10

Dear Mr. Hebert,

On behalf of Ensystem IV, Inc., please find the enclosed notification of an alternate brand name for Averthor Gel Bait (EPA Reg. No. 83923-8). The alternate brand name is “Abathor Gel Bait”.

In support of this alternate brand name notification, please find the following:

1. Application for Pesticide Registration (EPA Form 8570-1)
2. One (1) copy of the Abathor Gel Bait label with changes tracked
3. One (1) copy of the Abathor Gel Bait label with changes incorporated

Please feel free to contact me if you have any questions or need any additional information.

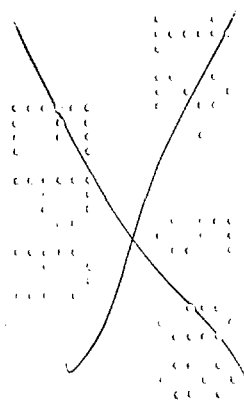
Regards,



Michael Kellogg

Enclosures

cc: David Nimocks, Ensystem IV, Inc.





ABATHOR

GEL BAIT

ABATHOR Gel Bait controls Cockroaches and the following Ants: Acrobat, Allegheny, Argentine, Bigheaded, Corn Field, Crazy, Ghost, Little Black, Odorous House, Pavement, Pyramid.

ABATHOR Gel Bait is for use in and around Commercial, Industrial and Residential Buildings including Apartments, Garages, Food Storage Areas, Homes, Hospitals and Nursing Homes, Hotels, Meat Packing and Food Processing Plants, Motels, Restaurants, Schools, Supermarkets, Transportation Equipment (Buses, Boats, Ships, Trains and Planes) and Warehouses.

Active Ingredient:	By Wt.
Abamectin B ₁	0.05%
Other Ingredients:	99.95%
TOTAL:	100.00%

EPA Reg. No. 83923-8 EPA Est. XXXXX-XX-XXX

(PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.)

(TO THE USER: If you cannot read and understand English, do not use this product until the label has been fully explained to you.)

For product use information call 1-866-FOR-THOR (367-8467) or visit www.for-thor.com.

KEEP OUT OF REACH OF CHILDREN

CAUTION

ENSYSTEX IV, Inc.

Fayetteville, NC 28303

Net Contents: As marked on container

FIRST AID	
If in eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 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.
HOTLINE 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 1-800-369-4352 for emergency medical treatment information.	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Wash hands and exposed skin before eating, drinking or smoking and after handling. Wash all contaminated clothing thoroughly before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and wildlife. Do not apply directly to water. Do not contaminate water by cleaning of equipment or disposal of equipment washwaters.

PHYSICAL OR CHEMICAL HAZARDS

Do not treat directly into any electronic equipment such as radios, televisions, computers, etc. Do not treat where electrical short circuits might result.

DIRECTIONS FOR USE

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

GENERAL USE DIRECTIONS

ABATHOR Gel Bait is a slow acting insect gel bait. Control of an ant colony may take several weeks. For best results placement of the bait should be into or near the insect colony.

ABATHOR Gel Bait is for use in controlling cockroaches and ants indoors and outdoors. Use suitable equipment capable of application into cracks and crevices, void spaces and other locations where insects may be harboring, living and breeding. Concentrate the bait placements as individual spots or a bead at insect activity sites.

PRECAUTIONS

Do not use on or contaminate fruit, vegetables or other food or feed crops.

Do not apply to humans, animals clothing or bedding.

Do not contaminate feed or food products or food preparation surfaces, dishes, kitchen utensils and food containers.

To prevent staining, exposed bait should be cleaned up immediately with a damp cloth or sponge.

APPLICATION RATES

ALL USES

For light infestations of Cockroaches, 4 - 6 bait points are recommended per 100 sq. ft. of treatment area. For heavy infestations of Cockroaches, 12 - 24 bait points are recommended per 100 sq. ft. of treatment area. Each bait point should equal about 0.25 to 0.50 grams of product. A spot approximately 3 mm or 1/8 inch in diameter equals 0.25 grams of product while a spot approximately 6 mm or 1/4 inch in diameter equals 0.50 grams of product.

FOR ANTS

Place several bait points as close as possible to the site of actual or suspected activity.

5015

APPLICATION IN ALL AREAS EXCEPT FOOD/FEED HANDLING AREAS OF FOOD/FEED HANDLING ESTABLISHMENTS

For treatment in residential and the non-food/non-feed areas of Institutional, warehousing and commercial establishments, place bait into cracks and crevices, holes, pipe chases, undersides of furniture, under drain plates, In or under trash containers, hidden surfaces around sinks and storage areas, behind baseboards, around doors and windows, inside, behind and under cabinets, drawers and shelving, under and behind appliances such as stoves and refrigerators and in attics and crawl spaces. Also apply in points between different elements of construction, between equipment and floors, openings leading to voids and hollow spaces in walls, equipment legs and bases and crawl spaces where insects hide. During follow-up visits, inspect bait placements and re-apply when necessary. Care should be taken to avoid depositing the product onto exposed surfaces. If gel contacts an exposed surface, remove gel and wash exposed surface.

APPLICATIONS IN FOOD/FEED HANDLING ESTABLISHMENTS

Abathor can be used in non-food/feed areas of food/feed handling establishments such as garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage areas (after canning or bottling).

Do not use Abathor in the food/feed areas of food/feed handling establishments, restaurants or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are defined as those areas where prepared foods are served such as dining rooms but excluding areas where foods may be prepared or held.

APPLICATIONS IN AIRCRAFT

Application within passenger areas of aircraft is limited to crack and crevice treatment only. Apply ABATHOR Gel Bait in areas between elements of construction (such as areas under sinks, openings around pipes, under shelving, where shelving meets other shelves or the wall, area between and around microwaves, where support braces attach to the main structure and where seats area attached to the floor). Use 12-24 bait placements per 100 sq. ft. Do not apply bait to areas where food utensils or food preparation surfaces may become contaminated. Do not apply bait to areas that are routinely washed such as cracks and crevices in tops of tables, food preparation, and food holding surfaces as bait may be removed by washing. Care should be taken to avoid depositing gel onto exposed surfaces. If gel contacts an exposed surface, remove gel and wash exposed surface. During follow-up visits, inspect bait placements and reapply when necessary.

Do not apply any bait in cockpit area.

OUTDOOR USE

Use for control of cockroaches. Inject into cracks and crevices around windows and doors, porches, screens, eaves, patios, garages, under stairways and in open crawl spaces and other areas where pests may be nesting or trailing, such as tree holes and cracks in fence.

NOTIFICATION

JAN 12 2009

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool dry area away from heat or open flame and inaccessible to children.

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:
If empty: Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

IMPORTANT READ BEFORE USE

NOTICE: Read the entire Directions for Use, Conditions of Sale, Disclaimer of Warranties and Limitations of Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

CONDITIONS OF SALE: The Directions for Use of this product are believed to be adequate and must be followed carefully. However, because of manner of use and other factors beyond the control of ENSYSTEX IV, Inc., it is impossible for ENSYSTEX IV to eliminate all risks associated with the use of this product such as ineffectiveness or unintended consequences. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold ENSYSTEX IV harmless for any claims relating to such factors.

DISCLAIMER OF WARRANTIES: Seller warrants that this product conforms to the chemical description in the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the Directions for Use under normal conditions of use. ENSYSTEX IV MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, under abnormal conditions or under conditions not reasonably foreseeable by (or beyond the control of) seller or ENSYSTEX IV, Inc., and buyer assumes the risk of any such use.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, ENSYSTEX IV shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF ENSYSTEX IV AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF ENSYSTEX IV, THE REPLACEMENT OF THE PRODUCT.

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

ABATHOR is a registered trademark of ENSYSTEX IV, Inc.

09/08