

9688-255

09-21-2010

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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

SEP 21 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Ms. Goldberg:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated July 2, 2010 for the following product(s):

Chemsico Wasp & Hornet Killer DS Reg. No. 9688-255

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 98-10 and finds that the label change(s) requested falls within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Linda A. DeLuise at 703-305-5428.

Sincerely,

A handwritten signature in cursive script that reads "Linda A. DeLuise".

Richard J. Gebken
Product Manager
Insecticide Branch
Registration Division (7504P)



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 9688-255	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 DS	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 in composition and labelling to: EPA Reg. No. _____ Product Name _____	

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 & EPA's June 4, 2009 General Labeling for Pyrethroid Notification letter. (Please see cover letter for details.)

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 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
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container 14 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
2. Signature 		6. Date Application Received (Stamped)
3. Title Regulatory Affairs Specialist		
4. Typed Name Jessica Goldberg		5. Date July 2, 2010

Chemsico

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

July 2, 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: Mr. Mark Suarez
Product Manager Team 13

Subject: **NOTIFICATION: Label Notification per PRN 98-10 &
EPA's June 4, 2009 General Labeling for Pyrethroid Notification letter
Chemsico Wasp & Hornet Killer DS
EPA Reg. No. 9688-255**

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

A. 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.

B. 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.

Chemsico

Wasp & Hornet Killer DS

[Quick Kill • Kills Fast • Kills Wasps & Hornets on Contact • Kills with Residual Action as Wasps & Hornets Return to Nest • [POWERFUL] JET SPRAY [BLAST] – Will Reach Nests up to 20 Feet Above Ground • Kills the Entire Nest • Kills Wasps, Hornets & Yellow Jackets – Triple Action • Drops Wasps, Hornets & Yellow Jackets Instantly • Gives Knockdown & Kill of Wasps, Hornets & Yellow Jackets • Electrically Non-Conducting [up to 47,100 volts] • Dielectric Breakdown Voltage of 47,100 Volts • Can Be Used Both Indoors (attics and other places where nests are built) and Outdoors on Wasp & Hornet Nests • Instant Kill • Instant Knockdown • Prevents Nesting • Triple Action Formula • Acts as a Barrier That Prevents Insects From Entering the Home • For Commercial or Homeowner Use • Kills Nest and Insects with Residual Action • Non Arching Formula • Up to 20 ft. jet spray • *Guaranteed Results or Your Money Back • Results Guaranteed*

NOTIFICATION

SEP 21 2010

Active Ingredients:	
Deltamethrin.....	0.01%
S-Bioallethrin.....	0.05%
Other Ingredients*.....	99.94%
[TOTAL	100.00%]

*Contains Petroleum Distillates

KEEP OUT OF REACH OF CHILDREN

CAUTION See back panel for additional precautionary statements.

NET WEIGHT 14 oz (396 g)

STOP. READ THE ENTIRE LABEL BEFORE USE.

[Before using in areas where spray may contact home siding or roof shingles, test for staining in an inconspicuous area and recheck in a few hours.]

DIRECTIONS FOR USE

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

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

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.

Read entire label. Shake well before use.

Keep children and pets out of treated areas until surfaces are dry

For best results, spray in early morning or late evening when insect activity is minimal. Stand a safe distance from nest and not directly underneath. [Remove protective cap.] Hold can upright and point spray opening toward nest with wind at your back. Spray until nest is thoroughly saturated to kill the entire nest population. Residual action will kill wasps and hornets returning to the nest. Wait at least 24 hours before removing the nest. Avoid spraying vegetation directly as damage may result. Do not spray flying insects.

To kill wasps, hornets and yellow jackets under eaves, screens, window frames, doors, patios, cracks, holes or crevices wherever insects are noticed, spray for about 1-2 seconds or until surfaces are moist. To prevent entrance of insects into the house, spray around points where insects enter such as outside plumbing, faucets, etc., and cracks or crevices in foundation as well as along sills and ledges.

Do not use in food/feed areas of food/feed handling establishments, restaurants or other areas where food/feed is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared foods are served such as dining rooms, but excluding areas where foods may be prepared or held.

o/m

Do not apply in classrooms when in use. Do not apply this product in occupied patient rooms or in any rooms/areas while occupied by patients, the elderly or infirm. Do not apply to institutions (including libraries, sports facilities, etc.) in the immediate area when occupants are present.

Non-food/feed areas are areas such as garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage (after canning or bottling).

[Optional Pest Specific Directions

To Kill Wasps: Treatments should be made at dusk or early morning when insects are least active. Shake can and hold upright, pointing valve toward nest with wind at back.

To Kill Hornets: Hornets make their nests in trees and shrubs and under eaves. Do not treat hornet's nests unless you can clearly see the entrance hole at the base. Wait until dusk or early morning when hornets are at rest. Direct spray into entrance hole and continue to spray into nest as hornets fall out or until can is empty or no more hornets are seen. Then vacate areas immediately.

To Kill Yellow Jackets: Yellow jackets make their nests in tree stumps, walls, railroad ties or similar structures. Monitor Yellow Jacket activity during daylight to determine nest location. Treat at dusk or early morning when insects are at rest in nest. Empty entire contents of can into nest hole from close range to ensure product enters entrance hole. Vacate the area.]

STORAGE AND DISPOSAL

Storage: Do not store near heat or open flame. Store in a cool, dry area away from children. Do not contaminate water, food or feed by storage or disposal.

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: Harmful if swallowed. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID	
If swallowed:	<ul style="list-style-type: none"> • Immediately call a Poison Control Center or doctor. • Do not induce vomiting unless told to do so by a Poison Control Center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment.	
NOTE TO PHYSICIAN	
Contains petroleum distillate – vomiting may cause aspiration pneumonia.	

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water.

Physical or Chemical Hazards

Contents under pressure. Keep away from heat, sparks and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

[Contains No CFC's or Other Ozone Depleting Substances. Federal Regulations Prohibit CFC Propellants in Aerosols.]

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

[Questions or comments? 1-800-323-5523]

[*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.]

[Visit Us on the Internet at www.zzzz.com]

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

EPA Reg. No. 9688-255

EPA Est. No. 9688-MO-1

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