

9688-233

3/20/2012

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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

MAR 20 2012

Dear Ms. Goldberg:

Subject: Application for Pesticide Notification (PRN 98-10)
Add alternate brand name: TAT Wasp & Hornet Killer 3
Chemsico Wasp & Hornet Killer DL
EPA Reg. No. 9688-233
Your submission dated January 16, 2012

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 16, 2012 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. The Agency's records will be updated to include the Alternate Brand Name: TAT Wasp & Hornet Killer 3.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions regarding this letter, please contact Dana Pilitt, PhD of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Suarez", written over a horizontal line.

Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7505P)

2015

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 9688-233	2. Product Manager M. Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemsico Wasp & Hornet Killer DL	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 <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 the product for which the notification is being submitted. NOTIFICATION MAR 20 2012 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.)
Please find the enclosed notification per PRN 98-10 to add the optional marketing claims "Up to 29 ft Jet Spray." At this time, we are also taking the opportunity to add the Alternate Brand Name TAT Wasp & Hornet Killer 3. (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 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	<input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container 10, 12, 14, 15, 16, 17, 17.5, 19, 20, 22 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 checked="" 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 January 16, 2012	

Chemsico

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

Janaury 16, 2012

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: Mr. Mark Suarez
Product Manager Team 13

Subject: **NOTIFICATION: Label Notification per PRN 98-10 & Alternate Brand Name
Chemsico Wasp & Hornet Killer DL
EPA Reg. No. 9688-233**

Please find the enclosed notification per PRN 98-10 to add the optional marketing claims "Up to 29 ft Jet Spray." At this time, we are also taking the opportunity to add the Alternate Brand Name *TAT Wasp & Hornet Killer 3*. All proposed changes have been highlighted on the label.

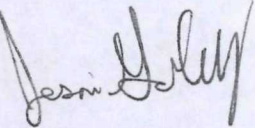
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false 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. 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 in advance for your time.

Sincerely,



Jessica Goldberg
Regulatory Affairs Specialist

Front Panel

CHEMSICO WASP & HORNET KILLER DL

ALTERNATE BRAND NAME: No-Pest Wasp & Hornet Killer 4
ALTERNATE BRAND NAME: TAT Wasp & Hornet Killer 3

[Kills on contact · Water-based · *Non-staining · No oily residue · Kills on contact from 20 ft. · Kills on contact from 20 ft. away · Spray kills on contact up to 20 feet · Kills on contact up to 20 feet · [20] [22] [25] [27][29] ft. Jet Spray · Up To [20] [22] [25] [27][29] ft. Jet Spray · **Guaranteed Results [or Your Money Back] · Blanketing foam kills on contact]

NOTIFICATION

MAR 20 2012

Active Ingredients:	
d-trans allethrin	0.05%
Lambda-cyhalothrin	0.01%
Other Ingredients	99.94%

KEEP OUT OF REACH OF CHILDREN

CAUTION See back for additional precautionary statements

Net Wt 14 oz (396 g)

[Bracketed Text] = Optional Language

Chemsico Wasp & Hornet Killer DL is designed to kill wasps, hornets, yellow jackets. This product also kills mud daubers, tent caterpillars and scorpions.

Optional Fact Box

What it Does:

Kills Wasps, Hornets, Yellow Jackets, Scorpions, Mud Daubers, and Tent Caterpillars

Where to Use:(icon outdoor)

Outdoors Where Insects Live and Breed

Questions & Comments: (icon phone and icon computer)

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

Back panel

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. **Never use indoors.**

- 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
- 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.

OPTION 1 - PARAGRAPH FORM

SHAKE WELL BEFORE EACH USE. Aim spray away from person. Push out/on to spray. If it's windy, stand with the wind at your back to avoid spray drift.

WASPS, HORNETS AND YELLOW JACKETS:

Application should be made in late evening when insects are least active. Spray

40f5

liberally, soaking the nest. Wait at least 24 hours before removing the nest.

Use of this product on evergreen and holly is not recommended as damage may result.

Do not use this product in or on electrical equipment due to possibility of shock hazard.

*This product is non-staining to most home siding depending on age and cleanliness. Before using in areas where the spray may contact home siding, test in an inconspicuous area and recheck in a few hours.

OPTION 2 – SIMPLIFIED DIRECTIONS

1. Apply at sunset when insects are least active (graphic-sunset)
2. Stand a safe distance from the nest. Don't stand directly underneath.
3. Shake can well before each use. Aim spray away from person. Push button to spray. (graphic-hand w/can)
4. Spray the nest until soaked. (graphic-nest).
5. Wait at least 24 hours before removing the nest.

Use of this product on evergreen and holly is not recommended as damage may result.

*This product is non-staining to most home siding depending on age and cleanliness. Before using in areas where the spray may contact home siding, test in an inconspicuous area and recheck in a few hours.

USE TIPS

- If it's windy, stand with the wind at your back to avoid spray drift.
- Do not use this product in or on electrical equipment due to possibility of shock hazard.

OTHER PESTS (For both formats)

Tent Caterpillars: Apply in the late afternoon or evening when caterpillars have returned to their tents. Soak tents on all sides. **Scorpions:** Stand at a safe distance and use the power of the jet spray to reach and cover the scorpion. **Ants:** Spray trails, nest and point of entry. Spray on ants where possible.

STORAGE AND DISPOSAL

Storage: Store in cool, dry area away from heat or open flame. **Disposal:** Do not Puncture or incinerate! **If empty:** 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.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: 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 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 eyes. Have the product container with you when calling a Poison Control Center or doctor, or going for treatment.

Environmental Hazards - This pesticide is toxic to fish. Do not apply directly to water.

Physical Hazards

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperature above 130° F may cause bursting.

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

[Questions or comments? Call 1-800-332-5553]

[Contains NO CFC's or other ozone depleting substances. Federal regulations prohibit CFC propellants in aerosols.]

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

EPA Reg. No. 9688-233
EPA Est. No. 9688-MO-1

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