

9688-109

6/9/2010

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Mr. William Metzger
Chemsico
Division of United Industries Corporation
P.O. Box 142642
St. Louis, MO 63114-0642

JUN - 9 2010

Subject: Label Amendment – Change in Signal Word (Danger to Caution)
Product Name: Chemsico Spot Weed Killer A
EPA Registration Number: 9688-109
Decision Number: 431994

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you make the following changes to the product labeling:

- 1) Per the acute toxicity review, remove the following statements from the ‘Hazards to Humans and Domestic Animals section for all labeling:
 - a) “Harmful if swallowed.”
 - b) “Harmful if absorbed through skin.”
- 2) Per the acute toxicity review, the “If Swallowed” and “If on skin” First aid statements are not required and may be removed. If they are not removed, they must follow “If in Eyes.”
- 3) Per the combined RED label table, add the following restrictions to the Directions For Use:
“Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application.”

In addition, revise “Keep people and pets off treated areas until dry” with the following:
“Do not allow people or pets to enter the treated area until sprays have dried.”

- 4) Revise the section heading “Use Tips” with “Precautions” for all labeling. “Use Tips” is an implied safety claim that makes all associated text unenforceable.
- 5) Revise “Wait at least 3 weeks between applications...” with “Wait at least 30 days between applications...” for all labeling in the ‘Precautions’ section.
- 6) Replace “Rainproof [Rain fast] –rain or watering 6 hours after application will not wash away effectiveness. [If rainfall occurs within 6 ours of application, the product should be reapplied.]” with the following for all labeling:
“Do not water treated area within 6 hours after application or apply if rain is expected that day.”

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- 7) Per the RED combined label table, revise “Do not allow spray drift onto desirable plants since injury may result” with the following text for all labeling:
“Do not use this product on or near desirable plants, including within the dripline of the roots of desirable trees and shrubs, since injury may result.”
- 8) Per the RED combined label table, add the following text to the ‘Precautions’ section(s) for all labeling:
“Do not apply directly to or near water, storm drains, gutters, sewers, or drainage ditches. Do not apply within 25 feet of rivers, fish ponds, lakes, streams, reservoirs, marshes, estuaries, bays and oceans. Do not apply when windy. To prevent product run-off, do not over-water the treated area(s) to the point of runoff or apply when raining or when rain is expected that day.”
- 9) Per the RED combined label table, the Environmental Hazards statement for all labeling must be revised by adding the following paragraph:
“This chemical has properties and characteristics associated with chemical s detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.”
- 10) Per the RED combined label table, the following Restrictions must be added to the labeling:
“Use Restrictions
-Limited to 2 spot treatments per year
A spot application is defined as an area no greater than 1000 sq. ft. per acre
-Minimum of 30 days between applications
-Maximum of .046 lbs ae 2,4-D [(list product amount in fl. oz)] per 1000 sq. ft.”
- 11) Remove the text “all” and “roots and all” from the following advertisement claims:
“Kills 200+ weed-types, *roots and all*”
“Kills *all* major broadleaf weeds!”
“Chemsico Spot Weed Killer A kills *all* major...”
“Kills *all* Major Broadleaf Weeds including Dandelion...”

Note: While no additional data is being requested at this time, marketing claims made on the pesticide label must be substantiated by data maintained in your files. If data supporting marketing claims made on the product label is not available then those claims must be removed.

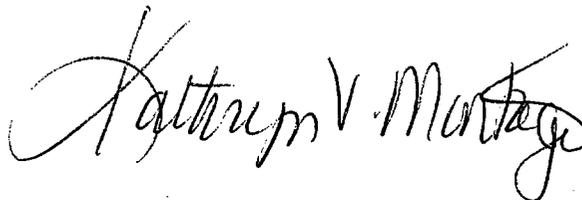
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Note: Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

One copy of the label stamped "Accepted with Comments" is enclosed for your records. Please submit one copy of the final printed label before the product is released for shipment.

Sincerely,



Kathryn V. Montague
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

CHEMSICO

ACCEPTED
with COMMENTS
In EPA Letter Dated:
JUN - 9 2010

Spot Weed Killer A

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

9688-109

[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]

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. 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 bottom of sprayer to activate batteries. [Graphic depiction]
5. Twist nozzle to adjust spray from CLOSE to SPRAY to STREAM. [Graphic depiction]

HOW TO USE THE EZ SPRAY

- Aim toward target weeds/plants, 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 holder. 3. **Failure to adjust nozzle completely to CLOSE position and properly secure sprayer in 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. 2. Remove used batteries and insert four 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.

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

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[See back panel for entire list of weeds]

[Optional product fact box]

PRODUCT FACTS

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]

Where To Use: (icon weeds)

Lawns: Kills the Weeds not the Lawn

When To Use:

Do not apply when daytime temperatures are above 85° F as lawn injury can occur

Questions & Comments: (icon phone) (icon computer)

Call 1-800-332-5553 or visit our website www.website.com

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.
- ❖ 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

[Bracketed Text] = Optional language

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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 reapplied.]
- 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

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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	Pearwort	Tall vervain
Bitterweed	Dogbane	Pennycress	Tansy ragwort
Blackberry	Dogfennel	Pennywort	Tansy mustard
Black cherry	Dollarweed	Peppergrass	Tanweed
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 c c c c c
Buckhorn plantain	Heartleaf drymary	Purslane, common	Wild carrot c c c c c
Bulbous buttercup	Heathaster	Ragweed	Wild cherry c c c c c
Bull thistle	Hedge bindweed	Raspberry	Wild four-o'clock c c c c c
Bullnettle	Hedge mustard	Red sorrel	Wild garlic c
Burclover	Hemp	Redroot pigweed	Wild geranium c c c c c
Burdock	Henbit	Redstem filaree	Wild lettuce c c c c c
Burning nettle	Hoary cress	Rough cinquefoil	Wild marigold c c c c c
Burweed	Hoary plantain	Rough fleabane	Wild mustard c c c c c
Buttercup	Hoary vervain	Russian pigweed	Wild onion c c c c c
Buttonweed	Horsenettle	Russian thistle	Wild parsnip c
Canada thistle	Jimsonweed	Sagebrush	Wild plum c c c c c
Carolina geranium	Knawel	Scarlet pimpernel	Wild radish c c c c c
Carpetweed	Knotweed	Scotch thistle	Wild rape c c c c c
Catchweed bedstraw	Kochia	Sheep sorrel	Wild strawberry c c c c c
Catnip	Kudzu	Shepherdspurse	Wild sweet potato c c c c c
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			