

9688-109

1/28/2010

1 of 8



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Eric D. Smith
Product Registration
CHEMSICO, Div. of United Industries Corp.
PO Box 15842
St. Louis, MO 63114

JAN 28 2010

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Changes/Marketing Statement Change and Directions for
Use
EPA Reg. No. 9688-109
Application Dated December 14, 2009

Dear Mr. Smith:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/14/09 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

2098

Please read instructions on reverse before completing form.

Form Approved OMB No. 2070-0060. Approval expires 11-30-93



United States Environmental Protection Agency
Office of Pesticide Programs (H7505C)
Washington, DC 20460

Application for Pesticide:

Registration
Amendment
Other

OPP Identifier Number

Section I

1. Company/Product Number 9688-109	2. Product Manager J. Miller	3. Proposed Classification
4. Company/Product (Name) Chemsico Spot Weed Killer A	PM# 23	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (include ZIP Code) Chemsico, Div. Of United Industries Corp. P.O. Box 142642 St. Louis, MO 63114 <input type="checkbox"/> Check if this is a new address	6 Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labelling to: EPA Reg. No. _____ Product Name _____	

Section II

<input type="checkbox"/> Amendment - Explain below	<input type="checkbox"/> Final printed label in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "ME TOO" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - explain below

NOTIFICATION
JAN 28 2010

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Notification per PR Notice 98-10 to add marketing claims and revise sprayer instructions. (please see cover letter)

Section III

1. Material in Which This Product Will Be Packaged:			
Child-Resistant Packaging <input type="checkbox"/> Yes * <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water-Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "YES," Unit package wgt	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		If "YES," Package wgt	No. per container
4. Size(s) of Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label Is Affixed To Product <input type="checkbox"/> Lithographed <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____	

Section IV

1. Contact Point (Complete items directly below for identification of the individual to be contacted, if necessary, to process this application)		
Name Eric D. Smith	Title Regulatory Affairs Manager	Telephone No. (include Area Code) 314-683-2455
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6 Date Application Received (Stamped)
2. Signature 	3. Title Regulatory Affairs Manager	
4. Typed Name Eric D. Smith	5. Date December 14, 2009	

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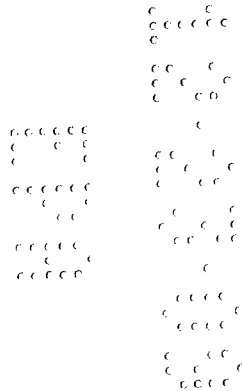
Chemsico

Division of United Industries
P.O. Box 142642
St. Louis, MO 63114-0642

NOTIFICATION PER PR NOTICE 98-10

December 14, 2009

Document Processing Desk (NOTIF)
Office of Pesticide Programs
United States Environmental Protection Agency
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501



Attention: Ms. Joanne Miller
Product Manager 23

Subject: **Notification per PR Notice 98-10**
Chemsico Spot Weed Killer A
EPA Reg. No. 9688-109


Please find the enclosed notification per PR Notice 98-10 to add additional marketing claims, and to revise our current optional Direction for Use sprayer instructions to accommodate a newly design "EzSpray" applicator. The sprayer instructions revision does not result in any exposure greater than the current level on the accepted label, nor does it change the dosage, concentration, timing or frequency. All changes have been highlighted throughout the label.

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.

The following documents are enclosed in support of this submission:

1. Application for Pesticide (EPA Form 8570-1)
2. One copy of the proposed label *with changes highlighted*
3. Five copies of the proposed label
4. One copy of the EPA stamped approved label

Please call me at 1-800-242-1166, Ext. 2455 you have questions or need further information. Thank you very much for your attention to our application.

Sincerely,

Eric D. Smith
Regulatory Affairs Manager

CHEMSICO

Spot Weed Killer A NOTIFICATION

JAN 28 2010

[Won't harm lawns • Kills weeds down to the root, not the lawn • Kills 200+ weed-types, roots and all • Kills 200+ types of weeds! • Kills over 200 types of Brush and Weeds • Kills weed roots • Kills the roots • Effective poison oak and ivy killer • Kills the weeds [brushy weeds] [brush], not the lawn • Water-based • Ready-to-Use • See Results in Hours • Overnight Results • Kills all major broadleaf weeds! • Kills poison ivy and poison oak • Also kills blackberries, kudzu and others listed • Can't be washed away [off] by rain • Rain fast in hours • Rainproof in hours • Rainfast – Effective even after rain • Rainproof – For control that won't wash away • Rainproof – Won't wash away • Kills the Weeds – Not the Lawn • Guaranteed Results Or Your Money Back • GreenThumb® Satisfaction Guarantee • Guaranteed Results† • †For terms of guarantee, see back panel • Just Aim & Spray • Refillable* • Ready To Use] • 4 AA alkaline Batteries included! [Battery Powered EzSpray] • EzSpray Easy Setup • EzSpray Power Action Sprayer [batteries included] • [Please Read Before Use] – When Priming, Hold sprayer Level to the Ground. If Held at an Angle, Sprayer Will not Prime

Active Ingredients:

*2,4-D, dimethylamine salt	0.593%
†Mecoprop-p, dimethylamine salt	0.144%
‡Dicamba, dimethylamine salt	0.066%
Other Ingredients	99.197%
Total	100.000%

Contains: *0.493% 2,4-D equivalent, †0.119% Mecoprop-p equivalent, ‡0.055% Dicamba equivalent. Contains single isomer form of MCPP-p

KEEP OUT OF REACH OF CHILDREN

CAUTION See back[booklet] for additional precautionary statements

Net Contents 1 Gallon (3.78 L)

OPTIONAL MARKETING LANGUAGE

[Chemsico Spot Weed Killer A kills more than 33 [66] [200] types of [broadleaf] [brushy] [lawn] weeds down to the root. And Chemsico Spot Weed Killer A is formulated to kill only the weeds, not the lawn.]

Chemsico Spot Weed Killer A kills all major [broadleaf] [brushy] [lawn] weeds down to the root. And Chemsico Spot Weed Killer A is formulated to kill only the weeds, not the lawn.]

[OPERATING INSTRUCTIONS FOR EZ SPRAY™]

1. Remove sprayer from side holder. [Unwrap the tubing] [Gently pull tubing out]. [Graphic depiction]
2. Remove seal from top of cap. Unplug cap. [Graphic depiction]
3. Securely snap the [green] plug into hole on cap. [Graphic depiction]
4. Remove plastic tab near [top] [bottom] of sprayer to activate batteries. [Graphic depiction]
5. Twist nozzle to adjust spray from CLOSE to SPRAY or STREAM. [Graphic depiction]
6. [When priming the sprayer, hold sprayer level to the ground. Sprayer may not prime if it is held at an angle. Once primed, it will spray in any direction. (Graphical representation.)]

HOW TO USE THE EZ SPRAY

- Aim toward target [weeds/plants] [area to be treated], and away from people and pets.
- Press the trigger to spray.
- Release the trigger to stop spray.

After use: 1. Twist nozzle completely to CLOSE position. 2. Secure sprayer upright in [holster] [holder]. 3. **Failure to adjust nozzle completely to CLOSE position and properly secure sprayer in [holster] [holder] may result in leakage and damage to property or injury to people or animals.**

To replace batteries: 1. [Slide battery compartment door to unlatch and open] [Push release button near nozzle and lift up on battery hatch.]. 2. Remove used batteries and insert [four] [two] new AA batteries **in correct positions** as marked per diagram inside of battery compartment. Never insert the positive end where the negative end belongs and vice versa. **Always** use a complete set of new batteries of the same type when replacing batteries. **Never** mix alkaline, carbon-zinc or rechargeable batteries. 3. Securely close battery compartment door. 4. **Always** follow manufacturer's recommendations for use and disposal of batteries.

Additional Operating Notes: • Do not submerge in water. • Before each use inspect sprayer carefully, make sure hose is flexible and not kinked, worn or cracked, and that all connections are tight. • When storing sprayer for prolonged periods remove batteries.

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Use Chemsico Spot Weed Killer A as directed to spot treat [the following types of weeds in your lawn]:

[See back panel for entire list of weeds]

[Optional product fact box]

PRODUCT FACTS
<p>What It Does: [Kills all Major Broadleaf Weeds including Dandelion, Chickweed and Clover] [Kills over 200 types of brush & weeds including Poison Ivy, Poison Oak, Blackberry & Kudzu]</p> <p>Where To Use: (icon weeds) Lawns: Kills the Weeds not the Lawn</p> <p>When To Use: Do not apply when daytime temperatures are above 85° F as lawn injury can occur</p> <p>Questions & Comments: (icon phone) (icon computer) Call 1-800-332-5553 or visit our website www.website.com</p>

STOP. READ ENTIRE LABEL BEFORE USE.

[Stop. Read all instructions inside before using.

PRESS TO RESEAL]

DIRECTIONS FOR USE

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



Keep people and pets off treated areas until dry.

HAND SPRAYER PRODUCT

(DIRECTIONS & STORAGE AND DISPOSAL)

1. Shake well.

2. Connect trigger sprayer. Unscrew and discard the [white] cap on the bottle. Insert the hose into the bottle and tighten the cap securely.
3. Prime Sprayer: Turn the sprayer nozzle one-half turn counter-clockwise. Hold the sprayer lower than the bottle and squeeze the trigger several times until it sprays. Adjust the nozzle to coarse spray pattern to minimize wind drift. (graphic)
4. Spray just enough [Chemsico Spot Weed Killer A] [product] to lightly cover [broadleaf] [brushy] weeds [brush]. **Excessive spraying can injure some lawns.** Do not spray weeds [brush] growing within the dripline of trees. (graphic) Do not apply when daytime temperatures are above 85° F as lawn injury can occur. (graphic) Spray only the weeds [brush], not the entire lawn.
5. Weeds [brush] will begin wilting and browning overnight.

USE TIPS

- Some hard-to-kill weeds [brush] may require re-treatment. Wait at least 3 weeks between applications — some weeds [brush] can take that long to die.
- Rainproof [Rain fast] – rain or watering 6 hours after application will not wash away effectiveness. [If rainfall occurs within 6 hours of application, the product should be reapplied.]
- Do not allow spray to drift onto desirable plants since injury may result.

STORAGE AND DISPOSAL

Storage: Turn the nozzle to "OFF" position and store with sprayer above the level of liquid in container to prevent leakage. Store in original container in a cool, dry area away from heat or open flame and in an area inaccessible to children and pets. Keep from freezing.

Disposal: If empty: Non-refillable 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.

TRIGGER SPRAYER PRODUCT

(DIRECTIONS & STORAGE AND DISPOSAL)

1. Shake well.
2. Adjust nozzle to coarse spray pattern to minimize wind drift. (graphic)
3. Spray just enough [Chemsico Spot Weed Killer A] [product] to lightly cover [broadleaf] [brushy] weeds [brush]. **Excessive spraying can injure some lawns.** Do not spray weeds [brush] growing within the dripline of trees. (graphic) Do not apply when daytime temperatures are above 85°F as lawn injury can occur. (graphic) Spray only the weeds [brush], not the entire lawn.
4. Weeds [brush] will begin wilting and browning overnight.

USE TIPS

- ❖ Some hard-to-kill weeds [brush] may require re-treatment. Wait at least 3 weeks between applications — some weeds [brush] can take that long to die.

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- ❖ Rainproof [Rain fast] – rain or watering 6 hours after application will not wash away effectiveness. [If rainfall occurs within 6 hours of application, the product should be re-applied.]
- ❖ Do not allow spray to drift onto desirable plants since injury may result.

Use to Spot Treat: [See back panel for entire weed list]

STORAGE AND DISPOSAL

Storage: Store in original container in a cool, dry area away from heat or open flame and in an area inaccessible to children and pets. Keep from freezing.

Disposal: If empty: Non-refillable 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.

EZ SPRAY PRODUCT (DIRECTIONS & STORAGE AND DISPOSAL)

HOW TO USE

Spray just enough [Chemsico Spot Weed Killer A] [product] to lightly cover [broadleaf] [brushy] weeds [brush]. **Excessive spraying can injure some lawns.** Do not spray weeds [brush] growing within the dripline of trees. Do not apply when daytime temperatures are above 85° F as lawn injury can occur. Spray only the weeds [brush], not the entire lawn. Weeds [brush] will begin wilting and browning overnight.

USE TIPS

- Some hard-to-kill weeds [brush] may require re-treatment. Wait at least 3 weeks between applications — some weeds [brush] can take that long to die.
- Rainproof [Rain fast] – rain or watering 6 hours after application will not wash away effectiveness. [If rainfall occurs within 6 hours of application, the product should be re-applied.]
- Do not allow spray to drift onto desirable plants since injury may result.

*REFILL DIRECTIONS

Refill only with [Brand name] concentrate. Remove cap. Carefully measure and mix 10 fl oz (20 Tbsp) in one gallon of water. Replace and tightly close cap. Wipe off any spilled product.

STORAGE AND DISPOSAL (FOR EZ SPRAY™)

Storage: Turn the nozzle to "CLOSE" position. To prevent leakage, attach sprayer to clip. Store this product only in its original container in a secure storage area away from sources of heat or open flame and in an area inaccessible to children and pets. Keep from freezing. **Disposal:** Nonrefillable container. Do not reuse or refill this container unless the directions for use allow a different (concentrated) product to be diluted in the container. **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS (FOR ALL PRODUCTS)

Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed. Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. When using this product, wear protective eyewear, long-sleeved shirt, long pants, socks, shoes and rubber gloves. After using this product, rinse gloves before removing, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water. Remove saturated clothing as soon as possible and shower. Washing hands thoroughly with soap and water before eating, drinking, chewing gum or using tobacco will reduce exposure. Avoid contamination of food or feedstuffs.

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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 by a Poison Control Center or doctor. Do not give anything by mouth to an unconscious person. **If in Eyes:** 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. **If on Skin:** 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.

Have the product container or label with you when calling a Poison Control Center or doctor or going for treatment.

Environmental Hazards

This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and non-target plants. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters. Do not contaminate domestic or irrigation waters. Do not apply when weather conditions favor drift from target area.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.

[GUARANTEED RESULTS OR YOUR MONEY BACK

If you are not satisfied with this product for any reason send your written request for a refund to the address below, together with the dated store receipt showing the price you paid. Please allow 6-8 weeks for processing]

[Satisfaction Guaranteed: If for any reason you are not completely satisfied with the performance or results of this GreenThumb® product, it will be repaired or replaced free of charge. Simply provide proof of purchase and return the product and/or unused portion to the place of purchase.]

Questions or comments? Call toll free 1-800-332-5553.

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

EPA Reg. No. 9688-109
EPA Est. No. 9688-MO-1
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-BRUSHY AND BROADLEAF WEEDS -			
Annual yellow sweetclover	Cockle	Musk thistle	Spiny amaranth
Ash	Cocklebur	Mustard	Spiny cocklebur
Aster	Common mullein	Narrowleaf plantain	Spiny sowthistle
Austrian fieldcress	Creeping Jenny (Creeping Charlie)	Narrowleaf vetch	Spotted catsear
Bedstraw	Cudweed	Nettle	Spotted spurge
Beggarticks	Curly dock	Orange hawkweed	Spurweed
Betony, Florida	Daisy, English	Oriental cocklebur	Stinging nettle
Bindweed, field	Daisy fleabane	Oxalis	Strawberry, India mock
Bird vetch	Daisy, oxeye	Parsley-piert	Sumac
Bitter wintercress	Dandelion	Parsnip	Tall nettle
Bittercress, hairy	Dichondra	Pearlwort	Tall vervain
Bitterweed	Dogbane	Pennycress	Tansy ragwort
Blackberry	Dogfennel	Pennywort	Taraxacum mustard
Black cherry	Dollarweed	Peppergrass	Tarweed
Black-eyed Susan	Elderberry	Pepperweed	Thistle
Black medic	False dandelion	Pigweed	Trailing crownvetch
Black mustard	Falseflax	Pineywoods bedstraw	Trumpet vine
Blackseed plantain	False sunflower	Plains coreopsis (tickseed)	Tumble mustard
Blessed thistle	Fiddleneck	Plantain	Tumble pigweed
Bloodflower milkweed	Florida pusley	Poison ivy	Velvetleaf
Blue lettuce	Frenchweed	Poison oak	Venice mallow
Blue vervain	Galinsoga	Pokeweed	Virginia buttonweed
Bracted plantain	Goathead	Poorjoe	Virginia creeper
Brambles	Goldenrod	Prairie sunflower	Virginia pepperweed
Brassbuttons	Gooseberry	Prickly lettuce	Water pennywort
Birch	Ground ivy	Prickly sida	Wavyleaf bullthistle
Bristly oxtongue	Gumweed	Prostrate knotweed	Western clematis
Broadleaf dock	Hackberry	Prostrate pigweed	Western salsify
Broadleaf plantain	Hairy fleabane	Prostrate spurge	White mustard
Broomweed	Hawkweed	Prostrate vervain	Wild aster
Buckhorn	Healall	Puncturevine	Wild buckwheat
Buckhorn plantain	Heartleaf drymary	Purslane, common	Wild carrot
Bulbous buttercup	Heathaster	Ragweed	Wild cherry
Bull thistle	Hedge bindweed	Raspberry	Wild four-o'clock
Bullnettle	Hedge mustard	Red sorrel	Wild garlic
Burclover	Hemp	Redroot pigweed	Wild geranium
Burdock	Henbit	Redstem filaree	Wild lettuce
Burning nettle	Hoary cress	Rough cinquefoil	Wild marigold
Burweed	Hoary plantain	Rough fleabane	Wild mustard
Buttercup	Hoary vervain	Russian pigweed	Wild onion
Buttonweed	Horsenettle	Russian thistle	Wild parsnip
Canada thistle	Jimsonweed	Sagebrush	Wild plum
Carolina geranium	Knawel	Scarlet pimpernel	Wild radish
Carpetweed	Knotweed	Scotch thistle	Wild rape
Catchweed bedstraw	Kochia	Sheep sorrel	Wild strawberry
Catnip	Kudzu	Shepherdspurse	Wild sweet potato
Catsear	Lambsquarters	Slender plantain	Wild vetch
Cedar	Lespedeza	Smallflower galinsoga	Woodsorrel
Chickweed, common	Lilac	Smooth dock	Woolly croton
Chickweed, mouseear	Mallow	Smooth pigweed	Woolly morningglory
Chicory	Matchweed	Snowberry	Woolly plantain
Cinquefoil	Mexicanweed	Sorrel	Wormseed
Clover, crimson	Milk vetch	Sowthistle	Yarrow
Clover, hop	Morningglory	Spanishneedles	Yellow rocket
Clover, red	Mouseear hawkweed	Speedwell	Yellowflower pepperweed
Clover, strawberry	Mugwort	Fleabane	Cranesbill
Clover, sweet	Multiflora rose		Fillaree
Clover, white	English Daisy		and other broadleaf weeds
Deadnettle	Wild Violet		
Soliva			