

 <p style="text-align: center;">U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505P) 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460</p> <p style="text-align: center;">NOTICE OF PESTICIDE: <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Reregistration</p> <p>(Under FIFRA as amended)</p>	EPA Reg. Number: 85354-1	Date of Issuance: SEP 24 2008
	Term of Issuance: Conditional	
	Name of Pesticide Product: MalEx ShootBorer	
Name and Address of Registrant (include ZIP Code): Alpha Scents, Inc. 7676 Tuttle Road Bridgeport, NY 13030		
<p>Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.</p>		
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A), provided that you:</p> <ol style="list-style-type: none"> 1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4. 2. You will make the following label changes before you release the product for shipment: <ol style="list-style-type: none"> a. Revise the EPA Registration Number to read "EPA Registration Number 85354-1." b. The revised Confidential Statement of Formula (CSF) (dated July 24, 2008) is not acceptable. Correct the amount of the active ingredient 9-Dodecen-1-yl acetate in column 13b and adjust the amounts of the other ingredient to add to 100% and submit a corrected CSF. 		
Signature of Approving Official:		Date:

EPA Reg. No. 85354-1

c. Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

As an alternative, you may refer consumers to the company's phone number or e:mail address.

d. Under PPE and Agricultural Use requirements change "waterproof gloves" to "chemical resistant" gloves.

e. Under Hazards to Humans and Domestic Animals expand the sentence "Wash thoroughly with soap and water." to "Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco."

f. On page 28 change "Personal Protective Equipment" to "Personal Protective Equipment (PPE)".

g. Under Warranty change "To the extent consistent with applicable law the seller warrants ... referred to on the label." to "The seller warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purposes stated in the Directions for Use, subject to the risks that arise from weather conditions, soil factors, off target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of the seller, when used in accordance with the Directions for Use under normal conditions."

h. Under Warranty change "Seller's maximum liability for breach of this warranty shall not exceed the purchase price of this product." to "To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price."

ACUTE TOXICITY REVIEW

STUDY	MRID	CATEGORY	CLASSIFICATION
Acute Oral	44160201	IV	Cited
Acute Dermal	44160202	III	Cited
Acute Inhalation		IV	Waived
Eye Irritation	44160203	III	Cited
Dermal Irritation	44160204	IV	Cited
Dermal Sensitization	44160205	Negative	Cited

3/2

page 3

EPA Reg. No. 85354-1

3. Please submit two (2) copies of your final printed labeling before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the 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.

4/3

MalEx ShootBorer

An easy to use attracticide product for control of the forest lepidopteran pest Western pine shoot borer (*Eucosma sonomana*), Eastern pine shoot borer (*E. gloriola*), and the Lodgepole pine shoot borer (*E. recissoriana*)

ACTIVE INGREDIENTS

Permethrin [CAS 52645-53-1]..... 6.00%
9-Dodecen-1-yl acetate..... 0.16%

OTHER INGREDIENTS..... 93.84%
TOTAL: 100.00%

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE BACK PANEL FOR PRECAUTIONARY STATEMENTS AND FIRST AID
READ ALL DIRECTIONS BEFORE USING THIS PRODUCT

Alpha Scents, Inc.
7676 Tuttle Rd.
Bridgeport, NY 13030

EPA Reg. No. 85354-R EPA Est. No. 85354

Questions?? Telephone (315) 699-1991
Mon - Fri 9am - 4pm [EST]
or visit
www.alphascents.com

NET CONTENTS: 5.28 oz [150 grams]
Batch No. AS MEX 00000

ACCEPTED
with COMMENTS
to EPA Letter Dated
SEP 24 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
85354-1

PRECAUTIONARY STATEMENTS

HAZARDOUS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if absorbed through the skin. Causes moderate eye damage. Avoid contact with skin, eyes or clothing. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling.

FIRST AID

IF ON SKIN

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15 - 20 minutes.
- Call 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 5 minutes, then continue rinsing the eye.
- Call poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center, doctor, or going for treatment. For emergency information concerning this product, call the National Pesticides Information Center (NPIC) at 1-800-858-7378 seven days a week, 6:30 am to 4:30 pm Pacific Time (NPIC Web site: www.npic.orst.edu).

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear long sleeved shirt and long pants, shoes plus socks, and waterproof gloves. Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to bees exposed to direct treatment or residues on flowers or blossoms. Do not apply this product to buds, flowers, or fruit of trees or to blooming weeds. This product is extremely toxic to fish and other aquatic invertebrates. Do not add directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

STORAGE AND DISPOSAL

DO NOT CONTAMINATE WATER, FOOD OR FEED BY STORAGE OR DISPOSAL

Pesticide Storage: Store pesticide in the original container. Do not store near food or feed. Protect from temperatures below -10°C [14°F]. Avoid prolonged storage at temperatures above 35°C [95°F].

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: Puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

- Nonrefillable container. Do not reuse or refill this container.
- Offer for recycling, if available

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and in accordance with the Worker Protection Standard, 40 CFR 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on the label about personal protection equipment [PPE], and restricted re-entry intervals. The requirements in this box apply only to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during restricted entry interval [REI] of 12 hours.

PPE is required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil and water. Required PPE consists of:

- coveralls
- waterproof gloves
- shoes plus socks

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirement specific to your State or Tribe, consult agency responsible for pesticide regulation.

1. Crop: Ponderosa pine (*Pinus ponderosa*), Jeffrey pine (*P. jeffrey*), and Lodgepole pine (*P. contorta*).

2. Pest: Western pine shoot borer (*Eucosma sonomana*), Eastern pine shoot borer (*E. gloriola*) and the Lodgepole pine cone borer (*E. recissoriana*).

3. Rate: 600-1,200 droplets per acre (1,500-3,000 per hectare) which equals 30-60 grams of product per acre (75-150 g/hectare). This equates to 1.8-3.6 g permethrin per acre (4.5-9.0 g/hectare) and 0.048-0.096 g pheromone per acre (0.12-0.24 g/hectare)

4. Application: i] The product is supplied in a sealed canister, and comes with a custom designed pump head engineered to deliver 50 microliter droplets of formulation. Firmly push the pumping head into the nozzle end of the canister until it snaps and locks on. Turn the pumping head twice around the canister to cut the seal. This action cuts through the seal in the canister nozzle, the formulation is primed into the pumping head by pushing on the plunger at the bottom of the canister. Once locked in place the canister head cannot be removed.

ii] One full depression of the pump trigger delivers a 50-microliter droplet of formulation; for maximum biological activity, maintain small spherical shaped droplets. The canister contains approximately 2,500 droplets.

iii] Apply the droplets to the branches, needles, buds or cones on the upper half of the canopy or as high as you can reach.

5. Timing:

i] Apply immediately prior to start of pest emergence in the spring.

ii] Droplet release pheromone for up to 40 days depending on environmental conditions.

iii] No additional application is necessary.

6. Precautions: MalEx ShootBorer prevents shoot borers from mating by removing male moths from treated areas. However, if a source of mated females of this species is present in areas adjacent to the treated area, migration of these moths may significantly reduce the level of control achieved. This can be counteracted by treatment of infested sources with MalEx ShootBorer, (e.g. a strip at least 50 yards wide adjacent to the treated area or plantation).

WARRANTY

To the extent consistent with applicable law seller warrants that this product conforms to the chemical description and certified limits of active ingredients, and is reasonably fit for the intended purpose referred to on the label.

Seller makes no other express or implied warranty.

Seller's maximum liability for breach of this warranty shall not exceed the purchase price of this product. In no event shall seller be liable for indirect or consequential damages.

To the extent consistent with applicable law buyer and user acknowledge and assume all risks and liabilities resulting from the handling, storage and use of this product.