

9688-217

01/15/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Vee Lee
Product Registration
CHEMSICO Div. of United Industries Corp.
PO Box 142642
St. Louis, MO 63114

JAN 15 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change (Marketing Claims)
EPA Reg. No. 9688-217
Application Dated December 17, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/17/08 for the above product. The Registration Division (RD) has conducted a review of this request 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 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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:

Registration
Amendment
Other

OPP Identifier Number

Section I

1. Company/Product Number 9688-217	2. Product Manager John Hebert	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemsico Insect Bait 16 I	PM# 7	
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 to a pesticide registered and labelling to: NOTIFICATION EPA Reg. No. JAN 15 2009 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.)
Notification per PR Notice 98-10 to add the following optional marketing claim(s): "Results Guaranteed", "Treats Up To 3,500 sq ft".

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	If "YES," Unit package wgt		No. per container
* Certification must be submitted			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 Vee Lee	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 Vee Lee	5. Date December 17, 2008	

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Chemsico

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

December 17, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs
United States Environmental Protection Agency
Room S4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Attention: Mr. John Hebert
Product Manager 7

Subject: Notification per PR Notice 98-10
Chemsico Insect Bait 16 I
EPA Reg. No. 9688-217

Dear Mr. Hebert:

Please find enclosed notification per PR Notice 98-10 to add the following optional marketing claim(s), **“Results Guaranteed”, “Treats Up To 3,500 sq ft”**. This is a variation of the already-approved optional marketing claims and language appearing 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:

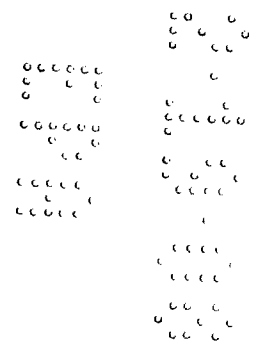
1. Application for Pesticide (EPA Form 8570-1)
2. One copy of the proposed label *with changes highlighted*
3. Five copies of the proposed label
4. One copy of the EPA stamped approved label

Please call me at 1-800-242-1166, Ext. 2438 you have questions or need further information. Thank you very much for your attention to our application.

Sincerely,



Vee Lee
Regulatory Specialist



CHEMSICO

Insect Bait 16I

For outdoor use around the home only

(See Appendix for Optional Marketing Claims)

NOTIFICATION
JAN 15 2009

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 as little as 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 [4 shakes] of bait around each mound.
2. (graphic) Do not water in.
3. Decreased ant activity will be observed as soon as 24 hours after bait placement. Mound control will occur in as little as 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 as soon as 24 hours after bait placement. Mound control in treated areas will occur in as little as 48 hours after application.
- *4. In areas where the fire ant season lasts longer than three months, 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 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. Kills mounds in your lawn in as little as 48 hours
2. [Kills] the [entire][Mound][Queen and Colony] in as little as 48 hours [and prevents new mound formation]
3. [Mound][Queen][Colony] Control in as little as 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 as soon as 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 as little as 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 as soon as 24 hours
28. For a Fire Ant free yard [in as little as 48 hours]
29. Starts to work quickly and kills Queen [and Colony] in as little as 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 as little as 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
46. Kills imported and native Fire Ants
47. Kills imported Fire Ants
48. Easy to use
49. Ready-to-use [Granules]
50. For Outdoor use [on lawns]
51. Guaranteed Results or Your Money Back
52. Guaranteed Results** **Or Your Money Back
53. No odor
54. Odor Free
55. No watering necessary
56. Take back your yard from Fire Ants
57. Resealable bag
58. Results Guaranteed
59. Treats Up To 3,500 sq ft

NOTIFICATION
 JAN 15 2009