

9688-190

5/16/2012

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Wednesday, May 16, 2012

Name: Chemsico Wasp & Hornet Killer LE
EPA Reg. No.: 9688-190
Company: Chemsico, Div. of United Industries Corp.
Address: P.O. Box 142642
St. Louis, MO 63114

Subject: Notification of label change per PR Notice 98-10, and Alternate Brand

Dear: Ms. Goldberg;

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 16, 2012 for the product Chemsico Wasp & Hornet Killer LE (EPA Reg. No. 9688-190) 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 703-305-6701 or email at gebken.rchard@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Richard J. Gebken".

Richard J. Gebken
Team Leader PM 10
Registration Division (7505P)
Office of Pesticide Programs

2015

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:

| | |
|-------------------------------------|--------------|
| <input type="checkbox"/> | Registration |
| <input type="checkbox"/> | Amendment |
| <input checked="" type="checkbox"/> | Other |

OPP Identifier Number

Section I

| | | |
|---|---|--|
| 1. Company/Product Number 9688-190 | 2. Product Manager M. Suarez | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Chemsico Wasp & Hornet Killer LE | PM# | |
| 5. Name and Address of Applicant (include ZIP Code) Chemsico, Div. Of United Industries Corp. P.O. Box 142642 St. Louis, MO 63114 | 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 _____ | |
| <input type="checkbox"/> Check if this is a new address | | |

NOTIFICATION
MAY 13 10 2012

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 |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Please find the enclosed notification per PRN 98-10 to add the optional marketing claims "Up to 29 ft Jet Spray" and "Reaches Nests Up to [20] [22] [25] [27] [29]ft." At this time, we are also taking the opportunity to add the Alternate Brand Name *Black Flag Kills Wasps Hornets Yellow Jackets Scorpions Formula 3*. (Please see cover letter for details.)

Section III

| | | | | | |
|---|---|--|--|---|----------------------|
| 1. Material in Which This Product Will Be Packaged: | | | | 2. Type of Container | |
| 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 | <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 | If "YES," Package wgt | No. per container |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> 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 Jessica Goldberg | Title Regulatory Affairs Specialist | Telephone No. (include Area Code) 314-683-2438 |
| 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 Specialist | |
| 4. Typed Name Jessica Goldberg | 5. Date January 16, 2012 | |

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Chemsico

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

January 16, 2012

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

NOTIFICATION
MAY 16 2012

Attention: Mr. Mark Suarez
Product Manager Team 13

**Subject: NOTIFICATION: Label Notification per PRN 98-10 & Alternate Brand Name
Chemsico Wasp & Hornet Killer LE
EPA Reg. No. 9688-190**

Please find the enclosed notification per PRN 98-10 to add the optional marketing claims "Up to 29 ft Jet Spray" and "Reaches Nests Up to [20] [22] [25] [27] [29]ft." At this time, we are also taking the opportunity to add the Alternate Brand Name *Black Flag Kills Wasps Hornets Yellow Jackets Scorpions Formula 3*. All proposed changes have been highlighted on the label.

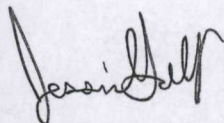
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false 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:

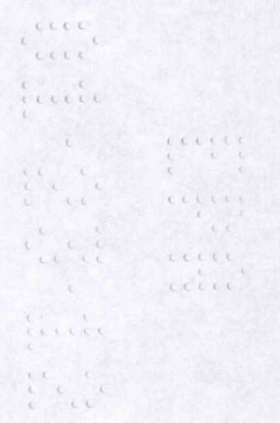
1. Application for Pesticide (EPA Form 8570-1)
2. One copy of the proposed label *with changes highlighted*
3. One clean copy of the proposed label

Please call me at 314-683-2438 or via email: jessica.goldberg@spectrumbrands.com, if you have questions or need further information. Thank you in advance for your time.

Sincerely,



Jessica Goldberg
Regulatory Affairs Specialist



CHEMSICO WASP & HORNET KILLER LE

ALTERNATE BRAND NAME: Black Flag Kills Wasps Hornets Yellow
Jackets Scorpions Formula 3

[Kills on contact · Water-based · *Non-staining · No oily residue · Long lasting · Eliminates the Nest · Kills on contact from 20 ft · Kills on contact from 20 ft away · Spray kills on contact up to 20 feet · Kills on contact up to 20 feet · Fast Knockdown · [20] [22] [25] [27] [29]ft Jet Spray · Up To [20] [22] [25] [27] [29]ft Jet Spray · **Guaranteed [to Work][Results] or Your Money Back] · New Formula · 20oz Value Size · Reaches Nests Up to [20] [22] [25] [27] [29]ft

NOTIFICATION
MAY 16 2012

Active Ingredients:
Prallethrin 0.025%
Lambda Cyhalothrin 0.010%
Other Ingredients*** 99.965%

***Contains petroleum distillates.

KEEP OUT OF REACH OF CHILDREN

CAUTION See back for additional precautionary statements

NET WT 14 OZ (396g)

[Bracketed Text] = Optional Language

Chemsico Wasp & Hornet Killer LE is designed to kill wasps, hornets, yellow jackets and eliminate the nests where they live and breed. This product also kills mud daubers, tent caterpillars and scorpions.

Optional Fact Box

What it Does:

Kills Wasps, Hornets, Yellow Jackets, Scorpions, Mud Daubers, and Tent Caterpillars

Where to Use:(icon outdoor)

Outdoors Where Insects Live and Breed

Questions & Comments: (icon phone and icon computer)

Call 1-800-332-5553 or visit our Website at www.spectracide.com

STOP. READ ENTIRE LABEL BEFORE USE.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. **Never use indoors.**

Do not water the treated area to the point of run-off.
Do not make applications during rain.

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

All outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.

Application is prohibited 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. Do not allow the product to enter any drain during or after application.

OPTION 1 - PARAGRAPH FORM

SHAKE WELL BEFORE EACH USE. Aim spray away from person. Push button to spray. If it's windy, stand with the wind at your back to avoid spray drift.

WASPS, HORNETS AND YELLOW JACKETS:

Application should be made in late evening when insects are least active. Spray

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liberally, soaking the nest. Chemsico's powerful spray will also kill insects that return to the nest over the next few days. Wait at least 24 hours before removing the nest.

Use of this product on evergreen and holly is not recommended as damage may result.

Do not use this product in or on electrical equipment due to possibility of shock hazard.

*This product is non-staining to most home siding depending on age and cleanliness. Before using in areas where the spray may contact home siding, test in an inconspicuous area and recheck in a few hours.

OPTION 2 – SIMPLIFIED DIRECTIONS

1. Apply at sunset when insects are least active (graphic-sunset)
2. Stand a safe distance from the nest. Don't stand directly underneath.
3. Shake can well before each use. Aim spray away from person. Push button to spray. (graphic-hand w/can)
4. Spray the nest until soaked. (graphic-nest). Chemsico's powerful spray will also kill insects that return to the nest over the next few days.
5. Wait at least 24 hours before removing the nest.

Use of this product on evergreen and holly is not recommended as damage may result.

*This product is non-staining to most home siding depending on age and cleanliness. Before using in areas where the spray may contact home siding, test in an inconspicuous area and recheck in a few hours.

USE TIPS

- If it's windy, stand with the wind at your back to avoid spray drift.
- Do not use this product in or on electrical equipment due to possibility of shock hazard.

OTHER PESTS (For both formats)

Tent Caterpillars: Apply in the late afternoon or evening when caterpillars have returned to their tents. Soak tents on all sides. **Scorpions:** Stand at a safe distance and use the power of the jet spray to reach and cover the scorpion. **Ants:** Spray trails, nest and point of entry. Spray on ants where possible.

STORAGE AND DISPOSAL

Storage: Store in cool, dry area away from heat or open flame. **Disposal:** Do not puncture or incinerate! **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

First Aid

If Swallowed: Immediately call a Poison Control Center or doctor. Do not induce vomiting unless told to do so by a Poison Control Center or doctor. Do not give any liquid to the person. 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.

Have the product container with you when calling a Poison Control Center or doctor, or going for treatment.
Note to Physician: Contains petroleum distillates – vomiting may cause aspiration pneumonia.

Environmental Hazards - This pesticide is toxic to fish. Do not apply directly to water.

Physical Hazards

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperature above 130° F may cause bursting.

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

[**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]

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

[Contains NO CFC's or other ozone depleting substances. Federal regulations prohibit CFC propellants in aerosols.]

Made in the USA by Chemsico,
Division of United Industries Corporation,
PO Box 142642
St. Louis, MO 63114-0642
EPA Reg. No. 9688-190
EPA Est. No. 9688-MO-1 © 2010