

9688-217

10/13/2011

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

NOTIFICATION

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

OCT 13 2011

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

Subject: Notification to add additional marketing claims
EPA Registration No. 9688-217
Submission Date: August 23, 2011
Decision: D454938

Dear Ms. Goldberg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated August 23, 2011 for product EPA Reg No. 9688-217. The Registration Division (RD) has conducted a review of this request and finds that the action requested falls 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 contact Jessica Rogala at (703) 347-0263 or via email at rogala.jessica@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "J. Rogala".

Jessica Rogala
Environmental Protection Specialist
Insecticide-Rodenticide 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:

Registration
Amendment
Other

OPP Identifier Number

Section I

1. Company/Product Number 9688-217	2. Product Manager R. Kumar	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemsico Insect Bait 16I	PM#	
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 98-10 to add optional marketing claims (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 August 23, 2011	

Chemsico

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

August 23, 2011

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

Attention: Ms. Rita Kumar
Insecticide-Rodenticide Branch

Subject: **NOTIFICATION: Label Notification per PRN 98-10**
Chemsico Insect Bait 16I
EPA Reg. No. 9688-217

Please find the enclosed application for a notification per PRN 98-10. We have added a list of optional marketing claims which are similar to the already approved list on the current label.

Per our phone conversation this morning (August 23, 2011), I am re-submitting the Notification sent February 22, 2011 in which the Agency's response requested deleting the "Season-long" claims (copy enclosed). However, the season-long claim was already on the approved stamped label and therefore adding it was not the intent of the original notification. To follow up our discussion, I attached a series of correspondence and documentation showing the history of the claim and its approval. An amendment with efficacy data (MRID #46932301) was submitted 08/2/2006 to support the season-long claim. After a phone conversation between the Agency and our Regulatory Department, a conclusion was made to add an asterisk to "season long" and the associating statement "In areas where the fire ant season lasts longer than three months, re-apply after 12 weeks (3 months) to prevent re-infestation." (see E-mail dated 01/25/2007). Hopefully, upon reviewing the file and enclosures, the "season-long" claims may remain on the base label as they were approved on the EPA Stamped Label dated 04/13/2007 (copy enclosed).

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
4. One copy of the Notification (submitted 02/22/2011) & Agency's response (dated 06/27/2011)
5. One copy of the Amendment dated 08/02/2006)
6. One copy of the Email dated 01/25/2007
7. One copy of the EPA Stamped Label dated 04/13/2007

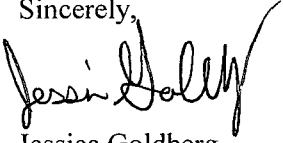
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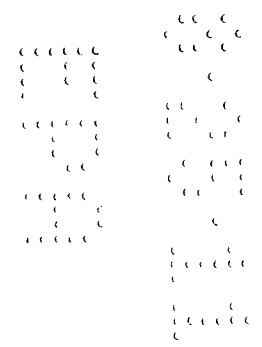
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Please call me at 1-800-242-1166, Ext. 2438 or via email: jessica.goldberg@spectrumbrands.com, if you have questions or need further information. Thank you very much for your attention to our application.

Sincerely,



Jessica Goldberg
Regulatory Affairs Specialist



CHEMSICO

Insect Bait 16I

For outdoor use around the home only

(See Appendix for Optional Marketing Claims)

NOTIFICATION

OCT 13 2011

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.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.

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.

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

[Bracketed Text] = Optional language

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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.

Make & Model	SPREADER SETTINGS FOR LAWN APPLICATION	
	0.5 lbs./1,000 sq. ft.	0.5 lbs./1,000 sq. ft.
Vigoro Rotary	X	X
Scotts Speed/Green	X	X
Scotts AccuGreen	X	X
Scotts Drop	X	X
Red Devil Rotary	X	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 [container] tightly after each use. Store in a cool, dry area which is inaccessible to children and pets. **Container Handling If Empty:** Nonrefillable container. Do not reuse or refill this container. 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

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. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

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 original dated store receipt showing the price you paid. Please allow 6-8 weeks for processing]

In areas where the fire ant season lasts longer than three months, re-apply after 12 weeks (3 months) to prevent re-infestation.

[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. Broadcast with spreader
33. For broadcast or [individual] mound treatment
35. Colony destroyer
36. Controls [Kills] the colony
37. Kills Queen and Colony Fast [in as little as 48 Hours]
38. Kills the Queen & Colony
39. Prevents [re-colonization of] Fire Ants [after treatment]
40. Controls imported Fire Ants
41. Fire Ant destroyer
42. Kills Fire Ants
43. Kills imported and native Fire Ants
44. Kills imported Fire Ants
45. Easy to use
46. Ready-to-use [Granules]
47. For Outdoor use [on lawns]
48. **Guaranteed Results or Your Money Back [Money Back Guarantee**]
50. No odor
51. Odor Free
52. No watering necessary
53. Take back your yard from Fire Ants
54. Resealable bag
55. Results Guaranteed*
56. Treats Up To 3,500 sq ft
57. Shake to use
58. Dual Action Formula -- Starts killing existing mounds: in 24 hours & Limits new mound formation for up to 3 months
59. Does not harm plants, trees, and shrubs
60. Use on all types of grass