

9688-217

12/22/2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 22, 2006

Chemsico
Divison of United Industries Corp.
P.O. Box 142642
St. Louis, MO 63114-0642

Attention: Kathy J. Tryson

Subject Chemsico Insect Bait 16I
EPA Reg. No.9688-217
Revised labeling and Residual Efficacy dated August 2, 2006.

The submission referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is not acceptable with the following comments:

Efficacy Comments The raw data were not provided and these data need to accompany all efficacy data submissions. Submit an addendum to MRID 46932301 that includes the raw data.

The data generally support claims that the product is efficacious against fire ants when applied at the label rate for broadcast treatment (and therefore mound treatment). The data support the inclusion of claims of effectiveness up to 3 months, when the product is applied as a broadcast treatment. (Mound treatments are targeted to kill individual nests. Therefore, residual claims are not appropriate for mound treatments. One a colony has been killed, no residual activity is required.)

Label Comments General comments:

1. Claims that the product provides kill or control for "up to 3 months" are acceptable.
2. Remove claims that the product works within 48 hours to control fire ants. Your data does not adequately demonstrate at least 90% control across all test sites. There was too much variability between the test sites.
3. Remove "season long" control claims. The fire ant season is 12 months in many parts of the Southern U.S.

**Label
Comments
Continued**

The following specific marketing claims are addressed and should be **deleted** as noted:

1. Under optional Marketing Language (p. 1):
 - a. **Delete:** [Chemsico Insect Bait 161][Alternate Brand Name] granules kill the queen [in 48 hours] and provide season long control against Fire Ant Colony formation. Worker Fire Ants forage the bait immediately and take the granules deep into the colony to feed other Fire Ants and the Queen. [Chemsico Insect Bait 161][Alternate brand name] granules will quickly start to work, showing significant reduction of foraging Fire Ants within 24 hours and will help prevent them in your yard [for an entire season][for 3 months].
2. Optional Product Fact Box (p. 1):
 - a. **Delete:** Kills Fire Ant[s] [Mound][colony] and helps prevent new mounds from forming all season long.
 - b. **Delete:** Apply in early Spring or Summer at the first sign of fire ant activity. Re-apply in the Fall to reduce the number of Fire ants that will return next spring.
3. Mound Treatment (p. 1):
 - a. **Delete:** [Kills the colony]
 - b. **Delete:** Decreased ant activity will be observed in as little as 24 hours after bait placement. Complete mound control will occur 48 hours after application.
4. Broadcast Treatment (p. 2):
 - a. **Delete:** Decreased ant activity will be observed in as little as 24 hours after bait placement. Complete mound control will occur 48 hours after application.
 - b. **Delete:** Re-apply after 12 weeks (3 months) to prevent re-infestation.
5. Use Tips (p. 2):
 - a. **Delete:** For best results, apply in Spring or Summer at the first sign of Fire Ant activity to prevent mounds from forming.
 - b. **Delete:** Treating the entire yard is recommended since it will kill foraging ants and mounds which may not be visible at the time of application.
 - c. **Delete:** People and pets may re-enter treated area immediately after broadcast.
6. APPENDIX, Optional Marketing Claims (p. 3):
 - a. The following claims are **acceptable** as expressed on the submitted label:
 - 4, 5, 7, 10, 12, 18, 31, 32, 36, 37, 38, 39, 41, 43, 44, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 60, 62
 - b. **Delete** the following claims (as numbered on the label dated 08/02/2006):
 - 1, 2, 3, 9, 15, 16, 19, 20, 21, 23, 24, 28, 29, 40, 48, 57, 58, 59, 61
 - c. **Modify** the following claims as indicated:
 - (1) Specify the duration of effectiveness demonstrated, by adding "for up to 3 months" to each of the following claims:
 - 6, 8, 42

**Label
Comments**

(2) Remove 'entire season' or 'season long' control claims, but retain up to 3 months for the following marketing statements:

- 11, 13, 17, 22

(3) Remove season long claims; replace with "up to 3 months [12 weeks]":

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(4) Modify the following claims as specified:

- 26: PowerBait® technology Kills Fire Ants Fast and lasts *up to 3 months [12 weeks]* [~~all season long~~][~~for an entire season~~]

- 27: [Starts][Begins]to work in *as few[little] as 24 hours*

- 30: Lawn control of fire ant activity in *as few[little] as 7-14 days 14 days [2 weeks]*

- 33: 2-in-1 Formula – 1.) Kills Fire Ants [fast]; 2.) Keeps [killing][working] ~~all season long~~ [for *up to 3 months*]

- 34: Dual action – 1.) Kills Fire Ants [fast]; 2.) Keeps[killing][working] ~~all season long~~ [for *up to 3 months*]

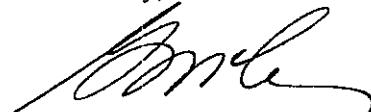
- 35: Dual Action formula – Kills Fire Ants Fast, ~~Last all Season~~

- 45: Kills Fire Ants Fast

Questions

If you have any questions or comments about this letter, please contact me at 703-605-0716 (by phone), 703-305-6596 (by fax), or mccann.geri@epa.gov (by E-Mail).

Sincerely,



Geraldine R. McCann, Biologist
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure: Stamped Label

CHEMSICO

Insect Bait 16I

For outdoor use around the home only

(See Appendix for Optional Marketing Claims)

ACCEPTED
WITH COMMENTS
In EPA Letter Dated
DEC 22 2006

9688-217

Active Ingredient:	
Indoxacarb	0.016%
Other Ingredients	99.984%
Total.....	100.000%

KEEP OUT OF REACH OF CHILDREN

CAUTION See back for additional precautionary statements

NET WT. 5.0 POUNDS [LB] / 2.24 kilograms

OPTIONAL MARKETING LANGUAGE

[Chemsico Insect Bait 16I][Alternate brand name] granules kill the queen [in 48 hours] and provide season long control against Fire Ant Colony formation. Worker Fire Ants forage the bait immediately and take the granules deep into the colony to feed other Fire Ants and the Queen. [Chemsico Insect Bait 16I][Alternate brand name] granules will quickly start to work, showing significant reduction of foraging Fire Ants within 24 hours and will help prevent them in your yard [for an entire season][for 3 months].

OPTIONAL PRODUCT FACT BOX

PRODUCT FACTS

What It Does:
Kills Fire Ant[s] [Mound] [colony] and helps prevent new mounds from forming all season long

Where to Use:
Outdoors, on Fire Ant Mounds [and as a broadcast treatment in lawns]

When to Use:
Apply in early Spring or Summer at the first sign of fire ant activity. Re-apply in the Fall to reduce the number of Fire Ants that will return next Spring.

Questions & Comments: (icon phone) (icon computer)
Call 1-800-332-5553 or Visit our Website at www.xxx.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.

MOUND TREATMENT

[Kills the colony]

1. (graphic) Sprinkle 4 tablespoons of bait around each mound.
2. (graphic) Do not water in.
3. Decreased ant activity will be observed in as little as 24 hours after bait placement. Complete mound control will occur 48 hours after application.
4. Treat new mounds as they appear.

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[OPTIONAL DIRECTIONS FOR BROADCAST TREATMENT]
BROADCAST TREATMENT

1. Apply granules with a spreader at a rate 0.5 lbs per 1,000 sq. ft.
2. Do not water in.
3. Decreased ant activity will be observed in as little as 24 hours after bait placement. Complete mound control in treated areas will occur 48 hours after application.
4. Re-apply after 12 weeks (3 months) to prevent re-infestation.

SPREADER SETTINGS FOR LAWN APPLICATION			
Make & Model	0.5 lbs./1,000 sq. ft.	Make & Model	0.5 lbs./1,000 sq. ft.
Vigoro Rotary	X	Republic EZ Drop 530	X
Scotts Speed/Green	X	Republic EZ Rotary 540	X
Scotts AccuGreen	X	Precision Rotary SB50	X
Scotts Drop	X	Ev-N-Spred	X
Red Devil Rotary	X	Cyclone Rotary	X

NOTE: These settings are approximate due to variability and wear of spreader. Check settings and calibrations on a small area before making total application.]

USE TIPS

1. (graphic) For best results, apply in early Spring or Summer at the first sign of Fire Ant activity to prevent mounds from forming.
2. Apply in the early morning or late evening when fire ants are actively foraging.
3. Do not apply if rain is expected within 4-6 hours.
4. Do not water or mow treated area for 24 hours after application. This will allow time for the ants to forage the bait and take it to the mound.
5. Treating the entire yard is recommended since it will kill foraging ants and mounds which may not be visible at the time of application.
6. People and pets may re-enter treated area immediately after broadcast.

STORAGE AND DISPOSAL

Storage: Reclose bag tightly after each use. Store in a cool, dry area which is inaccessible to children and pets. **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.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Food utensils such as spoons or measuring cups must not be used for food purposes after use in measuring pesticides.

Environmental Hazards

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

NOTICE: 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 original 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 Corp.
 P.O. Box 142642
 St. Louis, MO 63114-0642

EPA Reg. No. 9688 - 217

EPA Est. No. 9688-MO-1

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APPENDIX

OPTIONAL MARKETING CLAIMS

1. [Completely][kills] mounds from your lawn in 48 hours
2. [Kills] the [entire][Mound][Queen and Colony] in 48 hours [and prevents new mound formation]
3. Complete [Mound][Queen][Colony] Control in 48 hours!
4. Destroy invisible [hidden] mounds
5. Destroys the mound
6. Limits New Mound Formation
7. Mound destroyer
8. Prevents [new] mound formation [movement]
9. Starts to kill the mound in 24 hours
10. Kills the Mound
11. [Just] One application controls Fire Ants for 3 months [for an entire season] [all season long]
12. 3-Month Control
13. Control(s) Fire Ants for 3 months [for an entire season]
14. Apply in the Spring [and/or Summer] and get season long control of Fire Ants
15. Apply Once for Season-Long Control
16. Lasts All Season!
17. Long lasting (3 Month) residual action [control] [for an entire season]
18. Long-lasting killing power – lasts for 3 Months
19. One Application Season Long Control
20. Season-Long Control
21. Fast Acting Fire Ant Bait [kills][controls] [Queen] [Colony] [mound] in 48 hours [and lasts all season long] [for an entire season]
22. Kills Fire Ants [and keeps killing them] [and prevents them] all season long [up to 3 months]
23. Fast Acting Plus Season Long Control – Guaranteed*
24. Fast acting, [and] season long control
25. Kills Fire Ants [all season long]
26. PowerBait® technology Kills Fire Ants Fast and lasts [all season long] [for an entire season]
27. [Starts] [Begins] to work in 24 hours
28. For a Fire Ant free yard [in 48 hours]
29. Starts to work quickly and kills Queen [and Colony] in 48 hours!
30. Lawn control of fire ants in 7-14 days
31. [Treats] [covers] [up to] 10,000 sq ft [entire yard]
32. 2X more coverage than standard 5,000 sq. ft. bags
33. 2-in-1 Formula - 1.) Kills Fire Ants [fast]; 2.) Keeps [killing][working] all season long [for 3 months]
34. Dual action - 1.) Kills Fire Ants [fast]; 2.) Keeps [killing] [working] all season long [for 3 months]
35. Dual Action formula -Kills Fire Ants Fast, Lasts all Season!
36. Broadcast with spreader
37. For broadcast or [individual] mound treatment
38. Colony destroyer
39. Controls [Kills] the colony
40. Kills Queen and Colony Fast [in 48 Hours]
41. Kills the Queen & Colony
42. Prevents [re-colonization of] Fire Ants [after treatment]
43. Controls imported Fire Ants
44. Fire Ant destroyer
45. Kills Fire Ants Fast
46. Kills imported and native Fire Ants
47. Kills imported Fire Ants
48. No more Fire Ants
49. Easy to use
50. Ready-to-use [Granules]
51. For Outdoor use [on lawns]
52. Guaranteed Results or Your Money Back
53. Guaranteed Results* *Or Your Money Back
54. No odor
55. Odor Free
56. No watering necessary
57. Protects you [and your family] from Fire Ants [All Season Long] [For an entire Season]
58. Protects your pets [and your family] from Fire Ants
59. Re-enter [Return to] [Enjoy] your lawn [treated area] immediately after treatment [application] [broadcast] without worry.
60. Take back your yard from Fire Ants
61. Worry-free treatment [solution] [remedy] of fire ant problems [in your lawn].
62. Resealable bag

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