

9688-275

8.3.2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 3, 2010

Mr. Bill Metzger,
Division Vice President
Regulatory and Government Affairs
Chemsico, Div. of United Industries Corp.
P.O. Box 142642
St. Louis, MO 63114-0642

**Subject: Rejection of Label Amended for National Organic Program (NOP) Use & Response to Notice of Registration Dated February 24, 2009
Chemsico Insecticide RTU OP-M, EPA Reg. No. 9688-275
Your Submission Dated May 20, 2010**

Dear Mr. Metzger:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable with the following label revision provision(s):

National Organic Program (NOP) Review comment(s):


1. At the current time, the Agency cannot approve the NOP labeling of this product, based on the following:
 - This product has both post-harvest uses and interior uses that are related to processing. In accordance with USDA, such uses must conform to 7 CFR §205.605, which is a stricter standard than that prescribed for agricultural production. Pyrethrins are not allowed under this standard. Should all the interior crack and crevice and post-harvest uses be removed from the subject label, this product may be reconsidered under the agricultural standards of 7 CFR §205.605.
 - The MP/source for the pyrethrins is EPA Reg. No. 1021-1805, which is formulated using MP/source EPA Reg. No. 1021-1067. EPA Reg. No. 1021-1067 contains an inert ingredient which is not allowed under the NOP. While the manufacturer from the source claims that the manufacturing process for EPA Reg. No. 1021-1805 removes the referenced non-compliant inert ingredient, there is simply not enough information to validate this claim. Complete and unconditional approval of this product for its NOP claims would require you to either change to an NOP-compliant source product, or it would require the referenced manufacturer of the pyrethrins source to demonstrate that the referenced non-compliant inert ingredient is absent from their product, and that would require a formal amendment to the source CSF, which would need to make clear the removal of the non-compliant inert ingredient through distillation.
 - No spec sheets were provided for the inert ingredients. Spec sheets for every supplier must be provided so that 100% of the composition can be confirmed.
 - A number of inert ingredients are not allowed as inert ingredients for the current uses under 7 CFR §205.605; however, they might apply for the agricultural standard if the full composition of the source can be established through spec sheets.
 - The source (including address of the supplier) of the water must be provided.
2. None of the proposed NOP language is currently acceptable. As such, delete all text throughout the subject label that has been marked with "~~strikethrough~~."

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A copy of your label stamped "Accepted with Comments" is enclosed for your records. Please submit two (2) copies of the final printed labeling, incorporating the above changes, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with section 6(e) of FIFRA. Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

If you have any questions about this label review, please contact Mr. Carmen Rodia at (703) 306-0327 or via e-mail at Rodia.Carmen@epa.gov. If there are any questions regarding the NOP labeling review, please contact Mr. Chris Pfeifer at (703) 308-0031 or via e-mail at Pfeifer.Chris@epa.gov.

Sincerely yours,

For 

Richard J. Gebken
Product Manager (10)
Insecticide Branch
Registration Division (7504P)

Enclosure: *Copy of label stamped "Accepted with Comments"*
009688-00275 D434298

Chemsico Insecticide RTU OP-M

WATER-BASED

Kills gypsy moth caterpillars and Japanese beetles • Apply anytime right up to harvest • An effective insecticide for use on vegetable and ornamental pests • Can be applied on day of harvest • Use on day of harvest • Spray up to Harvest • Use Up to Day Of Harvest • Use Indoors and Outdoors • ~~Made with botanical insecticides~~ • Can be used on delicate ornamentals • Won't harm delicate ornamentals • Protects roses, vegetables, houseplants, ornamentals, trees, shrubs, flowers • Contains pyrethrins, a botanical insecticide • Protects your whole garden [from damaging insects!] • [For] Use on Roses, Vegetables, Houseplants, Ornamentals, Trees, Shrubs & Flowers • Use in your [Vegetable] Garden • Ready-to-Use • ~~For Organic Gardening • Ideal for Organic Gardening • Use in your Organic Garden~~

Active Ingredients:

Pyrethrins..... 0.05%
 Other Ingredients:.....99.95%

KEEP OUT OF REACH OF CHILDREN

CAUTION See Back for Additional Precautionary Statements

NET CONTENTS 32 FL. OZ.

ACCEPTED
 With COMMENTS
 In EPA Letter Dated:

August 3, 2010

Under the Federal Insecticide, Fungicide
 and Rodenticide Act, As amended, for the
 pesticide Registered under EPA Reg. No:

9688-275

[Bracketed Text] = Optional language

FORMAT 1—Standard Trigger Spray Packaging

STOP. READ ENTIRE LABEL BEFORE USE.

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

GENERAL PRECAUTIONS & USE RESTRICTIONS

All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:

- 1- Treatment to soil or vegetation around structures
 - 2- Applications to lawns, turf, and other vegetation
- Apply this product only as specified on this label.
 - Do not contaminate food or feedstuffs.
 - Do not apply this product in a way that will contact adults, children or pets, either directly or through drift.
 - Do not remain in treated area. Exit area immediately and remain outside the treated area until sprays have dried.
 - Remove or cover exposed food and drinking water before application.
 - Remove or cover dishes, utensils, food processing equipment and food preparation surfaces, or wash them before use.
 - Do not apply directly or near water, storm drains or drainage ditches. Do not apply when windy. To prevent run-off, do not over-water the treated areas or apply prior to heavy rainfall.
 - Do not wet plants to the point of run-off or drip.
 - For Home Garden or Home Greenhouse Applications: Do not apply more than 10 times per season. Do not reapply within 3 days except under extreme pressure. In case of extreme pressure, do not reapply within 24 hours.
 - For Greenhouse Grown Ornamental, Flowering and Foliage Plants: Do not apply more than 1 time per day.
 - For Post-harvest Application to Vegetables, Fruits and Nuts: Do not reapply within 7 days. Do not apply more than 10 times to sweet potatoes.
 - For Outdoor Ornamental and Lawns: Do not apply more than 1 time per day.
 - Remove pets, birds and cover fish aquariums before application.
- Do not apply directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur.
- PHYTOTOXICITY:** Apply carefully to blooms and buds and tender new growth of foliage. If concerned about sensitivity of plants, test by spraying a portion of the plant and wait several days to determine if "burn" occurs before spraying larger areas.

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TO OPERATE: SHAKE BEFORE USING. Turn nozzle to "spray" or "stream" position before using. Hold sprayer 18 to 24 inches from foliage or leaf surfaces being treated. Direct the spray so that upper and lower surfaces are contacted. Use caution on new growth and tender foliage. To kill listed insects, apply this spray to provide thorough coverage of upper and lower leaf surfaces. Repeat treatment weekly or as needed to control infestation. May be applied on day of harvest.

TREATMENT AREAS	PESTS TO CONTROL
VEGETABLES Asparagus, Beans, Broccoli, Brussels Sprouts, Cabbage, Cauliflower, Celery, Collards, Cranberries, Eggplant, Kale, Lettuce, Mustard Greens, Peppers, Potatoes, Radishes, Spinach, Tomatoes, Turnips	Asparagus Beetles, Aphids, Blister Beetles, Cabbage Loopers, Colorado Potato Beetles, Cross-striped Cabbageworms, Diamondback Moth Larvae, Fireworms, Flea Beetles, Green Peach Aphids, Harlequin Bugs, Imported Cabbageworms, Leafhoppers, Leaf tiers, Mealybugs, Mexican bean beetles, 12-Spotted Cucumber Beetles, Stink Bugs, Webworms, Whiteflies
ORNAMENTALS African Violets, Asters, Azaleas, Begonias, Camellias, Carnations, Chrysanthemums, Dahlias, Dogwood, Geraniums, Gladioli, Marigolds, Roses, Wandering Jew	Aphids, Flea Beetles, Leafhoppers, Mealybugs, Whiteflies
ROSES AND FLOWER GARDENS Treat plants and flowers as soon as insects appear. Spray plants and flowers making sure to penetrate dense foliage. Repeat application every 7 days or as necessary for control.	

TREES AND SHRUBS Treat as soon as insects emerge (usually late spring). Treat leaves, branches and tree trunks evenly, making sure to penetrate dense foliage. Repeat application every 7 days as necessary for control.	Eastern and Forest Tent Caterpillars, Gypsy Moth Caterpillars and Adults, Adult Japanese Beetles
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ALTERNATIVE SITES AND INSECTS

This product is for use on vegetables, herbs, fruits and nuts specifically: Almond, Apple, Apricot, Arrugula, Basil, Bean, Beet, Blackberry, Blackeyed Pea, Blueberry, Broccoli, Brussels Sprouts, Cabbage, Camomile, Cantaloupe, Carrot, Casaba, Cashew, Cauliflower, Celery, Cherry, Chicory, Chives, Corn, Cranberry, Currant, Curry Leaf, Eggplant, Elderberry, Endive, Garden Peas, Garlic, Grape, Grapefruit, Honeydew, Horseradish, Kumquat, Lemon, Lentils, Lime, Lettuce, Loganberry, Loquat, Macadamia Nut, Mango Melon, Melon, Mint, Nectarine, Onion, Orange, Paprika, Parsley, Peach, Pear (Bitter Melon), Pepper (including Bell, Chili), Pimentos, Plum, Potato, Pumpkin, Radish, Raspberry, Sage, Snap Bean, Soybeans, Spinach, Strawberry, Summer Squash, Sweet Bay (Bayleaf), Sweet Potato, Swiss Chard, Tangelo, Tangerine, Tomato, Walnut, Watermelon, Yam, Zucchini

This product kills harmful listed garden insects specifically: Ants (excluding Fire, Harvester, Carpenter and Pharaoh Ants), Aphids, Armyworms, Bagworms, Beetles, Cankerworms, Caterpillars (including tent), Chinch bugs, Cicadas, Clover mites, Corn borers, Corn earworms, Crane flies, Crickets, Cutworms, Earwigs, Firebrats, Fruit flies, Grasshoppers, Green bugs, Green fruitworms, Green June beetles, Japanese beetles, Katydid, Lace bugs, Leafhoppers, Leafminers, Leafrollers, Lice, Maggots, Mealybugs, Millipedes, Mites, Moths, Pillbugs, Rootworms, Scales, Silverfish, Sowbugs, Spider mites, Spittlebugs, Stink bug, Thrips, Tomato hornworms, Webworms (including garden, sod), Weevils

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.
Pesticide Storage: Keep this product in a tightly closed container when not in use. Store in a cool, dry, well-ventilated area. **DO NOT TRANSPORT OR STORE THIS PRODUCT UNDER 32°F.** If freezing occurs, thaw and agitate vigorously.
Container Disposal: If Empty: Nonrefillable container. Do not reuse or refill this container. 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.

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PRECAUTIONARY STATEMENTS**Hazards to Humans and Domestic Animals**

CAUTION: Harmful if swallowed or absorbed through skin. Avoid contact with skin or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

FIRST AID**IF SWALLOWED:**

- Call a poison control center or doctor immediately for treatment advice.
- Have person sip a glass of water if able to swallow.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious person.

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 treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For additional information on this pesticide product (including health concerns, medical emergencies or pesticide incidents), you may call 1-800-XXX-XXXX.

Environmental Hazards

This product is toxic to aquatic organisms, including fish and invertebrates. Drift and run-off may be hazardous to aquatic organisms in water adjacent to treatment areas. This product may contaminate water through run-off. This product has a potential for run-off for several weeks after application. Poorly draining soils and soils with shallow water tables are more prone to produce run-off that contains this product.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area.

Physical or Chemical Hazards

Do not use or store near heat or open flame.

NOTICE: To the extent required by applicable law, buyer assumes all responsibility for safety and use not in accordance with directions.

Questions or comments? Call 1-800-332-5553

[Guarantee][The Chemsico Promise]: **Satisfaction guaranteed or your money back!** If you apply [this product][Chemsico Insecticide RTU OP] as directed and are not completely satisfied, send [proof or purchase from this package and] the original cash register receipt to the address below. We will refund the purchase price you paid.

Made in the USA for Chemsico
Division of United Industries Corporation
P.O. Box 142642, St. Louis, MO 63114-0642

EPA Reg. No. 9688-
EPA Est. No. 9688-MO-1

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FORMAT 2—Power Pump Packaging

**OPTIONAL POWER PUMP CLAIMS,
INSTRUCTIONS & STORAGE AND DISPOSAL
DIRECTIONS**

[· Ready-to-Use · Power Pump Pressure Sprayer
· Reduces plastic[packaging] in landfills · Reduces hand fatigue
[compared to trigger sprayers]]

[Chemsico Insecticide RTU OP-M utilizes the Power Pump packaging eliminating the need to squeeze a trigger sprayer over and over again. Just pump it a few times and spray.]

**STOP. READ ENTIRE LABEL BEFORE USE.
DIRECTIONS FOR USE**

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 - 2- Applications to lawns, turf, and other vegetation
- Apply this product only as specified on this label.
 - Do not contaminate food or feedstuffs.
 - Do not apply this product in a way that will contact adults, children or pets, either

directly or through drift.

- Do not remain in treated area. Exit area immediately and remain outside the treated area until sprays have dried.
 - Remove or cover exposed food and drinking water before application.
 - Remove or cover dishes, utensils, food processing equipment and food preparation surfaces, or wash them before use.
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 - Do not wet plants to the point of run-off or drip.
 - For Home Garden or Home Greenhouse Applications: Do not apply more than 10 times per season. Do not reapply within 3 days except under extreme pressure. In case of extreme pressure, do not reapply within 24 hours.
 - For Greenhouse Grown Ornamental, Flowering and Foliage Plants: Do not apply more than 1 time per day.
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- Do not apply directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur.

PHYTOTOXICITY: Apply carefully to blooms and buds and tender new growth of foliage. If concerned about sensitivity of plants, test by spraying a portion of the plant and wait several days to determine if "burn" occurs before spraying larger areas.

TO OPERATE: SHAKE BEFORE USING. . [Remove shrink wrap from package and discard] [Turn nozzle to "spray" position before using.] [Break off the pump "TAB" with your thumb [Optional Graphic]. Pump 10-15 times to build up pressure. NOTE: The Power Pump bottle may bulge slightly as it is pressurized. Never pressurize by any means other than the pump included. You may need to pump during use to maintain a proper spray. Hold pump sprayer 18 to 24 inches from foliage or leaf surfaces being treated. Pull trigger once and hold to dispense product [No need to keep pulling trigger]. Direct the spray so that upper and lower surfaces are contacted. Release trigger when spraying is complete. Use caution on new growth and tender foliage. This insecticide may be used indoors, outdoors or in (home) greenhouses throughout the growing season. To kill listed insects, apply this spray to provide thorough coverage of upper and lower leaf surfaces. Repeat treatment weekly or as needed to control infestations. May be applied on day of harvest. [When spraying is complete release pressure in bottle by pressing Pressure Release Valve [graphic]].

TREATMENT AREAS	PESTS TO CONTROL
VEGETABLES Asparagus, Beans, Broccoli, Brussels Sprouts, Cabbage, Cauliflower, Celery, Collards, Cranberries, Eggplant, Kale, Lettuce, Mustard Greens, Peppers, Potatoes, Radishes, Spinach, Tomatoes, Turnips	Asparagus Beetles, Aphids, Blister Beetles, Cabbage Loopers, Colorado Potato Beetles, Cross-striped Cabbageworms, Diamondback Moth Larvae, Fireworms, Flea Beetles, Green Peach Aphids, Harlequin Bugs, Imported Cabbageworms, Leafhoppers, Leaf-tiers, Mealybugs, Mexican bean beetles, 12-Spotted Cucumber Beetles, Stink Bugs, Webworms, Whiteflies
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ROSES AND FLOWER GARDENS Treat plants and flowers as soon as insects appear. Spray plants and flowers making sure to penetrate dense foliage. Repeat application every 7 days or as necessary for control.	
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ALTERNATIVE SITES AND INSECTS

This product is for use on vegetables, herbs, fruits and nuts specifically:

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STORAGE AND DISPOSAL

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

Pesticide Storage: Keep this product in a tightly closed container when not in use. Always release pressure by [pressing] [pulling] pressure relief valve prior to using. Store in a cool dry, well-ventilated area. DO NOT TRANSPORT OR STORE THIS PRODUCT UNDER 32°F. If freezing occurs, thaw and agitate vigorously.

Container Disposal: If Empty: Nonrefillable container. Do not reuse or refill this container. 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.

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