

**Swanson's**  
**Pest Management, INC.**  
"SINCE 1983"

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HEARING CLERK  
REGION 10

December 23, 2008

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900 ORC-158  
Seattle, WA 98101

I am requesting a formal hearing to contest the penalties listed on the Complaint and Notice of Opportunity for Hearing Docket No FIFRA-10-2009-0012.

Listed below is the information which we will present at the hearing:

We deny all violations upon the following information

**Violation 1 & 2**

The instructions that you have listed under point 51 page 10, are instructions for a wet coarse spray that would be used in a compressed air sprayer. These instructions do not apply to the micro-injector which is an ultra-low volume micro-injection system (a much finer spray.) Therefore, the instructions listed are correct for a wet coarse spray which was not used inside these homes. Rather the label allows the product to be diluted in the micro-injector which was the manner in which it was used in the Beck and Kolbeck homes. (See Attached A)

In Oregon we are allowed to use less than the prescribed dilution or up to the maximum dilution rate used on the label. In this case we did not exceed the maximum dilution rate for the targeted pest.

The label allows a .25% mixture.

**Violation 3 & 4**

The violation states that the label requires the "user" to "Ventilate area thoroughly before re-entry." Please see attachment "A" showing the Conquer label. There is no place on the label that



Swanson's Pest Management, Inc. • P.O. Box 40728 • Eugene, OR 97404 • CCB 79884  
Eugene 541-688-2323 • Fax 541-688-1202 • Toll Free 800-622-8993 • [www.swansonspm.com](http://www.swansonspm.com)



states that the "user" must ventilate. The Conquer label reads, "Do not remain in treated area and ventilate thoroughly before re-entry."

Our general manager at the time, David Ottovich, in his sworn deposition testified that it was his normal routine to remind customers to ventilate after a treatment. The language on the label is vague and does not specify if the applicator or the property owner is responsible for the ventilation. In attachment "B" which is a letter from Greg Baumann, of the National Pest Management Association, commenting on the fact that it is not common practice in the industry to have the applicator remain after the application of a pesticide and insure that the property is ventilated.

Advice on re-entry had been given by David Ottovich and Bill Granstrom. (See Attachment C & D)

In two documents, one in a letter from ODA to Lyn Frandsen of the EPA and one from the PARC report compiled by the ODA, it was noted that the issue of ventilation needed to be addressed in the future because of lack of definition of who ventilates, how you are to ventilate and the length of time to ventilate. (See Attachments E and F)

The issue of who is responsible for the ventilation is not clearly defined. Our company has a practice to advising to ventilate but clearly there is no mandate on who and how ventilation should be conducted by the information on the label. There is no evidence that Swanson's practice of following the industry standard and allowing the customer to ventilate their own homes was done with malice or conscious indifference to the customer's health, safety and welfare.

#### Violation 5

In all of the communication that has been produced by the EPA regarding the use of the micro-injector the quote regarding the use of this machine does not include the entire statement regarding the use but, stops short of the entire explanation of its application use. The instructions are referring to the fact that this machine should not be used as a large area ULV sprayer such as for a large warehouse. However, it can be used as a space spray device for small area application such as a house which is how it was used in our application.

#### Violation 6 & 7

The same argument as stated for violation 3 & 4 apply to violation 6 & 7. It is not clearly stated who is ultimately responsible to ventilate by the language on the label.

Also, the ULD BP-100 states on the label that "In the home, all food processing surfaces, dishes and utensils should be covered during treatment or thoroughly washed before use." This is another example of a vague instruction on the label that doesn't specify if the applicator or the property owner is responsible for this function. (See Attached G)

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Please let me know when we can be granted a hearing. I will be on vacation December 25 through January 2. I will be in the office January 5, 2009. If it is necessary to have the hearing during my vacation, please contact Lynnette Bunch and she will contact me so I can arrange to attend the hearing.

Sincerely,



Joan Jensen  
Operations Manager

cc: Juliane Matthews, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 10

# CONQUER<sup>®</sup>

RESIDUAL INSECTICIDE CONCENTRATE

## Water or Oil Dilutable CONTROLS NUMEROUS PESTS IN AND AROUND STRUCTURES

RECOMMENDED FOR COMMERCIAL AND INDUSTRIAL USE

For Use In and Around the Home and Food and Non-Food Areas of: Schools, Warehouse, Office Building, Apartment Buildings, Theaters, Hotels, Motels, Kennels, Food Processing Plants, Food Services Establishments, Truck Trailers, Railroad Cars, and Food Manufacturing and Warehousing Establishments. Also for use on Lawns to Kill Fleas and Ticks.

### ACTIVE INGREDIENTS:

esfenvalerate (CAS #66230-04-4) .....3.48%

\* INSERT INGREDIENTS .....96.52%

\*Contains petroleum distillate .....100.00%

FIRST AID		
<b>IF SWALLOWED</b>	<b>IF ON SKIN OR CLOTHING</b>	<b>IF INHALED</b>
<ul style="list-style-type: none"><li>• Call a poison control center or doctor immediately</li><li>• Do not give any liquid to the person</li><li>• Do not induce vomiting unless told to do so by poison control center or doctor.</li><li>• Do not give anything by mouth to an unconscious person</li></ul>	<ul style="list-style-type: none"><li>• Take off contaminated clothing</li><li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>	<ul style="list-style-type: none"><li>• Move person to fresh air</li><li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible</li><li>• Call a poison control center or doctor for further treatment advice.</li></ul>
<b>NOTE TO PHYSICIAN</b> This product contains petroleum distillate and may pose an aspiration pneumonia hazard. Have the product container or label with you when calling a poison control center or doctor or going for treatment. For information regarding medical emergencies or pesticide incidents, call the International Poison Center at 1-888-740-8712		

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing vapors or spray mist. Wash thoroughly with soap and water after handling. Remove and wash contaminated clothing before reuse. Remove pets, birds, and cover fish aquariums before spraying.

#### ENVIRONMENTAL HAZARDS

This product is toxic to fish, birds and other wildlife. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters. 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 into sewer systems without previously notifying the 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.  
Do not use this product in or on electrical equipment due to the possibility of shock hazard.

#### DIRECTION FOR USE

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

CONQUER Residual Insecticide Concentrate can be mixed with an EPA registered insect growth regulator or pyrethrin-containing products in the areas where these products are allowed to be sprayed. Please check specific label directions of these products before using. Do not tank mix this product with dichlorvos-(DDVP)-containing products.

Do not apply directly to food. Cover or remove all food and food processing equipment during application. After spraying in meat packing plants, bakeries and other food processing plants, wash with an effective cleaning compound and then rinse with potable water all equipment, benches, shelving, etc. where exposed food will be handled. In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Cover exposed food. Do not spray plants used for food or feed.

Do not allow children or pets to contact treated surfaces until spray has dried.

Do not apply this product in occupied patient rooms or in any rooms/areas while occupied by patients, the elderly or infirm. Do not apply to classrooms while in use. Do not apply in institutions (including libraries, sports facilities, etc.) in the immediate area where occupants are present.

#### SHAKE WELL BEFORE USE

#### FOR INDOOR PESTS:

**GENERAL:** Use CONQUER Residual Insecticide Concentrate to control the pests indicated in the listed areas as a contact spray by mixing either one (1) or two (2) fluid ounces of concentrate in one (1) gallon of water or oil and mix thoroughly before use. One (1) ounce of concentrate per gallon of water or oil will make a spray containing .027% active ingredient, two (2) ounces per gallon will make a spray containing .05% active ingredient. For initial clean out of heavy infestations use two (2) ounces of concentrate per gallon of spray; for maintenance control or light infestations use one (1) ounce of concentrate per gallon. When using oil as the diluent, an odorless light petroleum hydrocarbon as defined by CFR Title 21, Sec. 172.884 should be used for all food area and food related applications. For all applications of contact sprays use at the rate of one (1) gallon (diluted spray) per 1,000 square feet of surface area.

Application Only Within Food and Non-Food areas of Food Service and Handling Establishments (Places Other Than Private Residences) including, But Not Limited to: Restaurants, Grocery Stores, Bakeries, Food Manufacturing and Processing Establishments, and Food Warehousing Establishments. Do not treat establishments where livestock feed is present.

Food areas include areas for receiving, storage, packing, canning, bottling, wrapping, boxing, preparing, edible waste storage and enclosed processing systems, mills and dairies. Serving areas are places where prepared foods are served, such as dining rooms, but excluding areas where foods may be prepared or held. Non-food areas include 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.

As A Surface Spray.

**To kill the Accessible Stages of Granary Insects: Rice Weevils, Confused Flour Beetles, Rust Red Flour Beetles, Saw-Tooth Grain Beetles, Cadellias, Meal Moth Larvae and Adults, Cigarette Beetles, Drug Store Beetles, and Granary Weevils:** Apply as a coarse wet spray to surfaces where these pests are normally found, such as floors, baseboards, around walls, benches and pieces of equipment. Use at a dosage of one (1) gallon of spray per 1,000 square feet. Pay particular attention to cracks, crevices and similar protected locations in floors and walls. Spray thoroughly around and into floor drains, non-food conveyors, and other areas where granary insects may be found. Do not apply when food processing facility is in operation or foods are exposed. Do not apply this spray to surfaces or utensils that may come into contact with food; excessive residues in food may result. Repeat Application as Needed, but do Not Exceed More Than One Application Every Fourteen (14) Days.

**To Kill Ants, Centipedes, Cockroaches, Crickets, Earwigs, Millipedes, Psocids, Scorpions, Silverfish, Sowbugs, Spiders and Waterbugs:** Apply this spray with a sprayer that produces coarse, wetting droplets into all cracks and crevices in woodwork, floors, underneath sinks, areas behind pipes and in all places where these insects shelter. Use a dosage of one (1) gallon of spray per 1,000 square feet. Contact as many insects as possible with direct spray. Repeat applications as needed, but do not exceed more than one application every seven (7) days in restaurants and similar food service establishments or more than one application in every fourteen (14) days in all types of food handling establishments.

As A Space Spray.

**To Kill Houseflies, Mosquitoes, Gnats and Small Flying Moths:** Close room and shut off all air conditioning or ventilating equipment. For space spray applications use a maximum of ten (10) ounces of concentrate diluted in one (1) gallon of oil only to make a 0.25% spray. Use diluted spray in a mechanical aerosol fogger or generator which produces particles of aerosol size thirty (30) microns, or less. Direct spray first into all cracks and crevices, behind all equipment, appliances, cupboards, or any dark harborage areas, then treat as a space spray directing the spray towards the ceiling and upper corners of the room at the rate of one (1) ounce (diluted spray) per 1,000 cubic feet of space. Do not remain in treated area. Keep area closed for at least 1/2 hour and ventilate thoroughly before re-entry. Do not repeat application more than once every three (3) days.

**To Kill The Adult And Accessible Forms Of Insect Pests\* Of Stored Food (Stored In Multi-Walled Paper Bags Or In Cloth Bags) In Warehouses, Storage Rooms and Similar Locations:** Infested stored products should be removed and destroyed, fumigated or treated with other products approved for this use. Use as above in mechanical aerosol foggers at the rate of one (1) ounce per 1,000 cubic feet of space. Keep area closed for at least 1/2 hour. Do not remain in treated area and ventilate thoroughly before re-entry. Do not repeat application more than once every three days.

\* Rice Weevil, Yellow Meal Worm, Cadelle, Confused Flour Beetle, Saw-Toothed Grain Beetles, Angoumois Grain Moth, Mediterranean Flour Moth, Indian Meal Moth, Cigarette Beetle, Grain Mites and Cockroaches.

Do not apply when food processing facility is in operation or foods are exposed. Do not apply this spray to surfaces or utensils that may come in contact with food. Food contact surfaces and equipment should be thoroughly cleaned with an effective cleaning compound and rinsed with potable water before using.

**FOR PREMISES PESTS:**

Application Within Residential and Non-Residential Buildings Including Homes, Apartment Buildings, Kennels, and Non-Food Areas of Industrial, Institutional, and Commercial Buildings, such as Hospitals, Hotels, Warehouses, Truck Trailers, Railroad Cars, Theaters, Office Buildings, and Schools.

**GENERAL:** Apply as a coarse wet spray to thoroughly treat hiding places, such as cracks, crevices, and moist areas around pipes, under refrigerators and along baseboards to control pests listed below. Use at the rate of one (1) gallon of spray mixture per 1,000 square feet. Spray directly on insects when possible. Do not permit humans or pets to contact treated surfaces until spray has dried. Repeat as necessary. Do not treat establishments where livestock feed is present.

**To Kill Ants, Centipedes, Cockroaches, Crickets, Earwigs, Millipedes, Psocids, Scorpions, Silverfish, Sowbugs, Spiders, and Waterbugs:** Spray areas where these pests are found or may hide, including dark corners of rooms and closets; cracks and crevices in walls; along baseboards and door and window frames; behind and beneath sinks, stoves, refrigerators and cabinets and around garbage cans, plumbing and other utility installations. Pests driven out of hiding places should be sprayed directly. For Ants, apply to ant trails, also around doors and windows wherever these pests may find an entrance. Repeat as necessary.

**To Kill Brown Dog Ticks and Fleas:** For control of Brown Dog Ticks, thoroughly apply as a spot treatment to infested areas such as pet beds and resting quarters, nearby cracks and crevices, along and behind baseboards, window and door frames and localized areas of the floor and floor coverings where these pests may be present. For control of Fleas, thoroughly apply a fine particle, broadcast spray, using the one (1) ounce per gallon of water dilution to infested rugs, carpets, and pet resting areas. Prior to treatment, aquariums and fish bowls should be covered and birds, such as canaries, removed from the area. Do not permit humans or pets to contact treated surfaces until the spray has dried. Old bedding should be removed and replaced with clean, fresh bedding after treatment. Do not Spray Pets With This Product. Treat dogs and cats with a product registered for use on animals.

**To Kill Carpenter Ants:** Apply two (2) ounces per one (1) gallon of water as a coarse spray, around doors, door frames, windows and other areas where these ants enter the premises or hide. Spray into cracks and crevices, through openings or small newly drilled holes into wall voids where these ants or their nests are present.

**To Treat Voids in Equipment and Structures:** To kill Ants (including Carpenter Ants), Centipedes, Cockroaches, Crickets, Earwigs, Psocids, Scorpions, Silverfish, Spiders, Waterbugs, and Insect Pests of Stored Food. To kill insects harboring in wall voids and other inaccessible spaces in equipment and structures use injection equipment designed for deep void ULV (Ultra Low Volume) applications. Follow the injection equipment manufacturer's recommendations for the proper set up and air pressures. Place the applicator tip at or into the void space to be treated. For inaccessible voids, it may be necessary to drill an access hole(s). Inject product into the void space in short bursts, allowing the air pressure to push insecticide deep into the space. Avoid applying to the point of runoff or drip. Ventilate area thoroughly before re-entry. Do not reapply more than every fourteen (14) days.

**FOR OUTDOOR PESTS:**

**GENERAL:** Use CONQUER Residual Insecticide Concentrate at the rate of two (2) fluid ounces per one (1) gallon of water to control on contact ants, cockroaches, crickets, sowbugs, spiders and ticks. Use at the rate of one (1) gallon per 1,000 square feet to outside surfaces of buildings, porches, patios, garages and other areas where these pests have been seen or are found. Do not spray near fish ponds or other bodies of water. Avoid soaking young or flowering plants.

**Building Perimeter Treatment:** To help prevent infestation of buildings by ants, crickets, spiders, centipedes, and sowbugs (pillbugs), treat a 12-18 inch band of soil or other substrate adjacent to buildings and the building foundation to a height of 2 to 3 feet where these pests are active and may find entrance. Use two (2) fluid ounces of concentrate per gallon of water and apply as a coarse wet spray at the rate of one (1) gallon per 1,000 square feet.

**TO KILL EXPOSED/SWARMING TERMITES: OUTDOORS ONLY.** Use two (2) fluid ounces of Concentrate per gallon of water and apply as a coarse, wetting spray when swarming termites are seen emerging from wood piles, wooden fence posts, wooden structures, or from the ground. Swarming usually occurs in the spring or at other times when a termite colony becomes overcrowded and new reproductive termites with wings emerge and fly away to mate and establish new colonies. This treatment will control the sprayed termites and will not protect the structure from which the swarm is coming. Use only as a contact spray to kill emerging reproductive (winged) and worker termites emerging from infested wood.

**TO KILL WOOD DESTROYING PESTS: OUTDOORS ONLY:** Carpenter Bees, Carpenter Ants, Old House Borers, Powder Post Beetles, Furniture Beetles, Round-Headed House Borers, Deathwatch Beetles. Use two (2) fluid ounces of Concentrate per gallon of water and apply as a coarse, wetting spray to exposed pests and to the damaged areas of wood, spraying into galleries or tunnels in the exposed wood. Also spray around doors, door frames, windows and other areas where these pests may enter the house or hide. Spray into cracks and crevices and, if necessary, drill small holes and spray into inaccessible wooden structural voids where these pests are suspected.

**LAWN FLEA AND TICK CONTROL**

**To Kill Fleas and Ticks Harboring in Lawns and Backyards:** For power sprayers, dilute and apply as shown in the table below. For best results, lawn should be mowed a day or two before spraying. Spray using a slow, even sweeping motion, being sure to cover the entire lawn surface where the pets will normally frequent. Spray under ornamentals and trees, but avoid soaking young or flowering plants. Repeat treatments may be necessary at 7 to 14 day intervals. Kills on contact the Ixodes dammini tick (deer tick), which transmits Lyme disease. Also kills foraging fire ants upon direct contact. A registered fire ant mound treatment should also be used in conjunction with this product.

Keep pets and children out of the treatment area until after the spray has dried. Do not spray animals. Dogs, cats, their kennel or bedding area should also be treated with a registered flea control product in conjunction with this application.

Amount of Product to Use Fluid Ounces	Amount of Water to Use	Area to be treated
1/6 Fluid Ounce	3 gallons	500 sq. ft. (50' x 10')
1/3 Fluid Ounce	6 gallons	1,000 sq. ft. (50' x 20')
2/3 Fluid Ounce	12 gallons	2,000 sq. ft. (50' x 40')

**OUTDOOR CONTROL OF ASIAN COCKROACHES**

**To control outdoor infestations of Asian cockroaches:** Dilute 10 teaspoons of CONQUER Residual Insecticide Concentrate in 30 gallons of water to treat 5,000 sq. ft. Repeat as needed. Keep children and pets off treated areas for 24 hours or until the grass has completely dried.

Net contents - 16 Ounces  
Manufactured For

**STORAGE AND DISPOSAL**

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

**STORAGE:** Store in a warm, dry place. Keep container closed.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. In case of spill or leak, soak up with sand, earth or synthetic absorbents. Do not use alkaline absorbents or clean area of spill with alkaline detergents.

**DISPOSAL:** Do not reuse empty container. Wrap container in several layers of newspaper and discard in trash.

Paragon Professional  
Pest Control Products  
3635 Knight Road, #7  
Memphis, TN 38118

August 9, 2007

**Via Mail and Telefax: (208) 334-1413**

Mr. J. Ronald Sutcliffe  
United States Department of Justice  
Environment and Natural Resources Division  
Environmental Crimes Section  
c/o United States Attorney's Office  
Washington Group Plaza  
800 Park Boulevard, Suite 600  
Boise, ID 83712-9903

Dear Mr. Sutcliffe,

The National Pest Management Association is the national trade association promoting education, field training, product stewardship, and regulatory compliance for the structural pest control industry. We frequently are asked technical questions as to product use.

We would like to comment as to industry practice related to ventilation of treated areas specific to the Swanson's Pest Management/Florence Kolbeck case. We understand that your office is considering that matter. There are a few points which may be helpful.

1. EPA has been silent as to ventilation requirements post-application of pesticides.

There is no EPA standard as to ventilation requirements. The labels for the products we understand were involved in the Kolbeck application set forth requirements as to product use and safety; however, restrictions of re-entry times are set for product use and "dry" times. The labels do not prescribe the means or time required for ventilation. The products used would not be airborne after several hours.

2. Industry practice, based on common understandings in the industry, is such that applicators do not monitor ventilation or security post-application.

Typically, the applicator warns occupants as to re-entry time but the applicator is not identified on the label as having post-application facility security responsibilities. Clearly, if this were the case, the applicator would need to remain onsite to guarantee

that the instructions given to the customer would be obeyed. Certain products not used in this case, such as gas fumigants, do provide requirements that the applicator post guards onsite. The product labels used in this case do not mandate guarding of the premises. While it is possible that the customer may request such guarding, this would be cost prohibitive for the customer, and simply isn't commonly done. Any duration of ventilation under applicator supervision would also require applicator security supervision. Again, industry practice, based on industry understanding of what is required by law, does not include this.

3. The customer assumes some responsibilities listed on the label.

Though the label is for use by the applicator, certain provisions, such as shutting down air systems in commercial food production settings, are clearly beyond the scope of the powers of the applicator. The applicator depends on the cooperation of the customer for such engineering requirements and cannot be held responsible for activities under the sole control of the customer. In the case of residential settings, the applicator must defer to the homeowner to adhere to advice communicated to the customer, short of the applicator staying onsite for hours after the application (which would be cost prohibitive for the customer). For example, if a label (like one involved here) states that kitchen counters and dishes must be washed, it is the customer who assumes that responsibility; the applicator does not wash down counters or wash dishes. So the mere fact that certain practices are referenced on the label does not mean that the applicator is responsible for all those practices.

In this particular situation, the applicator provided advice as to re-entry times from what we understand. The customer agreed to these requirements and adhered to this advice. Ventilation was a naturally occurring event in the residence short of any further requirements. This unfortunate situation could not have been prevented even if the applicator stood guard at the door, as the label requirements were met.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Gregory J. Baumann  
Vice President, Technical Services

1 them throughout the whole entire house. Or rodent,  
2 bait possibly had been put out. But I think that  
3 that had been ruled out according to him. I'm not  
4 sure. Long time ago.

5 But in any fashion or form after my  
6 conversation I had concluded that it was some type of  
7 stored product pest.

8 Q. Which is not a woodboring pest?

9 A. Correct.

10 Q. Okay. Go ahead.

11 A. **And that was what was turned over to  
12 Bill to go out and look at and assess.**

13 Q. Do you remember anything else about your  
14 conversation with Mr. Kolbeck?

15 A. **Just the general information that I give  
16 everybody is that if we do any treatment inside,  
17 remain out for three to four hours as a safety  
18 precaution. If you smell anything when you first  
19 come in -- because everybody has different  
20 sensitivities. Some people smell water. Some people  
21 don't smell anything. So that if you smell anything  
22 when you come in, open up the door and let it air out  
23 a little bit.**

24 Q. Now, do you remember telling that to  
25 Mr. Kolbeck, or is that just what you remember

1 normally telling people?

2 A. **That's what I remember normally telling  
3 people in general.**

4 Q. And you don't have a specific memory of  
5 telling that to Mr. Kolbeck?

6 A. **I can't think of any reason why I  
7 wouldn't have.**

8 Q. Right.

9 A. **I cannot say for sure that I told him  
10 that specifically. But I talk to so many people and  
11 I tell them the same thing that it would be odd for  
12 me not to have.**

13 Q. And would you agree that -- you said  
14 some people don't smell much. How would they comply  
15 with your instruction, then, if they smell anything,  
16 to air out the place?

17 A. **Well, if they smell it when they get to  
18 the door, then you leave the door open and don't go  
19 in yet.**

20 Q. But if they don't smell it, how would  
21 that be helpful to them?

22 A. **Well, the materials themselves,  
23 depending on what material and how it's applied with  
24 what piece of equipment, if you read through this  
25 label, unless it's applied as a space treatment, it**

1 **doesn't require to be out at all. But I always tell  
2 people to stay out just as a safety precaution. Most  
3 of the labels say, Do not come in contact with until  
4 dry. They don't say you have to leave at all.**

5 Q. And when you're talking -- I'm sorry.  
6 Were you done?

7 A. **Go ahead.**

8 Q. Are you familiar with the letters pegged  
9 together, REI?

10 A. **I don't understand your question.**

11 Q. Okay. REI, does that mean anything to  
12 you like restricted entry interval?

13 A. **No, sir.**

14 Q. Okay. Do some labels tell people to  
15 stay out of the area for a certain length of time?

16 A. **Fumigants especially.**

17 Q. Okay. And would that be called a  
18 reentry time?

19 A. **Correct. But that's -- fumigation is  
20 completely different. Fumigation is when you tent  
21 the house, and you have to go back through with a  
22 scanner and detect.**

23 Q. The source of my questions comes from  
24 this book, the Oregon Pesticide Safety Education  
25 manual through the Oregon State University, January

1 2004. Is that something you're familiar with?

2 A. **No, sir.**

3 Q. Just another probably safety manual that  
4 is put out by different people?

5 A. **Yes.**

6 Q. Here they talk about -- on page 182 they  
7 talk about the restricted entry interval, which they  
8 called REI. Is that the same thing that we've been  
9 talking about?

10 A. **Not to my knowledge.**

11 Q. Okay.

12 A. **I believe that the restricted would  
13 refer to restricted chemicals. There are different  
14 materials that are used in the industry that are  
15 restricted materials.**

16 Q. Would you read the section and tell me  
17 if that's still what you think.

18 A. **(Reading.)**

19 This is just general. Again, it would  
20 all refer back to the label.

21 Q. The REI is the same idea of telling  
22 somebody to stay away if an area has been -- after an  
23 area's been sprayed.

24 Well, okay. You know, you're not  
25 familiar with it. So let's just move on.

1 ottovich.  
 2 Q. okay. And in addition were -- you knew  
 3 from the label that the home needed to be  
 4 ventilated, the doors opened and the windows opened.  
 5 Yes?  
 6 A. Yes, normally.  
 7 Q. well, that's what the label says -- right?  
 8 -- to ventilate thoroughly.  
 9 A. yes.  
 10 Q. Okay. And you assumed the kolbecks would  
 11 do that?  
 12 A. Yes. If directed by David Ottovich, I  
 13 assumed they would do that.  
 14 Q. And the direction from David was to  
 15 ventilate their home after you sprayed in it.  
 16 A. I don't know his exact words so I can't  
 17 state that.  
 18 Q. Okay. Normally, you don't tell -- all you  
 19 do is tell people to stay out of their home for a  
 20 while before reentry. You don't tell them to  
 21 ventilate. Right?  
 22 A. That's -- I normally say "Ventilate if  
 23 needed."  
 24 Q. Okay.  
 25 A. Because what I run into -- and maybe you

1 you're calling the exhibit 6?  
 2 A. Un-huh.  
 3 Q. You also called it another phrase. Right?  
 4 The chemical? --  
 5 MS. SIEPERT: Service ticket.  
 6 A. Service ticket, yeah.  
 7 BY MR. BRADLEY:  
 8 Q. Okay. You completed this after the  
 9 Kolbecks had left their home?  
 10 A. Correct.  
 11 Q. Did you think that based upon the label  
 12 that knowing that Fred Kolbeck had that heart bypass  
 13 surgery a couple years earlier, that he didn't need  
 14 to ventilate the home before reentering?  
 15 A. The first part of your question about  
 16 couple years, I did not receive that information it  
 17 was just two years ago, he had had that bypass  
 18 surgery.  
 19 Q. And that whatever you were told then, that  
 20 he had the bypass surgery two years before, did you  
 21 think then that he could have reentered the home  
 22 after three and a half hours without ventilating it  
 23 with that medical history?  
 24 A. Yes, because the label states an hour. I  
 25 stated three and a half hours, yes.

1 want this off the record. I don't know. But I do  
 2 an inordinate amount of retirees on the coastal  
 3 area, which means -- there are retirees that have no  
 4 sense of taste, no sense of smell, no sense of  
 5 temperature. So as a precaution, you'll say if  
 6 needed, and you'll leave it at that.  
 7 I've got a relative that can come in, pick  
 8 up a sandwich and not have a clue what the taste is,  
 9 and so the big definition of who is to ventilate is  
 10 an unanswered question.  
 11 Q. So your normal practice, then, would be to  
 12 tell people to ventilate, if necessary.  
 13 A. Yeah.  
 14 Q. And this may seem obvious to you, but it's  
 15 not obvious to me. You don't give homeowners copies  
 16 of the labels of the pesticides that you're using.  
 17 Right?  
 18 A. No.  
 19 Q. So you're the only one with the label  
 20 information. Not the homeowner.  
 21 A. They have enough information to look it up  
 22 on the service ticket, but that's all they have.  
 23 Yeah, that's correct. And that's not going to show  
 24 everything unless they look it up.  
 25 Q. Now, on the service ticket, that's what

1 Q. Well, the label also says to ventilate  
 2 thoroughly, though, doesn't it?  
 3 A. Yes.  
 4 Q. So he could ignore the ventilate language,  
 5 but the other language about staying out for an hour  
 6 would take care of him?  
 7 A. He had already received the information to  
 8 ventilate.  
 9 Q. Okay. My question, though, was with that  
 10 history, was he okay to enter that house -- after  
 11 you sprayed it and after three and a half hours had  
 12 passed, was it okay for him to reenter the house?  
 13 A. I do not know because I never was able to  
 14 reenter the house at that time or any time later.  
 15 Q. Okay. Are you familiar with the phrase  
 16 "REI"?  
 17 A. It's an abbreviation.  
 18 Q. Yeah.  
 19 A. No, I am not.  
 20 Q. No? Okay.  
 21 A. Reenter --  
 22 Q. It is reenter something or other. Does  
 23 that make sense to you?  
 24 A. Yes.  
 25 Q. I'll find it here in a second.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

FEB 25 2008

REPLY TO  
ATTN OF: OCE-084

FEB 25 2008

Richard Kuhn  
Hoffman, Hart and Wagner  
1000 SW Broadway, 20th floor  
Portland, Oregon 97205-3070

Re: Freedom of Information Act (FOIA) Request Number 10-RIN-00351-07

Dear Mr. Kuhn:

This is in response to your Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency (EPA) on July 5, 2007. You requested copies of any and all information and documents regarding the investigation and incident involving the death of Florence Helen Kolbeck on June 29, 2005, including any memoranda, electronic media, photographs, videotapes, test results or other information and specifically related, but not limited to, EPA's case number NUF #054492 [Kolbeck v. Swanson's Pest Management, Claim No.: PC7214135; File No.: AIG 17542].

You requested an additional breakdown of records mentioned in the July 26, 2007 email sent by Jordana Jiles requesting an assurance of payment. Ms. Jiles emailed the requested breakdown of documents on November 1, 2007. You narrowed the scope of your request via email to Ms. Jiles on November 2, 2007. On January 24, 2008, we mailed you copies of the releasable records that are responsive to your request.

Enclosed is a list of documents that were withheld from mandatory disclosure by virtue of 5 U.S.C. § 552(b)(5), (7)(A), and (7)(C). Exemption (5) of FOIA allows withholding "inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency," including attorney work product and attorney/client privileged information. Exemption (7)(A) allows withholding "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings." Exemption (7)(C) allows withholding personal information in law enforcement records, which "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

Under FOIA, you have the right to appeal this determination to EPA, Office of Environmental Information, Records, Privacy and FOIA Branch at 1200 Pennsylvania Avenue, NW, Mailcode 2822T, Washington, D.C. 20460. The appeal must be made in writing and it must be received at this address no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA RIN number). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

The cost for providing you this information is \$496.80 (372 copies at \$0.15 per page and 15.75 hours of search and review time at \$28 per hour). Per your phone conversation with Ms. Jiles on August 13, 2007, you've agreed to pay this amount. A bill and billing instructions is enclosed. Your fee payment should be in the form of a check or money order payable EPA and sent to U.S. EPA, FOIA and Miscellaneous Payments, Cincinnati Finance Center, P.O. Box 979078, St. Louis, MO 63197-9000. To pay by debit or credit card, visit [www.pay.gov/paygov/](http://www.pay.gov/paygov/).

This concludes the EPA Region 10 partial denial response to FOIA request number 10-RIN-00351-07.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Bussell Jr".

Michael A. Bussell, Director  
Office of Compliance and Enforcement

Enclosures

#### (4) PY/PBO Review of Oregon "Florence Case" Death

The following review is based on material provided to Health Effects Division (HED) on 3/29/06 via e-mail by:

Kaci Agle  
PARC Coordinator  
OR Dept. of Agriculture  
(503) 986-4655  
kagle@oda.state.or.us

PARC (503) 986-6470

[parc@oda.state.or.us](mailto:parc@oda.state.or.us) on 3/29/06. The full PARC report on the "Florence Case" contains many more details.

The purpose of this review is to highlight key health effects findings in the "Florence Case" that may be relevant to ongoing discussions on PY/PBO precautionary label language changes to protect people with preexisting disease.

**General Background:** Oregon State's pesticide incidents review board, Pesticide Analytical & Response Center (PARC) was notified on June 30, 2005 of the nature and circumstances of a fatality that occurred soon after an individual returned to her home that was treated with a crack and crevice pesticide application. An official PARC case was initiated to evaluate the possibility that the pesticides' use played a role in the event. The three PARC member agencies include: Oregon State Public Health staff (including an epidemiologist and an industrial hygienist), the Oregon Department of Agriculture and Dr. Daniel Sudakin, MD, MPH, FACMT, FACOEM of Oregon State University.

Using a consensus process and established criteria for "certainty" and "severity," PARC member agencies evaluate pesticide incidents as follows: (1) how likely is it that the symptoms/outcome were caused by the documented pesticide exposure? (2) How severe were the symptoms/outcome? A sub-group of PARC member agencies classified this case on January 27, 2006.

**Data Collection:** Oregon State Public Health (OSPH) staff conducted sampling in the application area to qualitatively evaluate the application technique and to verify the application of said pesticide products. Staff also interviewed the surviving resident, two neighbors and five emergency responders to evaluate and document reports of symptoms, and to compare them to symptoms reported in the existing scientific literature.

**Specific Findings:** Highlights of the Oregon State PARC findings are given below:

- **Pesticide Exposure:** On June 29th at the residence in Florence, Oregon, a licensed pesticide applicator utilized a crack and crevice technique and a mixture of two types of pesticide: a pyrethroid (Esfenvalerate) and pyrethrins (formulated with the synergist-piperonyl butoxide and Noctyl bicycloheptene dicarboximide) on the interior of the residence for pest control. Upon entry into the home, approximately three and a half hours post application (interior), one of the residents, an elderly woman, experienced respiratory distress, coughing and collapsed and died at the scene. The health of the



# Oregon

Theodore R. Kulongoski, Governor

Department of Agriculture  
635 Capitol Street NE  
Salem, OR 97301-2532



September 23, 2005

Mr. Lyn Frandsen  
U. S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, MS: ECO-084  
Seattle, WA 98101

RE: OREGON DEPARTMENT OF AGRICULTURE, NON-AGRICULTURAL USE  
FOLLOW-UP INVESTIGATION, NUF # 054492, SWANSON'S PEST  
MANAGEMENT / KOLBECK

Dear Mr. Frandsen,

In July 2005, the Oregon Department of Agriculture (ODA), Pesticides Division, initiated a Non-Agricultural Use Follow-Up (NUF) investigation associated with a fatality in Florence Oregon. This use investigation raised specific questions related to two pesticide products that had been applied to the interior of the residence. ODA is requesting EPA provide a written enforcement response and interpretation to the questions provided.

Background Information – The application equipment used was a Whitmire Micro-Gen, Micro-Injector System. The Micro-Injector System is specifically designed for application of solvent based insecticides, or other insecticides labeled for ULV applications in cracks, crevices and wall voids in structures. The pesticide applicator mixed 43 oz. of (undiluted) Micro-Gen, ULD BP-100 Contact Insecticide, EPA Reg. #499-452, with 1 oz. of (undiluted) Paragon Professional Pest Control Products, Conquer, EPA Reg. #1021-1641-57076. Application site was to the interior of a three bedroom two bath residence, approximately 1,460 sq ft. Application equipment delivers a directed pinpoint air stream of material. Application technique described as a spot spray, room to room, along baseboards, trim, cracks, crevices and between wall voids and electrical outlets. Approximate material (mixture) applied within the residence: 3 to 4 fl. Ounces.

**Whitmire Micro-Gen, ULD BP-100 Contact Insecticide, EPA Reg #499-452, EPA Est. No.499-MO-1, Net Contents: 1Gallon.**

(Note: The Section 3 label refers to supplemental label for complete Directions for Use. Label language may differ slightly from Section 3 and supplemental label.)

Directions For Use:  
Indoor Use:

Page #2  
ODA Inv#054492

Space Spray & Directed Spray Application

Label Language – “In the home, all food processing surfaces, dishes and utensils should be covered during treatment, or thoroughly washed before use.”

Question #1– When applied in the kitchen area of a residential home, specifically in and around cabinets, dishes, counter tops and appliances, is the pesticide applicator required to carry out the activity of covering all food processing surfaces, dishes and utensils or assuring that all food processing surfaces, dishes and utensils are thoroughly washed before use?

Label Language – “Leave room closed for at least (1) hour after application. Do not remain in treated areas, and ventilate thoroughly before occupants are allowed to re-enter.”

Question #2 - When applied to the interior of a home, is the pesticide applicator required to carry out the activity of ventilating the treated areas before occupants are allowed to re-enter?

Question #3– How does EPA define the term “ventilate” and “thoroughly ventilate”?

**Paragon Professional Pest Control Products, Conquer, EPA Reg. #1021-1641-57076, EPA Est. No. 11715-TN-1, Net Contents 16 FL. Oz.**

**DIRECTIONS FOR USE**  
Conquer Residual Insecticide Concentrate

Label Language – “In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use.”

Question #4– When applied in the kitchen area of a residential home, specifically in and around cabinets, dishes, counter tops and appliances, is the pesticide applicator required to carry out the activity of covering all food processing surfaces, dishes and utensils or assuring that all food processing surfaces, dishes and utensils are thoroughly washed before use?

Page #3  
ODA Inv#054492

FOR INDOOR PEST:  
GENERAL

Label Language – “Use Conquer Concentrate insecticide to control the pests indicated in the listed areas as a contact spray by mixing either one (1) or two (2) fluid ounces of concentrate in one (1) gallon of water or oil and mix thoroughly before use.”

Question #5 – The pesticide applicator mixed 43 oz. of (undiluted) Micro-Gen, ULD BP-100 Contact Insecticide, EPA Reg. #499-452, with 1 oz. of (undiluted) Paragon Professional Pest Control Products, Conquer, EPA Reg. #1021-1641-57076. Does the Conquer label language allow a diluent other than water or oil to be used?

Question #6– Does the Conquer label language allow the product to be applied as a concentrate?

Question #7– The application equipment used was a Whitmire Micro-Gen, Micro-Injector System. The Micro-Injector System is specifically designed for application of solvent based insecticides, or other insecticides labeled for ULV applications in cracks, crevices and wall voids in structures. Does the Conquer label language allow application utilizing this type of equipment?

Thank you in advance for your assistance. Please feel free to contact me if you have any questions.

Sincerely,



Dale L. Mitchell  
Assistant Administrator  
Pesticides Division  
635 Capitol Street NE  
Salem, Oregon 97301-2532  
503-986-4646  
E-mail: [dmitchel@oda.state.or.us](mailto:dmitchel@oda.state.or.us)

Attachments: (2) Labels  
1. Whitmire Micro-Gen, ULD BP-100 Contact Insecticide  
2. Paragon Professional Pest Control Products, Conquer

6

# Prescription Treatment<sup>®</sup> brand ULD<sup>®</sup> BP-100 PLUS

## Hydroprene IGR

### KILLS:

Ants, Bean Weevils, Cereal Beetles, Cheese Mites, Cigarette Beetles, Cockroaches, Confused Flour Beetles, Crickets, Earwigs, Flies, Gnats, Indianmeal Moths, Mediterranean Moths, Mosquitoes, Spiders, Vinegar Flies and Waterbugs

### FOR USE IN AND AROUND:

Condominiums, Food Handling Establishments, Homes, Industrial Installations, Office Buildings, Public Buildings, Restaurants, Stores, Supermarkets and on Animals

See page 2 for additional insects and use sites.

### ACTIVE INGREDIENTS:

Hydroprene <sup>*</sup> .....	0.706%
Pyrethrins, a botanical insecticide .....	1.000%
Piperonyl butoxide, technical** .....	2.000%
n-Octyl bicycloheptene dicarboximide*** .....	3.000%

### OTHER INGREDIENTS:

.....	93.294%
<b>TOTAL:</b>	<b>100.000%</b>

Contains petroleum distillate.

\* Hydroprene = 85% S-Hydroprene [Ethyl (2E,4E)-(7S)-3,7,11-trimethyl-2,4-dodecadienoate] and 15% R-Hydroprene [Ethyl (2E,4E)-(7R)-3,7,11-trimethyl-2,4-dodecadienoate]

\*\* Equivalent to 1.60% (butylcarbonyl) (6-propylpiperonyl) ether and 0.40% related compounds

\*\*\* MGK-264 Insecticide Synergist

EPA Reg. No. 499-504

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

**ULTRA LOW DOSAGE THROUGH MICRON GENERATION**

#### FIRST AID

**IF SWALLOWED:** Immediately call a poison control center or doctor for treatment advice. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

**IF INHALED:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for treatment advice.

**IF IN EYES:** Hold eyes 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 eyes. Call a poison control center or doctor for further treatment advice.

**IF ON SKIN OR CLOTHING:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 - 20 minutes. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-225-3320 for emergency medical treatment information.

**NOTE TO PHYSICIAN:** May pose an aspiration pneumonia hazard. Contains petroleum distillate.

#### PRECAUTIONARY STATEMENTS

##### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION:** Avoid contact with skin, eyes, or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. In case of contact, immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists. Contains petroleum distillate.

##### ENVIRONMENTAL HAZARDS

This product is toxic to aquatic invertebrates. 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 apply where runoff is likely to occur. Do not contaminate water when disposing of rinsate or equipment washwaters.

#### PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not use this product in or on electrical equipment due to the possibility of shock. Some furniture finishes and particularly plastics can be damaged by petroleum based insecticides. To avoid damage, cover those items and do not spray directly. If in doubt, test by applying this material to an inconspicuous area before spraying.

#### DIRECTIONS FOR USE

**IT IS A VIOLATION OF FEDERAL LAW TO  
USE THIS PRODUCT IN A MANNER  
INCONSISTENT WITH ITS LABELING.**

READ ALL DIRECTIONS COMPLETELY BEFORE USE

##### GENERAL INFORMATION

ULD BP-100 Plus contains an insect growth regulator which prevents normal metamorphosis. It can be used for indoor or outdoor application as a space, area, or contact spray. It can assist in the control of cockroaches, fleas, flies, moths and beetles in both residential and commercial structures.

Do not apply directly to food. Do not apply while food processing is underway. Foods should be removed or covered during treatment. All food processing surfaces and equipment should be covered or washed with an effective cleaning compound followed by a potable water rinse. In the home, all food processing surfaces, dishes and utensils should be covered during treatment, or thoroughly washed before use.

Remove pets, birds, and cover fish aquariums and turn off air pump motor before spraying. In health care facilities, remove patients prior to treatment. Thoroughly ventilate treated area for two hours before returning patients.

##### INDOOR USE

**SPACE APPLICATION - FLYING INSECTS:** Use to kill flies, mosquitoes, gnats and small flying moths. Use full strength or dilute product as desired according to dilution table listed below. Close doors, windows and shut off all ventilating equipment. With a mechanical aerosol generator (no droplets over 50 microns in diameter and 80% less than 30 microns), apply

undiluted product at a dosage rate of approximately one (1) fluid ounce per 1,000 cubic feet of room space or, when applying diluted product, apply at the rate of 1 - 2 fluid ounces per 1,000 cubic feet of room space. Direct spray toward upper areas of room. Do not remain in treated areas after application, and leave room closed for at least one (1) hour. Ventilate thoroughly before occupants are allowed to re-enter. Repeat application as necessary for control.

**DILUTION:** Use a white mineral oil conforming to regulation 21 CFR 178.3620(b) or an odorless light petroleum hydrocarbon conforming to 21 CFR 172.882 or 40 CFR 180.1001(c) & (e). Combine oil and ULD BP-100 Plus as directed below and mix well just prior to application.

Pyrethrin % Desired	Mixture Rate	Application Rate per 1,000 Cu. Ft.
0.50%	1 Part Conc. to 1 Part Oil	1 oz
0.30%	3 Part Conc. to 7 Parts Oil	1 - 2 oz.
0.15%	3 Part Conc. to 17 Parts Oil	1 - 2 oz.

##### SPACE SPRAY & DIRECTED SPRAY APPLICATION -

**CRAWLING INSECTS:** Use to kill roaches, silverfish, waterbugs, earwigs, ants, spiders and beetles in their harborage situations. Use product full strength or diluted as desired and apply through equipment which can deliver a pin stream spray. Direct a pin stream spray into all cracks and crevices in woodwork, walls, floors, underneath sinks, behind pipes and in all places where these insects harbor. Contact as many insects as possible with the spray. Do not allow spray to contact stored food. With a mechanical aerosol generator (no droplets over 50 microns in diameter and 80% less than 30 microns), apply undiluted product at the rate of one (1) oz. per 1,000 cu. ft. of space. Close doors, windows and shut off all ventilating equipment before application. Leave room closed for at least one (1) hour after application. Do not remain in treated areas and ventilate thoroughly before occupants are allowed to re-enter. Repeat application as required.



**WHITMIRE MICRO-GEN  
RESEARCH LABORATORIES, INC.**

**NOTE:** This specimen label is for informational purposes only. All uses may not be approved in all states. See labeling which accompanied product for Directions for Use or call 800-777-8570 for more information. For automatic specimen label updates, register at [www.wmmg.com](http://www.wmmg.com).



# ULD® BP-100 Plus Hydroprene IGR

### DEEP VOID CRACK & CREVICE® APPLICATION

To flush and kill insects harbored in deep voids and behind cracks and crevices

**SPOT APPLICATION:** With equipment designed for deep void Ultra Low Volume (ULV) applications, follow the manufacturer's recommendations for proper equipment set up and operating pressures. Place the tip of the applicator at or into the crack and crevice to be treated. Apply product in short bursts while keeping tip in position. Allow the air stream to push insecticide deep into voids. Repeat application as necessary to flush insects from voids. Avoid applying to the point of runoff or drip. Ventilate thoroughly before occupants are allowed to re-enter

**LINEAR APPLICATION ALONG BASEBOARDS, TRIM MOLDING, ETC.:** With equipment designed for deep void Ultra Low Volume (ULV) application, move applicator up along the crevice to be treated applying a constant burst of insecticide. Move the tip at a steady rate of approximately one (1) foot per second. Avoid applying to the point of runoff or drip. Repeat application as necessary to flush insects from the void. Ventilate thoroughly before occupants are allowed to re-enter.

### OUTDOOR USE

**OUTDOOR GROUND FOGGING APPLICATION:** Use to kill flies, mosquitoes and gnats in open areas near buildings and in campgrounds. Use preferably at a time when temperature is cool (75°F or less) and the wind velocity is approximately five (5) MPH or less.

**HANDHELD EQUIPMENT:** When using equipment such as Ultra Low Volume (ULV) equipment, apply at the rate of 4.0 oz per acre. Figure application travel path for a coverage of a fifty (50) foot swath. Allow spray drift to penetrate dense foliage. Repeat application as required for control.

**TRUCK MOUNTED EQUIPMENT:** When using truck mounted equipment, spray at a dosage rate of fifteen (15) oz. per minute from a location up-wind of the areas where insects are to be controlled. Keep speed of vehicle to approximately five (5) MPH. Figure application travel path for a coverage of a three hundred (300) foot swath. Repeat application as required for control.

### FOR USE ON ANIMALS

Dilute one (1) part concentrate to 1 part oil and mix well. To control horn flies, house flies, mosquitoes and gnats around beef and dairy cattle and horses, apply a light mist sufficient to

wet the tips of the hair. To control stable flies, horse flies and deer flies on beef and dairy cattle and horses, apply two (2) ounces per adult animal, sufficient to wet the hair but not to soak the hide. Repeat treatment once or twice daily or at sufficient intervals to give continued protection. To control the mobile stages of blood sucking lice on beef and dairy cattle, apply the spray to thoroughly wet the hair. Use 2 ounces or less per animal and repeat every 2 to 3 weeks as required.

### STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. **STORAGE:** Store unused product in original container only in cool, dry area out of reach of children and animals.

**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: Do not reuse this container. Place in trash or other for recycling, if available. If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. NEVER PLACE UNUSED PRODUCT DOWN ANY INDOOR OR OUTDOOR DRAIN.

In addition to previous sites listed, ULD BP-100 Plus is acceptable for use in the following sites:

**INDOOR:**  
Animal Areas & Quarters  
Apartments  
Auditoriums  
Bakeries  
Beverage Plants  
Boats  
Bottling Plants  
Brandy Storage Warehouses  
Buildings  
Buses  
Cabins  
Caterers  
Canneries  
Cattle Barns  
Churches  
Closets  
Communication Centers  
Condominiums  
Convenient Stores  
Correctional Facilities  
Dairy & Livestock Barns  
Dormitories

Dried Fruit Processing Plants  
Drains & Sewers  
Dried Fruit Warehouses  
Drugstores  
Dumpsters  
Dwellings  
Egg Processing Plants  
Factories  
Flour Mills  
Food Handling Establishments  
Food Processing Plants  
Freight Containers  
Fruit Packing Sheds  
Garbage Cans  
Garbage Compactors  
Goat Houses  
Grain Elevators  
Grain Mills  
Grain Handling Equipment  
Granaries  
Grocery Stores  
Health Care Facilities  
Homes

Horse Stables/Barns  
Hospices  
Hotels  
Industrial Installations  
Institutions  
Jails  
Laboratories  
Libraries  
Livestock Barns  
Loading Sheds  
Locker Rooms  
Mills  
Mausoleums  
Meat Packing Plants  
Milk Rooms  
Missions  
Mobile Homes  
Motels  
Museums  
Mushroom Processing Plants  
Nursing Homes  
Offices  
Office Buildings

Passenger Rail Cars  
Peanut Processing Plant  
Peanut Storage Warehouses  
Poultry Houses  
Poultry Processing Plants  
Prisons  
Public Buildings  
Rabbit Processing Plants  
Rabbit Houses  
Railroad Cars  
Recreational Vehicles  
Research Animal Areas  
Restaurants  
Restrooms  
Rice Mills  
Schools  
Shade Houses  
Ships  
Shipholds  
Stables  
Stable Bins  
Stored Food in Multi-wall Paper or Cloth Bags

Stored Seed Warehouses  
Stores  
Supermarkets  
Swine Houses  
Textile Mills & Warehouses  
Theaters  
Tobacco Plants  
Tobacco Warehouses  
Townhouses  
Trains  
Transportation Equipment  
Trucks  
Truck Trailers  
Universities  
Utilities  
Utility Rooms  
Voids (Attics, Walls, Ceilings)  
Warehouses  
Wineries  
Wine Storage Warehouses  
Zoos

**OUTDOOR:**  
Campgrounds  
Corrals  
Drive-in Restaurants  
Drive-in Theaters  
Dumpsters  
Feedlots  
Garbage Dumps  
Golf Courses  
Junkyards  
Kennels  
Landscapes  
Lath Houses  
Manure Piles  
Parks  
Plantscapes  
Playgrounds  
Recreational Areas  
Sewers  
Sweeneyards  
Zoos

ULD BP-100 Plus is also effective against the following insects when used according to label directions:

### FLYING INSECTS:

Aphids  
Barn Flies  
Bees  
Black Flies  
Blow Flies  
Bottle Flies  
Cheese Skippers  
Deer Flies  
Face Flies  
Flies  
Fruit Flies  
Fungus Gnats  
Gnats  
Horn Flies  
Hornets  
Horse Flies  
House Flies  
Mosquitoes  
Mushroom Flies  
Skipper Flies  
Stable Flies  
Thrips  
Vinegar Flies  
Whiteflies  
Yellowjackets

### GRAIN BORERS:

Larger Grain Borers  
Lesser Grain Borers

### CRAWLING INSECTS:

Ants  
Bed Bugs  
Book Lice  
Boxelder Bugs  
Cabbage Loopers  
Cabbage Worms  
Centipedes  
Chiggers  
Chrysanthemum Leaf Miners  
Cockroaches  
Crickets  
Earwigs  
Fire Ants  
Firebrats  
Grasshoppers  
Mealy Bugs  
Millipedes  
Pillbugs  
Palmetto Bugs  
Scorpions  
Silverfish  
Sowbugs

### Spiders

Vegetable Leaf Miners  
Waterbugs

### FLEAS & TICKS:

Brown Dog Ticks  
Fleas  
Sheep Ticks  
Spinosa Ear Ticks  
Ticks

### SPIDERS & MITES:

Clover Mites  
Cheese Mites  
Grain Mites  
Mites  
Red Spider Mites  
Spiders  
Spider Mites

### LICE:

Moulting Stages of Yellow Lice  
& Sucking Blue Lice

### WORMS:

Dark Mealworms  
Lesser Mealworms  
Yellow Mealworms

### BETTERES:

American Black Flour Beetles  
Black Carpet Beetles  
Black Fungus Beetles  
Broadhorned Flour Beetles  
Brown Spider Beetles  
Cadelles  
Carpel Beetles  
Catorama Beetles  
Cereal Beetles  
Cigarette Beetles  
Confused Flour Beetles  
Corn Sap Beetles  
Darkling Beetles  
Depressed Flour Beetles  
Dermestid Beetles  
Dried Fruit Beetles  
Spiders  
Fial Grain Beetles  
Foreign Grain Beetles  
Fungus Beetles  
Ground Beetles  
Hairy Fungus Beetles  
Hairy Spider Beetles  
Hide Beetles  
Khapra Beetles

### Large Black Flour Beetles

Longheaded Flour Beetles  
Merchants Grain Beetles  
Mexican Grain Beetles  
Murmidius Beetles  
Red Flour Beetles  
Red Horned Grain Beetles  
Rusty Grain Beetles  
Saw-Tooth Grain Beetles  
Slenderhorned Flour Beetles  
Smalleyed Flour Beetles  
Spider Beetles  
Squarenecked Grain Beetles  
Trogoderma Beetles  
Two Banded Beetles  
White Marked Spider Beetles

### WEEVILS:

Bean Weevils  
Broadhorned Grain Weevils  
Granary Weevils  
Colic Bean Weevils  
Maize Weevils  
Rice Weevils

### MOTHS:

Almond Moths  
Angoumois Grain Moths  
Chocolate Moths  
Clothes Moths  
Cocoa Bean Moths  
European Grain Moths  
Indianmeal Moths  
Mediterranean Moths  
Pink Scavenger Caterpillars  
Rice Moths  
Tobacco Moths

A Prescription Treatment® brand insecticide from:

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St. Louis MO 63122-6682

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