

83923-7

08/09/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

8/9/2010

Michael Kellogg
Ensystem IV, Inc.
c/o Pyxis Regulatory Consulting, Inc.
4110 136th St, NW
Gig Harbor, WA 98332

Subject: Label Notification(s) for Pesticide Registration Notices 1998-10

Dear Mr. Kellogg:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 1998-10 adding an alternate brand name for:

EPA Registration 83923-7
Averthor Granular Ant Bait (alt. Abathor Fire Ant Bait)
submitted 4/26/2010 (D# 433884)

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 has been date-stamped "Notification" and will be placed in our records.

Sincerely yours,

A handwritten signature in black ink, appearing to be "TCH".

Thomas C. Harris
Biologist
Insecticide Rodenticide Branch
Registration Division (7505P)
Harris.Thomas@epa.gov
(703) 308-9423



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 83923-7	2. EPA Product Manager Bo Davis	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ensystem IV, Inc. / Averthor Granular Ant Bait	PM# 7	
5. Name and Address of Applicant (Include ZIP Code) Ensystem 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. _____ 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 Fire Ant 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
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 8 oz., 2 lbs.		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 Paper glued 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 both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Agent	
4. Typed Name Michael Kellogg	5. Date 4/26/10	

Note to Reviewer: Fire Ant Control Directions



ABATHOR

FIRE ANT BAIT

Kills the following species of ants: Acrobat, Argentine, Bigheaded, Crazy, Field, Fire, Little Black, Pavement, Odorous House and Thief.

Use to Control Labeled Ants (including Imported Fire Ants) on Turf, Lawns, and Other Non-Crop Areas such as Parks and Golf Courses and Indoors In Homes and the Non-Food/Feed Areas of Commercial Buildings, Warehouses, Hotels, Food Storage Areas, Inedible Product Areas of Meat Packing Plants, Motels, Schools, Supermarkets and the Non-Patient Areas of Hospitals and Nursing Homes.

Active Ingredient:	By Wt.
Abamectin B ₁	0.011%
Other Ingredients:	99.989%
TOTAL:	100.000%

EPA Reg. No. 83923-7 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).

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: 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. Do not contaminate kitchen utensils with this product. Pets may be attracted to this product.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and wildlife. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

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

ABATHOR Fire Ant Bait is formulated in an oil bait that functions as an attractant to Fire ants. ABATHOR Fire Ant Bait is a stomach insecticide which acts to reduce ant workers. The bait is also passed by the workers throughout the ant colony and eventually to the queen. Apply when ants are actively foraging. This is typically when soil temperatures are greater than 60°F (15°C) or consult your State Agricultural Experiment Station or State Extension Service for optimum timing of application. In cases where re-infestation occurs or when very large mounds remain active, re-treat as necessary.

OUTDOORS

Apply after dew or rainfall has dried for maximum effectiveness. Do not apply if rainfall is anticipated within 4 to 6 hours after application.

BROADCAST APPLICATION: Apply ABATHOR Fire Ant Bait as evenly as possible to turf, lawns and non-crop areas at a rate of 1 lb. of bait per acre (0.4 oz. of bait per 1000 sq. ft. or 1.8 oz. of bait per 5000 sq. ft.).

INDIVIDUAL MOUND TREATMENT: Use 1.5 to 2.1 ounces (5 to 7 tablespoons) of ABATHOR Fire Ant Bait per mound. Apply the bait as evenly as possible over the mound and for a distance of approximately 2 feet out from the base of the mound. Do not contaminate kitchen utensils with this product.

LIMITATIONS: Do not use in pastures, range-land, or croplands.

INDOORS

Do not use 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. Non-food areas are defined as areas such as garbage rooms, lavatories, floor drains (to sewers), entries, and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage (after canning or bottling).

When applying this product in the home, all food processing surfaces and utensils must be covered during treatment or thoroughly washed before use. Exposed food must be covered or removed.

LOCATE ANT ACTIVITY: Follow ants back to voids. Apply bait to crevices or voids where ants are active. Use up to 1.5 ounces (5 tablespoons) per treatment site in a heavily traveled area. Use less in

areas with less activity or if the treatment site will not hold that much. Use a large Centrobulb puffer or other appropriate application device to place bait in crevices or voids. Enlarging the void's opening may be required. Repeat as necessary. Do not contaminate kitchen utensils with this product.

TO TREAT PLUMBING VOIDS WITH KNOWN ANT ACTIVITY: Obtain access to void and place up to 1.5 ounces (5 tablespoons) inside the plumbing void. Place bait where it will remain dry. Repeat as necessary. Do not contaminate kitchen utensils with this product.

UTILITIES (such as above ground transformers, pedestal boxes, in-ground utility boxes, etc.): If Fire ants are nesting or traveling inside utility boxes, place 1.5 to 2.1 ounces (5 to 7 tablespoons) for lighter infestations or up to 2.5 ounces (8 tablespoons) for heavy infestations on the ground or open floor area of box. Placement should be made so bait stays dry and does not contact any equipment. Do not contaminate kitchen utensils with this 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.

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STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Consult Federal, State or local disposal authorities for approved alternative procedures.

STORAGE: ABATHOR Fire Ant Bait may be attractive to rodents and domestic animals. Store in a cool, secure, dry space. To maintain maximum effectiveness, close container tightly after use and use within 5 months after opening.

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.

