70759-4 6/6/2011 1of8

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

June 6, 2011

EMD Chemicals, Inc.
c/o Matthew R. Schneider
Garvey Schubert Barer
1000 Potomac Street, NW
Fifth Floor
Washington, DC 20007

Subject: Applications for Label Notification dated May 5, 2011 to change "Proprionic" to "Propionic" and "West Niles Virus" to "West Nile Virus" in the ingredients statement and optional label claims, respectively.
Bug Repell IR3535 10% Lotion (EPA Reg. No. 70759-2)
Bug Repell IR3535 20% Spray (EPA Reg. No. 70759-3)
Bug Repell IR3535 20% Aerosol (EPA Reg. No. 70759-4)
Your submissions dated May 5, 2011
Decision Numbers: 448842, 448843, and 448844

Dear Mr. Schneider:

The Biopesticides and Pollution Prevention Division is in receipt of your applications for Notification under PR Notice 98-10 dated above. A preliminary screen of these requests have been conducted for their applicability under PR Notice 98-10 and it has been determined that the action(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the labels submitted with these applications have been stamped "Notification Accepted" and will be placed accordingly in our records.

If you have any questions concerning this action, please feel free to contact Mr. Colin Walsh at (703) 308-0298 or via email at walsh.colin@epa.gov.

Sincerely,

Linda A. Hollis

Linda A. Hollis, Chief
Biochemical Pesticides Branch
Biopesticides and Pollution Prevention
Division (7511P)

2088

Please read instructions on reverse before completing form. Form Approved. OMB No. 2070-0060. Approval expires 2-28-95

EPA

United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☑ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number: 70759-4
2. EPA Product Manager: Andrew Bryceland
3. Proposed Classification: ☑ None ☐ Restricted
4. Company/Product (Name): Bug Repell IR3535® 20% AEROSOL
PM# 9h
5. Name and Address of Applicant *(Include ZIP Code)*
EMD Chemicals Inc.
480 South Democrat Road
Gibbstown, NJ 08027
☐ *Check if this is a new address*
6. **Expedited Reveiw.** 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

☐ Amendment - Explain below.
☐ Resubmission in response to Agency letter dated _____
☑ Notification - Explain below.
☑ Final printed labels in repsonse to Agency letter dated NA
☐ "Me Too" Application.
☐ Other - Explain below.

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

Notification of Ingredient Statement Typographical Error Correction per PR Notice 98-10.

(See additional page)

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging	Unit Packaging	Water Soluble Packaging	2. Type of Container
☐ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☑ No	☑ Metal ☐ Plastic ☐ Glass ☐ Paper ☐ 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: ☑ Label ☐ Container
4. Size(s) Retail Container: 4 fl oz; 6 fl oz
5. Location of Label Directions: ☐ Container
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	Title	Telephone No. (Include Area Code)
Matthew R. Schneider, Esq.	Authorized Representative	

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 knowlingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received **(Stamped)**

2. Signature: [signature]
3. Title: Authorized Representative
4. Typed Name: Matthew R. Schneider, Esq.
5. Date: 5/6/11

EPA Form 8750-1 Additional Page 1 of 1

Product #: 70759-4
Product Name: Bug Repell IR3535® 20% AEROSOL
Applicant: EMD Chemicals Inc.

Section II: Explanation (continued):

Notification of Ingredient Statement Typographical Error Correction per PR Notice 98-10.

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.

Corrections made: In ingredients statement, changed "aminoproprionic" to "aminopropionic" (removal of second "r"); in optional label claims corrected "West Niles Virus" to "West Nile Virus". All changes have marked in yellow on the submitted labels.

WASHINGTON, D.C. OFFICE
fifth floor
flour mill building
1000 potomac street nw
washington, d.c. 20007-3501
TEL 202 965 7880 FAX 202 965 1729

OTHER OFFICES
beijing, china
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portland, oregon
seattle, washington
GSBLAW.COM

GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Please reply to MATTHEW R. SCHNEIDER
mschneider@gsblaw.com TEL EXT 1787

May 5, 2011

Andrew Bryceland
U.S. Environmental Protection Agency
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
1200 Pennsylvania Avenue, N.W.
Washington DC 20460-0001

Dear Mr. Bryceland:

On behalf of EMD Chemicals, Inc. (EMD), Garvey Schubert Barer is submitting three Notifications for corrections to three labels for EPA Registration Numbers 70759-2, 70759-3, and 70759-4 (Bug Repell IR 3535® 10% Lotion, 20% Spray and 20% Aerosol, respectively). In the Ingredient Statement on the first page of each label, "proprionic" was corrected to "propionic". In addition, in the list of Optional Label Claims on the final page of each label "West Niles Virus" was corrected to "West Nile Virus". There were no other changes made to these labels.

Sincerely,

Matthew R. Schneider

(Front Panel)

Bug Repell IR3535®
20% Aerosol
KEEP OUT OF REACH OF CHILDREN
WARNING

ACTIVE INGREDIENT
3-[N-Butyl-N-acetyl]-amino
propionic acid ethyl ester*.....20.0%
OTHER INGREDIENT.....80.0%
TOTAL:.....100.0%
*IR3535®

FIRST AID - If In Eyes: [optional front and back panel]
-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.
-Have the product container or label with you when calling a poison control center or doctor, or going for treatment. .
-For information on this pesticide product call the National Pesticide Information Center at 1-800-858-7378

EPA Reg. No. 70759-4 EPA Est. No. 13891-IN
EMD Chemicals Inc.
480 South Democrat Road
Gibbstown, NJ 1-800-222-0342
IR3535® is a registered trademark of Merck, KGaA
© EMD 2008 – ALL RIGHTS RESERVED
[optional front and back panel]
4 FL.OZ(118 ml);6 FL.OZ(177 ml)

Notification Accepted

Date: JUN 06 2011

Reviewer: C. Walsh

(Back Panel)

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS - Warning: For external use only. Causes substantial but temporary eye injury. Do not get in eyes. Do not spray on face. Do not rub eyes with product with fabric that has contacted product or treated skin. Discontinue use and consult a doctor if irritation or rash occurs. Ask a doctor before using on children under 1 year of age.

PHYSICAL OR CHEMICAL HAZARDS – EXTREMELY FLAMMABLE: Contents under pressure. Keep away from heat, sparks and open flame. Exposure to temperatures above 180° F may cause bursting. Use only as directed. Avoid contact with plastics, costume jewelry, leather and synthetic fibers. May damage painted or varnished surfaces, including nail polish.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not spray in enclosed areas. Do not use near food.

REPELLENCY – REPELS MOSQUITOS AND TICKS FOR UP TO 8 HOURS [optional front and back panel]

Hold container 6 to 8 inches from skin and spray with a slow sweeping motion evenly over exposed skin. Do not apply over cuts, wounds, freshly shaven or irritated skin. An adult must apply this product to children under 10. Do not apply to children's hands. TO APPLY TO FACE: Spray palm of hand and rub on.

FOR CONTINUED PROTECTION: reapply about every 8 hours or sooner if effectiveness diminished, not to exceed 3 applications per day.

Storage and Disposal:

Storage: Store in cool dry place away from heat or flame.

Disposal:

If Empty: 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 or call 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.
Exp. (date).

[Optional Label Claims]:

DEET free
Complete protection against mosquitoes and ticks for up to 8 hours
Family friendly
For the whole family
Long protection for the whole family
8-hour protection for the entire family
Lightweight
Non-greasy
Non oily
Pleasant feel
Fragrance free
Odorless
No odor
No need to wash off when returning from outdoors
Mosquitoes may transmit West Nile Virus
Ticks may transmit Lyme disease