

9688-248

9/29/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Jessica Goldberg
Chemsico
P.O. Box 142642
St. Louis, MO 63114-0642

SEP 29 2010

Subject: EPA Reg. 9688-248 / Chemsico Herbicide TSA Notification

Dear Ms. Goldberg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 8-19-10 for the product EPA Reg. 9688-248 / Chemsico Herbicide TSA. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 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 call Erik Kraft at 703-308-9358 or email at Kraft.Erik@epa.gov or Kathryn Montague at 703-305-1243 or Montague.Kathryn@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Kathryn V. Montague".

Kathryn Montague
Team Leader
Herbicide Branch, Team 23
Registration Division (7504P)

Chemsico

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

August 19, 2010

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. Kathryn Montague
Product Manager Team 23

Subject: **NOTIFICATION: Label Notification per PRN 98-10**
Chemsico Herbicide TSA
EPA Reg. No. 9688-248

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

A. Pesticide Registration (PR) Notice 98-10:

Enclosed is our notification to add the optional marketing claims “[*Money Back Guarantee]”, and “[*Results Guaranteed][*Or Your Money Back].” Please see the attached copy of the proposed label with changes highlighted.

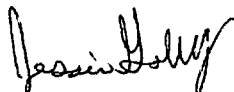
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false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

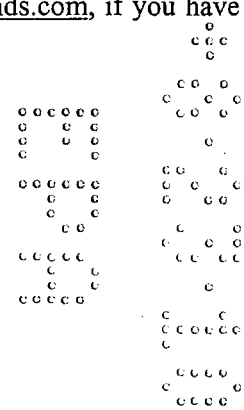
1. Application for Pesticide (EPA Form 8570-1)
2. One copy of the proposed label *with changes highlighted*
3. One clean copy of the proposed label

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



Chemsico Herbicide TSA

[SEE APPENDIX FOR CONSOLIDATED LIST OF MARKETING CLAIMS

NOTIFICATION
SEP 29 2010

Active Ingredients:

| | |
|----------------------------------|---------|
| Diquat Dibromide..... | 0.18% |
| Fluazifop-p-butyl..... | 0.06% |
| Dicamba, dimethylamine salt..... | 0.04% |
| Other ingredients..... | 99.72% |
| [Total.....] | 100.00% |

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

Net Wt 17.5 oz (1 lb 1.5 oz/496 g)

OPTIONAL PRODUCT FACT BOX

Product Facts
KILLS WEEDS

[illustrate grassy, broadleaf and woody weeds]
ALL TYPES OF WEEDS [AND][&] GRASSES

WHERE TO USE:

- On patios, walkways or driveways
- In flower beds
- Around shrubs [and][&] trees
- Along fences [and][&] foundations
- Other areas in your yard
- Edging around lawns

Questions & comments: (phone icon) (computer icon)
Call 800-332-5533 or www.(address)

OPTIONAL MARKETING LANGUAGE

[Chemsico Herbicide TSA eliminates all types of common weeds and grasses [as listed]. (illustrations) This product can be used [for] [edging around lawns] [ornamental garden plot preparation] in driveways, walkways, curbs, along fences and foundations, near trees and shrubs, in flower beds, mulch beds and other similar areas of the yard to get rid of undesirable vegetation.]

[This product [is a non-selective herbicide that] will kill any vegetation contacted. It enters plants through the leaves and moves down to the roots. This will ensure that the entire plant is eliminated. Avoid direct spray or drift onto desirable plants, lawn grasses, shrubs, and trees. Protect desirable plants and vegetation with a piece of plastic or cardboard. If desirable plants are accidentally sprayed, wash plants with water immediately. This product has no soil activity and thus will not affect nearby untreated plants.]

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[KILLS] [CONTROLS] MOST COMMON [TOUGH] WEEDS AND GRASSES INCLUDING:

[Annual weeds and grasses: Annual ryegrass, annual bluegrass, barnyardgrass, beggarweed, black medic, blue medic, blue toadflax, brassbuttons, blue mustard, bromegrass, bur clover, buttercup, cheeseweed, chickweed, clover, common groundsel, common lambsquarters, common plantain, common ragweed, crabgrass, creeping beggarweed, diffuse lovegrass, dog fennel, evening primrose, false dandelion, fall panicum, fennel, fiddleneck, field pennycress, field sandbur, filaree, Florida pusley, foxtail, garden spurge, goosegrass, green foxtail, hemp sesbania, henbit, horseweed/marestail, ironweed, knotweed, lambsquarters, little bitter cress, London rocket, maiden cane, mallow, mayweed, mouseear chickweed*, oxalis*, Pennsylvania smartweed, pennywort, pigweed, prickly lettuce, prostrate purple, puncture vine, purslane, redroot, pigweed, sandspur, shepherdspurge, smartweed, smooth cat's ear, smooth pigweed, sowthistle, spotted spurge, sprangletop, spurges, tansy mustard, tansy ragwort, teaweed, Texas panicum, tumble mustard, velvetleaf, wild geranium*, witch grass, wild mustard, yellow nutgrass, yellow oxalis (and many other annual grasses and weeds)]

[Perennial weeds, grasses, brush:

Alder, artichoke thistle, bahiagrass, barnyardgrass, bentgrass, Bermudagrass, bluegrass, broadleaf plantain, brownseed, paspalum, buckhorn plantain, bull thistle, Canada thistle, cattail, ceanothus, centipedegrass, cocklebur, cogongrass, common mullein, common ragweed, coral bead, creeping Charlie, curly dock, dallisgrass, dandelion, dewberry, dog fennel, false dandelion, fescue species, field bindweed, guineagrass, hairy crabgrass, horsenettle, horseradish, iceplant, Johnsongrass, Kentucky bluegrass, kikuyugrass, knapweed, knawel, lantana, maiden cane, milkweed, mouseear chickweed*, nimblewill, nutgrass (nutsedge), oldenlandia, orchardgrass, oxalis*, pampasgrass, pennywort, perennial ryegrass, plantain, purple cudweed*, purple nutsedge, quackgrass, quaking aspen, ragweed, red clover, smooth bromegrass, sourdock, sowthistle, St. Augustine grass, tall fescue, tansy ragwort, Timothy, torpedograss, trumpetcreeper, vaseygrass, Virginia creeper, white clover, whitetop, wild barley, wild blackberry, wild carrot, wild morning-glory, wild oats, yarrow, yellow nutgrass, yellow starthistle, zoysia.]
*annual or perennial

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. *For outdoor residential use only.*



Do not allow people or pets to touch treated plants until the sprays have dried.

APPLICATION RESTRICTIONS

Do not apply this product in a way that will contact any person or pet, either directly or through drift. Only persons applying this product may be in the area during application.

USER SAFETY RECOMMENDATIONS

Clothing and protective equipment exposed to this product should be washed in detergent and hot water. Such items should be kept and washed separately from other laundry.

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users should remove clothing and protective equipment immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

How to Use

- [Remove Protective Cap and] Shake well before each use
- Completely cover the foliage [leaves] of the target vegetation [plant]. Do not overspray.
- Sprayed plants begin yellowing and wilting in hours, with complete kill, including the roots, in 1 to 2 weeks.
- Protect desirable plants with a piece of plastic or cardboard.
- If desirable plants are accidentally sprayed, wash plants with water immediately.
- Do not mow, cut or otherwise disturb treated [vegetation] [weeds] or [plants] for at least 7 days following application.
- Do not use on or around edible feed or food crops.

JLW

[When to Apply] [Use Tips]

- For best results apply during warm, sunny weather (above 60°F) when weeds are actively growing and no rain is forecast for 24 hours. Rainfall or watering 15 minutes after application will not wash away effectiveness.
- To avoid drift to desirable plants, apply when the air is calm.

Not recommended for spot weed treatment in established lawns since lawn grasses will also be killed.

STORAGE AND DISPOSAL

Pesticide Storage: Store in a cool dry area away from heat or open flame. Do not puncture or incinerate! **Pesticide Disposal: If empty:** Place in trash or offer for recycling if available. **If partially filled:** Call your local solid waste agency for disposal instructions.

PRECAUTIONARY STATEMENTS**Hazards to Humans and Domestic Animals**

CAUTION. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear long-sleeved shirt, long pants, shoes and socks. Wash thoroughly with soap and water after handling.

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 on Skin or Clothing:** Take off contaminated clothing. Rinse skin with plenty of water for 15-20 minutes. Call a Poison Control Center or doctor for treatment advice.

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

Physical or Chemical Hazards

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

Environmental Hazards

This pesticide is toxic to aquatic invertebrates. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters.

NOTICE: To the extent required by 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, gated, store receipt showing the price you paid. Please allow 6-8 weeks for processing.]

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

[Questions or Comments? call 1-800-332-5553]

EPA Reg. No. 9688-248

EPA Est. No. 9688-MO-1

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CHEMSICO HERBICIDE TSA MARKETING CLAIMS

1. *Guaranteed Results [or your money back]
2. [Better] [Best] value
3. [Formula] enters the plant within one to two hours [won't wash off]
4. Improved Formula
5. Absorbed into the plant
6. Absorbed on Contact
7. Can be Used Over the Root Zones of Trees, Shrubs or Desirable Plants
8. Control that doesn't wash away
9. Controls [Hardy] [Tough] [Hard To Kill] Weeds and Grasses
10. Dead [weeds] [and] [grass] in 24 hours [and they'll never come back]
11. Dead Weeds Guaranteed* [*Or Your Money Back]
12. Does not have soil activity
13. Do-it-yourself weed killer
14. Effective even if it rains
15. Eliminates [kills] all common weeds and grasses
16. Eliminates Roots & Weeds, [Guaranteed*]
17. Eliminates Weeds, [Guaranteed*]
18. Exclusive Formula
19. Fast & [and] complete

20. Fast Acting [Formula]
21. For [Spot] Treatment of Unwanted Weeds and Grasses
22. For use [Ideal] [Can be Used] [Use in and around] [in] [on] [for] [along] flowerbeds
23. For Use [Use] [Ideal] [Can be Used] [Use in and around] [in] [on] [for] [along] [around] [fences], [driveways], [walkways], [shrubs], [trees] [ornamentals] [Walks] [Mulch Beds] [Gravel] [and] [Driveways] [Curbs]
24. For walks, drives, fences, patios and similar areas
25. Keeps Working, Even If it Rains
26. Kills All Treated Weeds
27. Kills Even Tough Weeds & Grasses
28. Kills from the Inside Out
29. Kills over 155 types of weeds [as listed]
30. Kills over 155 varieties of broadleaf and grassy weeds [as listed]
31. Kills the Entire Plant
32. Kills the Root!
33. Kills the Root So Weeds Won't Grow Back
34. Kills the Weed you see and the Root you Don't
35. Kills Weeds and Unwanted Grasses, [Roots and All]
36. Kills Weeds in [a] [one] day
37. No Measuring
38. No Mixing [Required] [Necessary]
39. No residual activity in soil
40. No Root, No Weeds, [Guaranteed]
41. No Soil Activity
42. Overnight results
43. Quick-Kill Formula
44. Rainfast in 15 minutes for control that doesn't wash away [won't wash away]
45. Rainfast in Minutes – Starts to enter the Plant on Contact
46. Rainproof in 15 Minutes [for Control That Won't Wash Away]
47. Ready-To-Use
48. Replant flowers, trees & shrubs [in half the time of other brands] [the same weekend]
49. Can be used around trees & shrubs
50. Satisfaction guaranteed [or your money back] [with proof of purchase]
51. See Results [in as little as][as fast as] 3 Hours!
52. Starts to work [in as little as][as fast as] 3 Hours
53. Starts Working [in as little as][as fast as] 3 Hours
54. Systemic formula
55. Systemic Weed and Grass Killer
56. Triple Action Formula

57. Water-based
58. Won't Wash Away
59. Works First Time, [Every time]
60. Works 3 Ways : (1)Results in 24 hrs, (2) Kills over 155 varieties of Broadleaf & Grassy Weeds as listed, (3) Kills the Root
61. Starts Working Immediately !
62. Use on Paved & Landscaped Areas
63. Works the first time [guaranteed*] or your money back!
64. [*Money Back Guarantee] [*Results Guaranteed] [*Or Your Money Back]

Aerosol Formulation Optional Claims

1. New [easy to apply][aerosol] formula
2. Less Mess
3. No Mess
4. No Runoff
5. No Drip
6. Cover[s] weeds in a blanketing foam
7. Clinging aerosol foam
8. Stays [on the weed][where you spray it]
9. Clings to the weed
10. Easy to use[aerosol]
11. Perfect for small [yards][areas]
12. [No][Less] Hand Fatigue
13. [New] Foaming Action
14. See where you spray
15. Point and shoot [aerosol]
16. 100% Root Kill
17. Kills all types of Weeds and Grass
18. One shot kills the weeds