

9688-231

10/06/2009

1/7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

OCT - 6 2009

Mr. Eric D. Smith
Chemsico, Div. of United Industries Corp.
P.O. Box 142642
St. Louis, MO 63114

Dear Mr. Smith:


Subject: Application for Pesticide Notification (PRN 98-10)
Comply with Agency pyrethroid labeling letter dated June 4, 2009,
Revise per Pesticide Registration Notice 2007-4 (Container Disposal),
Revise per Pesticide Registration Notice 2008-1 (Environmental Hazards),
and Update Warranty Statement
Chemsico Insecticide Concentrate 5L-T
EPA Reg. No. 9688-231
Your submission dated September 3, 2009

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated September 3, 2009 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds 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.

Sincerely,

Dana R. Pelett

for Richard Gebken
Product Manager 10
Insecticide Branch
Registration Division (7505P)

	United States Environmental Protection Agency Office of Pesticide Programs (H7505C) Washington, DC 20460	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	Registration Amendment Other	OPP Identifier Number
Application for Pesticide:				

Section I

1. Company/Product Number 9688-231	2. Product Manager K. Nesci	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemsico Insecticide Concentrate 5L-T	PM# 13	
5. Name and Address of Applicant (include ZIP Code) Chemsico, Div. Of United Industries Corp. P.O. Box 142642 St. Louis, MO 63114		6 Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labelling to: EPA Reg. No. _____ Product Name _____
<input type="checkbox"/> Check if this is a new address		

Section II


<input type="checkbox"/> Amendment - Explain below <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed label in response to Agency letter date _____ <input type="checkbox"/> "ME TOO" Application. <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 & EPA's June 4, 2009 General Labeling for Pyrethroid Notification letter. Please see cover letter for details and certification statements.

Section III

1. Material in Which This Product Will Be Packaged:			
Child-Resistant Packaging <input type="checkbox"/> Yes * <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water-Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container 32 fl oz	
5. Location of Label Directions <input checked="" 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 checked="" 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 Eric D. Smith	Title Regulatory Affairs Manager	Telephone No. (include Area Code) 314-683-2455
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 Manager
4. Typed Name Eric D. Smith		5. Date September 3, 2009

Chemsico

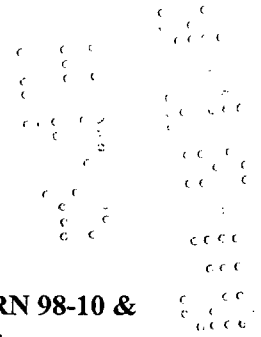
Division of United Industries
P.O. Box 142642
St. Louis, MO 63114-0642

September 3, 2009

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. Kimberly Nesci
Product Manager Team 13

Subject: **NOTIFICATION: Label Notification per PRN 2007-4, PRN 2008-1, PRN 98-10 & EPA's June 4, 2009 General Labeling for Pyrethroid Notification letter Chemsico Insecticide Concentrate 5L-T EPA Reg. No. 9688-231**



Please find the enclosed application for notification of the following registration amendments:

A. Pesticide Registration Notice (PR) 2007-4, Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment:

We have adopted the exact language set forth in PRN 2007-4.

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. 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 the amended label is not consistent with the requirement of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

B. Pesticide Registration Notice (PRN) 2008-1, Environmental Hazard General Labeling Statements on Outdoor Residential Use Products:

We have adopted the exact language set forth in PRN 2008-1.

This notification is consistent with the guidance in PR Notice 2008-1 and the requirements of EPA's regulations at 40 CFR 156.10, 40 CFR 156.80, and 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 guidance of PR Notice 2008-1 and the requirements of 40 CFR 156.10, 40 CFR 156.80, 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.

C. Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products per the June 4, 2009 Letter from EPA:

We have adopted the appropriate label statements to be included in the "Directions for Use" section of the label.

This notification is consistent with the guidance in the June 4, 2009 letter and the requirements of EPA's regulations at 40 CFR part 156. 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 the amended label is not consistent with the requirements of 40 CFR part 156, 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.

D. 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.

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:

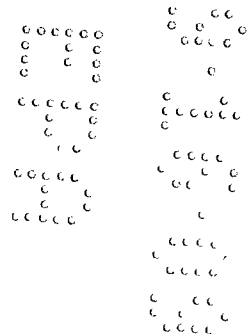
1. Application for Pesticide (EPA Form 8570-1)
2. One copy of the proposed label *with changes highlighted*
3. One clean copy of the proposed label

Please call me at 1-800-242-1166, Ext. 2455 or via email: eric.smith@spectrumbrands.com, if you have questions or need further information. Thank you very much for your attention to our application.

Sincerely,



Eric D. Smith
Regulatory Affairs Manager



Chemsico

Insecticide Concentrate 5L-T

For Outdoor Use Around the Home Only.

[Do-it-yourself termite* killing spray • Kills termites* [including drywood termites] • Kills termites* that damage wood • Kills termites*, ants**, carpenter ants and other wood destroying pests • Kills termites* on contact • Kills on contact • For use around foundations, outside buildings, porches, wood piles, wooden fences and decks • Termite* killing concentrate • Use indoors & outdoors in the Chemsico Home Insect Control 3L EZSpray Sprayer • Water-based • Guaranteed Results [or Your Money Back***] • [Kills] [Controls] wood destroying insects • Kills [Termites] & [Carpenter Ants] • Effective Home Barrier Treatment • One quart covers up to 16,000 square feet • Makes up to 64 gallons of spray • [Super Saver] [Concentrate] makes up to 64 gallons • Economical alternative makes up to 64 gallons • Compare and save [to Ready To Use Products] • Kills [controls] up to [40] [types] of insects • Kills termites*, carpenter ants and other listed insects • One quart covers up to 1/3 of an acre • Makes 4 [X] [times] the volume of Ready To Use products [compared to Chemsico Home Insect Control 3L] • Keeps killing nuisance pests outside the home for up to 8 weeks [2 months] • Up to 8 week [2 month] control of nuisance pests • Also [kills] [controls] ants, crickets, fleas, deer ticks and other listed pests • Non-staining# • Kills Carpenter bees [on contact]

(*FOR LOCALIZED CONTROL ONLY)

Active Ingredient:
 Lambda-Cyhalothrin 0.5%
 Other Ingredients 99.5%

KEEP OUT OF REACH OF CHILDREN
CAUTION See back [booklet] for additional precautionary statements

NET [CONTENTS] 32 fl oz (1 qt / 946 mL)

[Use Chemsico Insecticide Concentrate 5L-T to treat infested areas and areas likely to be infested, such as wood surfaces, voids and channels in damaged wood, spaces between wooden parts of a structure, and between wood and foundations. Also use it to treat around fenceposts, wood piles (do not use on firewood) and tree stumps.]

OPTIONAL PRODUCT FACTS BOX

PRODUCT FACTS

WHAT IT DOES

Kills Carpenter Ants, Termites*, Carpenter Beetles and Other Wood Destroying Pests

WHERE TO USE – (outdoor icon)

Outdoors around Foundations, Outside Buildings, Porches, Wood Piles, Wooden Fences and Decks

QUESTIONS & COMMENTS: (phone and computer ICON)

Call 1-800-332-5553 or Visit our Website at www.spectracide.com

*FOR LOCALIZED CONTROL ONLY.

STOP. READ ENTIRE LABEL BEFORE USE.

[STOP! READ ALL INSTRUCTIONS INSIDE BEFORE USING.
 PEEL HERE. PRESS TO RESEAL.]

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.



Keep people and pets off treated areas until spray has dried.

- Do not water the treated area to the point of run-off.
- Do not make applications during rain.
- All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:
 1. Treatment to soil or vegetation around structures.
 2. Applications to lawns, turf, and other vegetation.
 3. Applications to building foundations, up to a maximum height of 3 feet. Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.
- Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

213

In New York State, this may not be applied to lawns within 100 ft of a coastal marsh, or stream that drains into a coastal marsh.

OUTDOORS TO CONTROL WOOD DESTROYING INSECTS

Mix 7.5 fl oz with enough water to make one gallon.

Treat infested areas and areas likely to be infested, such as wood surfaces, voids and tunnels [channels] in damaged wood, behind veneers, in structural voids (between stud walls and spaces between wood and foundations, along cracks, along crawl spaces and around outside buildings, porches, wood piles, wooden fences and decks. Kills **exposed subterranean termites***, **dampwood termites***, **drywood termites***, **carpenter ants**, **ambrosid beetles**, **death hunter beetles**, **false powderpost beetles** and **powderpost beetles**.

CARPENTER BEES

Mix 0.5 fl oz with enough water to make one gallon.

Treat active tunnels where carpenter bee activity has been observed. Leave the entrance hole open for 48 hours after application to allow the bees to contact and distribute the insecticide throughout the nest galleries. Then plug the entrance hole with a piece of wooden dowel coated with carpenter's glue or wood putty. Plugging the hole will prevent re-infestation of old nesting tunnels and reduce the chances of wood decay.

[NUSIANCE] PESTS OUTSIDE THE HOME

[HOME BARRIER TREATMENT] Mix 0.5 fl.oz. (1 Tablespoon) in one [1] gallon of water and apply as a continuous band of insecticide around building foundation and around windows, doors, eaves, vents and other areas to greatly reduce the potential for entry by crawling pests. For easier application, remove debris and leaf litter from next to the foundation, cut back vegetation and branches that touch the foundation, and move or rake back rocks, deep mulch, or other potential pest harborage next to the foundation. Apply a 3 ft. band around the structure and upwards along the foundation to 3 feet and around windows, doors, and roof overhangs. Apply as a coarse spray to thoroughly and uniformly wet the foundation and/or band area so that the insecticide will reach the soil or thatch level where pests may be active. One [1] gallon will treat 250 sq. ft. of surface area. Repeat application every 8 weeks [2 months].

OUTDOOR SURFACES USE: For control of ants**, centipedes, cockroaches, crickets, fleas, millipedes, mosquitoes, palmetto bugs, scorpions, sowbugs, pillbugs, spiders, deer ticks and waterbugs. Mix 0.5 fl.oz. (1 Tablespoon) in one gallon of water and apply as a residual treatment to ornamental plants next to foundations of buildings and to surfaces of buildings, porches, screens, window frames, eaves, patios, garages and other similar areas where these pests are active. Repeat application every 8 weeks [2 months].

#Note: This product is non-staining to most home siding depending on age and cleanliness. However, before using in areas where the spray can contact home siding (vinyl siding in particular), test in an inconspicuous area and recheck in a few hours. Do not use if any staining is observed.

LAWNS

HOW TO MIX AND APPLY

STEP 1

Determine size of spraying job. Measure the area to be sprayed. Make applications when insects first appear. Applications should be repeated only as directed to maintain control.

STEP 2

Use a clean sprayer. Carefully measure and mix the amount of product and water as indicated in the [rate chart][directions]. It is always a good idea to wear [disposable] gloves when handling pesticides. **Kitchen utensils such as measuring cups and measuring spoons should not be used for food purposes after use with pesticides.**

STEP 3

Spray as directed. Thorough coverage is important.

STEP 4

Flush sprayer with clean water after each use.

UNDERGROUND INSECTS/THATCH INFESTING INSECTS including Blue grass billbug (adult), Black turfgrass *Ataenius* (adult), chiggers, chinch bugs, white grubs (Japanese beetle, European chafer, Southern chafer), dung beetle and hyperodes weevils (adult), European crane flies, and mole crickets (nymphs and young adults) Mix 0.5 fl.oz. (1 Tablespoon) in 1 gallon of water to treat 125 sq.ft. or 4 fl.oz. in 8 gallons water to treat 1000 sq.ft. For sub-surface insect control (mole crickets, grubs) water treated area with additional ¼ to ½ inch of water for optimum results. [1 quart of Chemsico Insecticide Concentrate 5L-T treats 8,000 sq. ft.]

SURFACE INSECTS including ants, armyworms, crickets, cutworms, earwigs, fleas, lawn moths (sod webworms), millipedes, sowbugs, mites, spittlebugs, deer ticks (which may transmit Lyme Disease).** Thoroughly wet down grass a few hours before applying. Mix 0.5 fl.oz. (1 Tablespoon) in 1 gallon of water to cover [treat] 250 sq. ft. or 2 fl.oz. (4 Tablespoons) in 4 gallons of water to cover [treat] 1000 sq.ft. of lawn. Delay additional watering or mowing for 24 hours after application for optimum control of surface insects. For heavy infestations use rate can be increased to 3 fl.oz./ 1000 sq.ft. [1 quart of Chemsico Insecticide Concentrate 5L-T treats 16,000 sq. ft.]

WHEN TO TREAT: Treat the following pests during the months indicated or when first noticed.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
				Billbugs			Grubs				
				Dung beetle grubs							
				Hyperodes weevils							
Treat ants* and other insects when they first appear or you notice lawn damage.											

*For localized control only. The purpose of such applications of this product for termites is to kill workers or winged reproductive forms which may be present in treated channels at the time of treatment. Such applications are not a substitute for mechanical alteration, soil treatment or foundation treatment but are merely a supplement. This product is not recommended as sole protection against termites. For active termite infestations, get a professional inspection.

**Argentine, Southern, Field, Allegheny mound, Florida carpenter, Cornfield, Honey, Pavement, Nuisance.

REFILL DIRECTIONS

To Refill Chemsico Home Insect Control 3L EZ SPRAY™
Refill only with Chemsico Insecticide Concentrate 5L-T. Remove cap. Carefully measure and pour 7½ fl oz of concentrate into empty one gallon EZ Spray container of Chemsico Home Insect Control 3L, and fill to one gallon with water. Replace and tightly close cap. Wipe off any spilled product. See the EZ SPRAY label for complete directions.

STORAGE AND DISPOSAL

Storage: Store in a cool, dry area away from heat or open flame. **Disposal:** 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. Harmful if swallowed. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating drinking, chewing gum or using tobacco.

First Aid

If Swallowed: Call a Poison Control Center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a Poison Control Center or doctor. Do not give anything by mouth to an unconscious person. **If in eyes:** Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the

first 5 minutes, then continue rinsing eye. 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

This pesticide is extremely toxic to fish. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. 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.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

NOTICE: To the extent consistent with applicable law, buyer assumes all responsibility for safety and use not in accordance with directions.

OPTIONAL GUARANTEE STATEMENT

*****(Guaranteed Results ICON)** 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 toll free 888-KILL-TERMITES (888-545-5837) for assistance in using this product.

Made in the USA by Chemsico
Division of United Industries Corporation
P. O. Box 142642
St. Louis, MO 63114-0642

EPA Reg. No. 9688-231
EPA Est. No. 9688-MO-1
© 2009