

9688-248

7/27/2012

1 of 7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JUL 27 2012

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

Subject Label Notification Per PR Notice 98 10
Chemsico Herbicide TSA
EPA Reg No 9688 248
Date Submitted May 1 2012

Dear Ms Goldberg

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98 10 dated May 1 2012 for the product referenced above 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 regarding this letter please contact Jasmine Branch at (703) 347 0351 or branch.jasmine@epa.gov

Sincerely

Kathryn Montague
Product Manager 23
Herbicide 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 248	2 Product Manager K Montague	3 Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4 Company/Product (Name) Chemsico Herbicide TSA	PM# 23	
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 labelling to NOTIFICATION EPA Reg No _____ Product Name _____ JUL 27 2012	

Section II

<input type="checkbox"/> Amendment Explain below	<input type="checkbox"/> Final printed label in response to Agency letter date
<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 the attached copy of the proposed label with changes highlighted (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 No per Unit package wgt 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 (if include Area Code) 314 683 2458
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 May 1 2012	

Chemsico

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

May 1 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 Ms Kathryn Montague
Product Manager Team 23

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

Pesticide Registration (PR) Notice 98 10

Enclosed is our notification to add optional marketing claims Please see the attached copy of the proposed label with changes highlighted

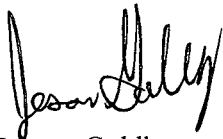
This notification is consistent with the provisions of PR Notice 98 10 and EPA regulations at 40 CFR 152 46 and no other changes have been made to the labeling or the confidential statement of formula of this product I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement 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 314 683 2438 or via email jessica.goldberg@spectrumbrands.com if you have question or need further information Thank you in advance for your time

Sincerely



Jessica Goldberg
Regulatory Affairs Specialist

Chemsico Herbicide TSA

NOTIFICATION
JUL 27 2012

[SEE APPENDIX FOR CONSOLIDATED LIST OF MARKETING CLAIMS

OPTIONAL PRODUCT FACT BOX

Product Facts
KILLS WEEDS

[illustrate grassy broadleaf and woody weec.]
ALL TYPES OF WEEDS [AND]& GRASSES

WHERE TO USE

On patios walkways or drivewa /
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]

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)

[Bracket text = Optional Language]

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

[Annual weeds and grasses Annual ryegrass annual bluegrass barnyardgrass beggarweed black 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 spurge puncture vine purslane redroot pigweed sandspur shepherds spurge smartweed smooth cat's ear smooth pigweed sowthistle spotted spurge sprangletop spurges tansy mustard tansy ragwort teasweed 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 horse nettle horseradish iceplant Johnson grass Kentucky bluegrass kikuyu grass knapweed knawel lantana maiden cane milkweed mouseear chickweed nimblewill nutgrass (nutsedge) oidenlandia orchardgrass oxalis pampasgrass pennywort perennial ryegrass plantain purple cudweed purple nutsedge quackgrass quaking aspen ragweed red clover smooth brome grass sourdock sowthistle St Augustine grass tall fescue tansy ragwort Timothy torpedograss trumpet creeper vasey grass 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

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

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

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 Pavement & Landscaped Areas
 63 Works the first time [guaranteed] or your money back
 64 [Money Back Guarantee] [Results Guaranteed] [Or Your Money Back]
 65 [One 17oz can] Covers Up To 200 Linear Ft
 66 [One XX oz can] Covers Up To XX Linear Ft

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