

9688 -198

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

FEB 3 2011

Jessica Goldberg
Chemsico
Division of United Industries Corp.
P.O. Box 142642
St. Louis, MO 63114

Subject: Notification per PR Notice 98-10 (PRNs 2007-4 & 2008-1, marketing claim, and warranty statement)
Chemsico Herbicide Concentrate DP
EPA Reg. No. 9688-198
Application Dated December 17, 2010

Dear Ms. Goldberg:

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

If you have any questions regarding this action, please contact Mindy Ondish by phone at (703)605-0723 or by email at ondish.mindy@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kable Bo Davis".

Kable Bo Davis
Product Manager 25
Herbicide Branch
Registration Division (7505P)

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 9688-198	2. Product Manager J. 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, 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 labeling 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

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Label Notification per PRN 2007-4, PRN 2008-1, & PRN 98-10 (Please see cover letter for details.)

NOTIFICATION

FEB 03 2011

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," No. per container Unit package wgt _____			
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 December 17, 2010	

C. Pesticide Registration (PR) Notice 98-10:

We have updated the label warranty statement in accordance to the EPA's October 17, 2006 Guidance on Warranty Statements and added an optional marketing claim.

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 1-800-242-1166, Ext. 2438 or via email: jessica.goldberg@spectrumbrands.com, if you have questions or need further information. Thank you very much for your attention to our application.

Sincerely,



Jessica Goldberg
Regulatory Affairs Specialist

CHEMSICO

Herbicide Concentrate DP

NOTIFICATION

FEB 03 2011

[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 • Now Kills Faster • 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 • [Money Back] [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

To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

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. The annual maximum application rate is 0.046 lb prometon per 100 ft².

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

NOTICE: To the extent consistent with applicable law, 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

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