

9688-198

02/10/2005

Please read instruction on reverse before completing form.

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

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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 9688-198	2. EPA Product Manager James Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemsico Herbicide Concentrate DP	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) Chemsico, Division 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 labeling to: EPA Reg. No. _____ Product Name _____	

Section II

Amendment - Explain below

Resubmission in response to Agency letter dated _____

Notification - Explain below

Final printed labels in response to Agency letter dated _____

"Me Too" Application _____

Other - Explain below _____

NOTIFICATION
FEB 10 2005

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
Notification per PR Notice 98-10 of additional marketing phrases which are variations of statements on current accepted label.

Section III

1. Material This Product Will Be Packaged In:

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 No. per container	If "Yes", Package wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) of Retail Container

5. Location of Label Directions
 On Label
 On Labeling accompanying product

6. Manner In Which Label is Affixed to Product
 Lithograph
 Paper glued
 Stenciled
 Other (_____)

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Kathie J. Tryson	Title Director, Pesticide Regulatory Affairs	Telephone No. (Include Area Code) 314-683-2752
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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.

2. Signature 	3. Title Director, Pesticide Regulatory Affairs	6. Date Application Received (Stamped)
4. Typed Name Kathie J. Tryson	5. Date January 24, 2005	

CHEMSICO

Herbicide Concentrate DP

[Prevents Plant Growth • [Inhibits] [Prevents] Plant Growth for up to One Year • Water-based • Total Vegetation Control • Prevents Plant Growth For up to 1 Year • Covers up to 800 sq. ft. • No regrowth up to 1 year • Use on driveways, patios, around buildings and graveled pathways • Stops Plant Growth....Up to One Year! • See results in 24 hours • Begins to work in hours • Works in 24 hours • Keeps Weeds and Grass Away For Up to [a] [1] year • Keeps Areas Free of Weeds and Grass for Up To [a] [1] year • New Formula • Now Kills Faster • [New] Advanced Formula • Kills in 24 Hours • Kills Plus Prevents! • Economical Concentrate • Mix with water • Up to 1 Year Control! • Same Day Results! • Use on Patios, Walks & Paved Areas • Guaranteed Results*]

Active Ingredients:

Prometon	2.20%
Diquat Dibromide	0.72%
Other Ingredients:.....	97.08%

Contains 0.18 lb. prometon and 0.06 lb. diquat dibromide per gallon.

[* For terms of guarantee, see back panel.]

KEEP OUT OF REACH OF CHILDREN

CAUTION See back panel for additional precautionary statements.

NET CONTENTS 1 GALLON (3.78L)

OPTIONAL MARKETING LANGUAGE

PRODUCT FACT BOX

What it Does: Kills vegetation and prevents plant growth for up to 1 year.

Where to Use: In driveways, sidewalks, paths, patios, parking areas, play areas, along fences and curbs, around buildings and graveled pathways where plant growth has come through the surfaces.

When to Use: For best results, apply to bare ground when [weed] [vegetation] growth is just starting. Weeds taller than 4-6 inches should be mowed or hoed before treatment.

Questions & Comments: Call 1-800-332-5553 or visit our website at www.website

STOP. READ ENTIRE LABEL BEFORE USE

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Harmful if inhaled or absorbed through the skin. Avoid breathing spray mist. Avoid contact with skin, eyes, or clothing.

First Aid

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. 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 treatment advice.

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

Environmental Hazards

Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

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



Keep children and pets off treated areas until these areas are dry.

[GENERAL INFORMATION] [HOW TO USE] [THINGS TO KNOW]

Chemsico Herbicide Concentrate DP is a nonselective product intended for use after dilution with water and will kill almost all vegetation down to the roots and prevent plant regrowth. When applied to the soil this product can inhibit plant growth for up to one year. Residual control increases as rates are increased.

[USE SITES]

- Use around the home where no plant growth is desired.
- [Chemsico Herbicide Concentrate DP is intended] for bare ground vegetation control in driveways, sidewalks, brick walks, paths, patios, parking areas, play areas, along fences and curbs, around buildings, and graveled pathways where plant growth has come through these surfaces.

Do not use on lawns, flowerbeds, or vegetable gardens. Chemsico Herbicide Concentrate DP should not be applied over the root zones of desirable trees or shrubs. Do not apply in sloped areas where runoff may adversely affect desirable plants.

For Best Results: Although Chemsico Herbicide Concentrate DP has considerable activity through foliar contact, much of its activity is through roots; therefore, **its effectiveness is dependent on rainfall to move it into the root zone. Very dry soil conditions and lack of sufficient rainfall may result in poor weed control.** For best results, if the soil is dry, water lightly before treatment. Apply Chemsico Herbicide Concentrate DP directly to weeds and grass. Thoroughly wet weeds but do not soak as runoff may occur. Two days following application, lightly water the treated area. This will aid in the killing and prevention of weeds through root absorption.

WHEN TO APPLY

- For best results, apply to bare ground or when weed growth is just starting.
- Weeds taller than 4 inches should be hoed or cut to 1 inch in height before treatment or it may be necessary to make a second application.
- A second application may also be necessary to control deep-rooted perennial weeds. In areas of heavy rainfall, repeat application may be required every six months.
- Application on sunny days with the temperature above 60° F will result in faster control of existing weeds.

Area To Be Treated	Amount of Product to Use	Suggested Amount of Water to Use
25 sq. ft.	4 fl. oz.	3 quarts
50 sq. ft.	8 fl. oz.	1 gallon
75 sq. ft.	12 fl. oz.	1.5 gallons
100 sq. ft.	1 pt. (16 fl. oz.)	2 gallons

Apply using a sprinkling can or other watering or spraying device in sufficient water to get good coverage of the area (refer to suggested amount of water to use in above table.) When using a sprinkling can, triple rinse and pour rinsewater on area treated once application is complete. Mix only the quantity needed and use immediately. Do not store diluted solution.

SPRAY DRIFT MANAGEMENT:

Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, non-target crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals.

PERSONAL PROTECTIVE EQUIPMENT:

When mixing and applying this product, wear the following:

- Long-sleeved shirt and long pants
- Shoes and socks
- Chemical resistant gloves made of waterproof materials, such as butyl rubber, nitrile rubber, or neoprene rubber (thickness ≥ 14 mils)

IMPORTANT USE PRECAUTIONS:

- To avoid damage to desirable plants, apply when it is not windy. Windy conditions may cause inadvertent drifting to desirable plants and grass.
- DO NOT apply over the root zones of desirable trees and shrubs.
- DO NOT apply to decorative rock or bark groundcovers where the soil is covered with plastic fabric or on slopes because runoff and/or leaching may result (apply only to level surfaces). In heavy clay soil locations, residual activity may exceed one year.
- DO NOT apply closer than twice the distance from the trunk of a tree to the drip line.
- Do not apply next to a fence if desirable plants are growing on the other side or if future plantings are planned.
- Vertically cut through any roots adjacent to root zone of desirable plants.
- Do not apply this product in a way that will contact any person or pet, either directly or through drift. Only persons applying this product may be in the area during application.

STORAGE AND DISPOSAL

Pesticide Storage: Do not contaminate water, food, or feed by storage or disposal. Store undiluted pesticide in original container. Do not store diluted pesticide solution.

Pesticide Disposal: If empty: Do not reuse this container. 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. Never place unused product down any indoor or outdoor drain.

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.]

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

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

EPA Reg. No.: 9688-198
EPA Est. No.: 9688-MO-1

© 2005

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8464 Chapin Industrial Dr.
 St. Louis, MO 63114
 314-427-4886

NOTIFICATION PER PR NOTICE 98-10

January 24, 2005

Document Processing Desk (NOTIF)
 Office of Pesticide Program (7504C)
 U.S. Environmental Protection Agency
 Room 266 A, Crystal Mall 2
 1801 South Bell Street
 Arlington, VA 22202

Attention: Jim Tompkins, Product Manager 25

Subject: **Notification per PR Notice 98-10**
Chemisico Herbicide Concentrate DP
EPA Reg. No. 9688-198

Dear Mr. Tompkins:

Enclosed please find our label with the following additional optional marketing statements added as a Notification per PR Notice 98-10. All of the statements are variations of language already on the stamped accepted label.

- **Kills Plus Prevents!**
(Variation of "Kills vegetation and prevents plant growth for up to 1 year")
- **Up to 1 Year Control!**
(Variation of "Prevents plant growth for up to 1 year")
- **Use on Patios, Walks & Paved Areas**
(Variation of "Use in driveways, patios, around buildings and under graveled pathways" and "Where to use: In driveways, sidewalks, paths, patios, parking areas, play areas, along fences and curbs, around buildings and under graveled pathways where plant growth has come through the surfaces")
- **Same Day Results!**
(Variation of "See results in 24 hours" and "Works in 24 hours")

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Mr. Jim Tompkins
U.S. Environmental Protection Agency
Notification per PR Notice 98-10
Chemsico Herbicide Concentrate DP
EPA Reg. No. 9688-198
January 24, 2005

We are also taking this opportunity to add three "economic" claims:

- *Economical Concentrate*
- *Mix with Water*
- *Guaranteed Results or Your Money Back*

This notification is consistent with the provision of PR Notice 98-10 and the requirements of EPA regulations at 40 CFR 156.10 and 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 156.10 and 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:

- Application for Pesticide (EPA Form 8570-1) – Notification.
- Two copies of the proposed label with Optional Marketing Statements and economic claims added to the front panel, plus an additional copy with the changes highlighted.
- One copy of the EPA stamped approved label and Final Printed Labeling for your reference.

Please call me at 314-683-2752 if you have questions or need further information. Thank you very much for your attention to our Notification.

Sincerely,



Kathie J. Tryson
Director, Pesticide Regulatory Affairs