

9688-256

12/06/2010

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

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

12/6/2010

Ms. Jessica Goldberg
Regulatory Affairs Specialist
Chemisco, Division of United Industries
P.O. Box 142642
St. Louis, MO 63114-0642

Subject: Notification to add optional marketing claims
EPA Registration Number: 9688-256
Date of Submission: August 19, 2010

Dear Ms. Goldberg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN)98-10 dated August 19, 2010, for the abovementioned 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 stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Samantha Hulkower at (703) 603-0683.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Suarez", written over a large, stylized flourish.

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

Enclosures: Copy of Label Stamped "Notification"



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 9688-256	2. Product Manager M. Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemnico Aerosol Insecticide DS	PM# 13	
5. Name and Address of Applicant (include ZIP Code) Chemnico, 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 to add the optional marketing claims "[*Money Back Guarantee]" and "[*Results Guaranteed][*Or Your Money Back]." (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 container Unit package wgt _____			
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. (include Area Code) 314-663-2438
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 August 19, 2010	

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: Mr. Mark Suarez
Product Manager Team 13

Subject: **NOTIFICATION: Label Notification per PRN 98-10**
Chemsico Aerosol Insecticide DS
EPA Reg. No. 9688-256

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.

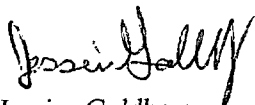
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false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

Aerosol Insecticide DS

Water-based • Kills Roaches & Ants on Contact • Kills Carpenter Ants • Controls Scorpions, Spiders & Ticks • Fast Knockdown Formula • Long-Lasting Control • For Indoor/Outdoor Use • Kills Fleas, Roaches, Ants & Spiders • Kills On Contact • Broad Spectrum Insect Control • No Unpleasant Odor • [Protects Against] Keeps on Killing][Controls] German Cockroaches and Flies for up to [12 weeks] [3 months] • Kills hidden bugs • Kills Bugs you see, Kills bugs you don't see • Highly effective against Ants, Cockroaches, Fleas and other listed insects [pests] in and around homes, recreational vehicles, cabins, tents and other recreational structures • No [oily] [greasy] residue • [*Money Back Guarantee] [*Results Guaranteed] [*Or Your Money Back]

NOTIFICATION

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Active Ingredients:

Deltamethrin.....	0.02%
β-Bioallethrin.....	0.05%
Other Ingredients*.....	99.93%
[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)

Optional Marketing Language

[Product Facts

What It Does:

Kills Flying and Crawling Insects Including: Ants, Carpenter Ants, Bees, Beetles, Roaches, Crickets, Earwigs, Fleas, Scorpions, Spiders, Ticks, and other Pests Listed

Where to Use: (icon outdoors) (icon indoors)

Indoors and Outdoors

Questions & Comments: (icon phone) (icon computer); 1-800-332-5553 or Visit our Website at www.zzzz.com

[Chemsico Aerosol Insecticide DS can be used in and around homes. Areas include apartments, atriiums, attics, automobiles, basements, bathrooms, boats, cabins, campers, carports, cat sleeping quarters, clothes storage, condominiums, decks, dens, driveways, garages, gazebos, homes, kitchens, lanais, living rooms, parlors, patios, pet sleeping areas, play rooms, porches, recreational vehicles, rooms, solariums, storage area, sun rooms, utility rooms, and verandas.]

STOP. READ THE 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 Use In and Around Residential Sites Only.*

SHAKE WELL BEFORE EACH USE. Hold can upright. Do not spray up into air. Apply to surfaces only. Remove protective cap and spray directly away from face. Hold can 12-15 inches from surface being treated and spray as directed.

Remove pets, birds and cover fish aquariums before spraying. Do not allow pets into treated areas until deposits are dry. Cover all food handling surfaces and cover or remove all food and cooking utensils or wash thoroughly after treatment. Exposed food should be covered or removed. Do not use on edible crops.

INDOORS

Cockroaches, Ants, Booklice, Boxelder Bugs, Centipedes, Crickets, Dermestids, Firebrats, Fleas, Palmetto Bugs, Silverfish, Soxbugs, Ticks and Waterbugs: Apply as a spot and crack & crevice treatment to areas where these pests crawl and hide, especially in hidden areas around sinks and storage areas, behind baseboards, around doors and windows, behind and under refrigerators, cabinets, sinks and stoves, the underside of shelves, drawers, bookcases and similar areas. Repeat as necessary but not more than once per week.

Carpenter Ants: For effective control locate and treat nests and surrounding areas. Apply around doors and windows and other places where ants enter and where they crawl and hide. Spray into infested wood through existing openings.

Ticks and Fleas ON SURFACES: Remove pet bedding and destroy or clean thoroughly. Spray pest resting areas. Adult fleas and larvae contacted will be killed. Replace bedding once spray has dried. Do not directly spray pets. [For best results pets should be treated with an appropriate product registered for use on pets before allowing them to return to treated area]. Spray rugs and carpets where infestations are heavy. Delicate fabrics should be tested for staining in an inconspicuous area prior to use.

Spiders, Centipedes, Earwigs, Ground Beetles, Pillbugs, Scorpions and Ticks: Apply along and behind baseboards, to window and door frames, corners, pipes, storage areas, attics, crawl spaces and other areas where these pests may be found.

carpet Beetles (Black, Furniture, and Varied): Spray on and under edges of floor coverings, under rugs and furniture and in closets or other locations where these insects are found.

OUTDOORS

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: Treatment to soil or vegetation around structures; Applications to lawns, turf, and other vegetation; Applications to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, 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.

CRAWLING INSECTS: Ants, Cockroaches, Centipedes, Crickets, Mole Crickets, Waterbugs and Silverfish: Hold can 12-18 inches from the surface to be treated and spray infested surfaces hitting as many insects as possible. Spray to slightly moisten surface.

Lone Star Ticks, Dog Ticks, Fleas and Earwigs: Apply thoroughly to infestations in grass, bushes or weeds.

PESTS ON OUTSIDE BUILDING SURFACES: Ants, Clover Mites, Clover Mites and Sowbugs (Pillbugs): Spray foundation where insects are active and may find entrance up to a height of two to three feet.

FLYING INSECTS: Houseflies, Gnats, Mosquitoes and Small Flying Moths: Use only on outdoor surfaces. Spray surfaces of window and door frames and other areas where these pests may enter the home. Also spray localized resting areas, such as under eaves, porches, surfaces around light fixtures and railings where these insects may rest. Insects coming to rest on treated surfaces will be killed.

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. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using the bathroom.

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. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

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

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.

[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.]

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

[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. 9688-256

EPA Est. No. 9688-MO-1

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