



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Kathie J. Tryson
Director, Pesticide Regulatory Affairs
Chemsico
Division of United Industries Corporation
P.O. Box 142642
St. Louis, MO 63114-0642

MAY 1 2009

SUBJECT: Application for Pesticide Notification – Several Optional Marketing Statements Related to
the Color of the Product to be Used in Conjunction with Alternate Formula 4
Pursell 3 Deep M & B Granular
EPA Reg. No. 9688-234
Application Dated November 22, 2006

Dear Ms. Tryson:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 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 actions requested fall within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

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

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

2/4



United States Environmental Protection Agency
Office of Pesticide Programs (H7505C)
Washington, DC 20460

Registration
Amendment
Other

OPP Identifier Number

Application for Pesticide:

Section I

1. Company/Product Number 9688-234	2. Product Manager J. Miller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Pursell 3 Deep M & B Granular	PM# 23	
5. Name and Address of Applicant (include ZIP Code) Chemsico, Division of United Industries Corporation PO Box 142642 St. Louis, Missouri 63114-0642 <input type="checkbox"/> Check if this is a new address	6 Expedited Review. In accordance with EPA regulation 3(c)(3)(b)(i), my product is similar or identical in composition and labelling to: NOTIFICATION MAY 01 2009 EPA Reg. No. _____ Product Name _____	

Section II

Amendment - Explain below
 Resubmission in response to Agency letter dated _____
 Notification - Explain below.

Final printed label in response to Agency letter dated _____
 "ME TOO" Application.
 Other - explain below

Explanation: Use additional page(s) if necessary. (For section I and Section II)

Notification per PR Notice 98-10 of several optional label marketing statements related to the color of the product, to be used in conjunction with Alternate Formula 4. See cover letter for details.

Section III

1. Material in Which This Product Will Be Packaged:

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	2. Type of Container <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
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container	
6. Manner in Which Label Is Affixed To Product <input type="checkbox"/> Lithographed <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	

Section IV

1. Contact Point (Complete items directly below for identification of the individual to be contacted, if necessary, to process this application)

Name Kathie J. Tryson	Title Director, Pesticide Regulatory Affairs	Telephone No. (include Area Code) 1-800-242-1166 Ext 2752
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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.

2. Signature 	3. Title Director, Pesticide Regulatory Affairs	6 Date Application Received (Stamped)
4. Typed Name Kathie J. Tryson	5. Date November 22, 2006	

4/7

Page 2
Ms. Joanne Miller
U.S. Environmental Protection Agency
Notification per PR Notice 98-10
Pursell 3 Deep M & B Granular
EPA Reg. No. 9688-234
November 22, 2006

This notification is consistent with the provision of PR Notice 98-10 and the requirements of EPA regulations at 40 CFR 156.10 and 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 156.10 and 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:

- Application for Pesticide Notification on EPA Form 8570-1.
- Two copies of the proposed label with Additional Optional Marketing Statements added to the back panel, plus an additional copy with the changes highlighted.
- One copy of the EPA stamped approved label, Final Printed Labeling, and a subsequent Notification for your reference.

Please call me at 314-683-2752 if you have questions or need further information. Thank you very much for your attention to our Notification.

Sincerely,



Kathie J. Tryson
Director, Pesticide Regulatory Affairs

5/7

Pursell 3 Deep M & B Granular

Front Panel

For outdoor residential use only.

- Ready to Use
- Controls Crabgrass, Goosegrass, Foxtail, and other weeds from sprouting and growing in mulched areas

For Use On:

- Outdoor Bedding Areas
- Around ornamentals, trees, shrubs

NOTIFICATION

MAY 01 2009

ACTIVE INGREDIENT:

Dithiopyr 0.0002%
 OTHER INGREDIENTS 99.9998%
 [TOTAL..... 100.0000%]

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel for precautionary statements.

Net Wt. 23 lbs. (10.43 kg), 34.5 lbs. (15.64 kg),
 46 lbs. (20.86 kg)

Net Contents: 1 CF (28.31 L), 1.5 CF (42.47 L),
 2 CF (56.63 L)

Back Panel

[Optional Marketing Paragraphs]

[Pursell 3 Deep M&B Granular][This product] was developed after several years of research and development. It is a natural, premium quality mulch that, when used as directed, provides increased weed control vs. ordinary mulches. It contains an herbicide for weed control for up to 4 months. This product protects plants from extreme temperatures and also helps retain soil moisture.

This mulch is made with either pine bark or cypress bark, natural by-products of the timber industry. These materials are ideal for mulches because they naturally degrade over time, turning into valuable organic matter.

This mulch contains only natural forest products and contains no recycled waste wood.]

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.

USE PRECAUTIONS

- **WEAR GLOVES WHEN HANDLING.**
- Do not apply near fish pools, ponds, streams, or lakes.
- **Do not use this mulch around fruit or fruit trees, vegetables, herbs, or other edible food plants.**

HOW TO USE

When to Use:

Apply in the Spring or Fall when landscaping. Wait at least 12 weeks before making a repeat application. (In New York, make only one application per year; see directions below.)

How Much to Use:

IN NEW YORK

MAKE ONLY ONE APPLICATION PER SITE PER YEAR. Apply 1.5 inches of untreated mulch. THEN topdress the area with 1.5 inches of this product to reach a total depth of 3 inches. One cubic foot of this product will cover 8 square feet at this rate.

IN ALL OTHER STATES

Spread this product to a depth of 3 inches. One cubic foot of this product will cover 4 square feet. Make no more than 2 applications per site per year.

WEED SEEDS CONTROLLED

Annual Ryegrass	Barnyardgrass	Crabgrass
Crowfootgrass	Goosegrass	Green Foxtail
Kikuyugrass (seedling)	Bittercress	
Smutgrass (seedling)		
Yellow Foxtail	Buttercup Oxalis	Chickweed
Carolina Geranium	Henbit	
Common Lespedeza	Common Purslane	
Corn Speedwell	Creeping Oxalis	
Parsley-piert	Pineappleweed	
Perennial Ryegrass	Prostrate Spurge	
Spotted Spurge	Yellow Woodsorrel	

[bracketed text] = optional language

6/7

WHERE TO USE

Product may be applied to areas around the following plants, shrubs and trees:

Dwarf Abella
Ajuga
Flowering Almond
Apple*
Arborvitae
Golden Arborvitae
Chinese Aster
Ash Green
Mountain Ash
Purple Ash
Azalea
Flame Azalea
Kirishima Azalea
Heavenly Bamboo
Barberry
Purple Barberry
Bearberry(common)
River Birch
Blueberry*
Bottlebrush
Japanese Boxwood
Weller Boxwood
Broom
Bugle Carpet
Camellia
Variegated Carex
Red Cedar
Plumosa Cockscomb
Coleus
Copper leaf
Cotoneaster
Coyotebrush
Cycads
Bald Cypress,
Italian Cypress
Japanese False Cypress
Leyland Cypress
Daffodil
Daylily
Dogwood

American Dogwood
Douglas Fir
Dusty Miller
Drake Elm
Euonymus
European Fan Palm
Mexican Fan Palm
Fescue
Fetterbush
Ficus
Forsythia
Fir Fraser
Gardenia
Geranium
Gum
Hawthorn
Twisted Heather
Hibiscus
Canada Hemlock
Holly
Chinese Holly
Japanese Holly
Yaupon Holly
Honeysuckle
Hosta
Ice Plant
Impatiens
Iris
English Ivy
Asian Jasmine
Juniper
King Palm
Australian Laurel
Mountain Laurel
Leucothoe
African Lily
African blue Lily
Lily of the Valley
Lilyturf
Ligustrum, Japanese

Green Liriope
Japanese Maple
Norway Maple
Red Maple
Silver Maple
Sugar Maple
Marigold
Mock Orange*
Mondo Grass
Moss Rose
Crape Myrtle
Wax Myrtle
Nadina
Laurel Oak
Pin Oak
Red Oak
Southern L Oak
Willow Oak
Oleander
Oteospermum
Palm, Bangalow
Pampas Grass
Paper Flower
Pachysandra
Peach*
Periwinkle, Dwarf
Petunia
Red Tip Photinia
Pieris
Australian Pine
Japanese Black Pine
Loblolly Pine
Longleaf Pine
Mugho Pine
Scotch Pine
Slash Pine
Swiss Mt.Pine
Virginia Pine
White Pine
Guava Pineapple

Japan Pittosporum
Potentilla
Privet
Glossy Privet
Pyracantha
Queen Palm
Japanese Quince *
Rhododendron
Carolina Rhododendron
Catawba Rhododendron
Rodie Max (Rosebay)
Rose
Rosemary*
Bog Rosemary
Salvia
Sedum
Spiraea
Garland Spiraea
Black Hills Spruce
Colorado Blue Spruce
Norway Spruce
White Spruce
Sourwood
Grassy-Le Sweetflag
Sweetgum
Sycamore
Tree Fern (Tiki Fern)
Evening Trumpet Flower
Tulip
Shrub Verbana
Vervain
Viburnum
Windmill Palm
Xylosma
Yaupon
Yew

* Ornamental Species ONLY: DO NOT USE ON FOOD PRODUCING TREES AND ORNAMENTALS

STORAGE AND DISPOSAL

- Storage :** • Store in original container in a cool, dry place, out of the reach of children, preferably in locked storage.
- Disposal: If Empty:** • Do not reuse this bag.
 • 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**

- Causes eye irritation.
- Harmful if inhaled.
- Avoid prolonged contact with skin, eyes, or clothing.
- Wash thoroughly with soap and water after handling.
- If product gets on clothes, wash before reuse.
- Prolonged or repeated skin contact may cause allergic skin reactions in some individuals

[bracketed text] = optional language

4/9

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 eye. Call a Poison Control Center or doctor for treatment advice.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a Poison Control Center or doctor for further 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 product is toxic to fish and highly toxic to other aquatic organisms including oysters and shrimp. Use with care when applying to areas adjacent to any body of water. Runoff from treated area may adversely affect aquatic organisms in adjacent aquatic sites.
- Do not apply directly to water.
- Do not contaminate water when cleaning equipment or disposing of equipment washwater.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.

Fill is by volume. Some settling may occur during shipment.

Questions or Comments? Call 1-800-888-xxxx

EPA Reg. No. 9688-234 EPA Est. No. 9688-MO-1

Manufactured for Chemsico
Division of United Industries Corp.
P.O. Box 142642
St. Louis, MO 63114

NOTIFICATION

MAY 01 2009

OPTIONAL MARKETING CLAIMS
[May be used on some product labels.]

1. Controls weeds [for] up to 4 months
2. Can be spread around existing flowers, trees and shrubs
3. Provides pre-emergent control of Crabgrass, Goosegrass, Foxtail and Spurge
4. Controls listed weeds so your flower beds may not have to be hand-weeded
5. Mulch from Natural Forest Products! Contains no recycled waste wood.
6. The Easy Way to a Beautiful Landscape!
7. Colorstay Technology Keeps Color All Season Long - Guaranteed!*
* If you apply Pursell 3 Deep M&B Granular as directed and are not completely satisfied, send proof of purchase from this package and the original cash register receipt to the address below. We will refund the purchase price you paid.
8. Note: Some color fading of exposed material will occur due to natural product degradation. To optimize color, it is recommended to turn the top 1 inch of mulch every 3 to 4 months.
9. Midnight Black Colored Mulch
10. Regal Red Colored Mulch

[bracketed text] = optional language