

9688-257

5/13/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mr. Eric D. Smith
Chemsico, Div of United Industries Corporation
P.O. Box 142642
St. Louis, MO 63114

MAY 13 2010

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

Dear Mr. Smith:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated for March 3, 2010 for:

EPA Registration Number: 9688-257 Chemsico Insecticide Dust D

The Registration Division (RD) has conducted a review of this request for applicability Under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please re reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

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

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

Application for Pesticide:

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Section I

1. Company/Product Number 9688-257	2. Product Manager R. Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chemisco Insecticide Dust D	PM# 13	
5. Name and Address of Applicant (include ZIP Code) Chemisco, 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 dated _____
<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

NOTIFICATION

MAY 13 2010

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Label Notification per PR Notice PRN 2007-4, PRN 2008-1, 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:				2. Type of Container		
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	<input type="checkbox"/> Metal <input checked="" 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
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container 1 lb; various sizes		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 Eric D. Smith	Title Regulatory Affairs Manager	Telephone No. (include Area Code) 314-683-2455
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 Manager
4. Typed Name Eric D. Smith		5. Date March 3, 2010

Chemsico

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

March 3, 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. Richard Gebken
Product Manager Team 13

Subject: **NOTIFICATION: Label Notification per PRN 2007-4, PRN 2008-1, PRN 98-10 & EPA's June 4, 2009 General Labeling for Pyrethroid Notification letter Chemsico Insecticide Dust D EPA Reg. No. 9688-257**

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

A. Pesticide Registration Notice (PR) 2007-4, Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment:

We have adopted the exact language set forth in PRN 2007-4.

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. 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 requirement of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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 Notice (PRN) 2008-1, Environmental Hazard General Labeling Statements on Outdoor Residential Use Products:

We have adopted the exact language set forth in PRN 2008-1.

This notification is consistent with the guidance in PR Notice 2008-1 and the requirements of EPA's regulations at 40 CFR 156.10, 40 CFR 156.80, and 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 guidance of PR Notice 2008-1 and the requirements of 40 CFR 156.10, 40 CFR 156.80, 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.

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C. 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.

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

We added optional "Directions for Use" instructions and related marketing claims to accommodate a change in the product packaging and application method. The alternate application method does not increase the exposure, or change the dosage or concentration of the product.

We also took this opportunity to 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.

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. 2455 or via email: eric.smith@spectrumbrands.com, if you have questions or need further information. Thank you very much for your attention to our application.

Sincerely,



Eric D. Smith
Regulatory Affairs Manager

CHEMSICO

Insecticide Dust D

NOTIFICATION
MAY 13 2010

• Water-proof dust • Treats up to 45 [Fire Ant] Mounds • Easy-to-Use • Convenient • Kills Fire Ants on Contact • Kills Fire Ants on Contact—No watering-in required • Kills the Queen • Kills the mound • Kills the Queen and the Mound [colony] • Works Fast • Odorless • No odor • Ready-to-use dust • Fast [effective] control of fire ants • No watering-in required • Starts to kill in hours • Results Guaranteed • One Packet equals (Controls)(Kills) One Mound • Convenient Single Mound Fire Ant Killer (Control) Packets

Active Ingredient
Deltamethrin 0.05%
Other Ingredients 99.95%



KEEP OUT OF REACH OF CHILDREN

CAUTION See [back][end of booklet] for additional precautionary statements
[Option for [booklet] label: See back booklet for additional precautionary statements]

NET WEIGHT 1 lb/453 g

PRODUCT FACT BOX

What it Does: Kills Fire Ants
Where to Use: Home Lawns
Questions & Comments: (phone icon) (computer icon)
Call 1-800-332-5553 or Visit our Website at www.xxxx.com

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 use around the home only.*



Allow dust to settle in treated areas before reentering.

- Do not water the treated area to the point of run-off.
- Do not make applications during rain.

HOW TO USE

[TO APPLY AS A SHAKER: Hold container 12-18" above mound. Tilt container to use multiple holes. Thoroughly apply dust to adequately cover mound and around the perimeter (18" from the outer edge of the mound). Do not water in. Do not disturb the mound prior to application. If possible treat all colonies [mounds] in the vicinity.]

[TO MEASURE AND APPLY: Sprinkle 1 [Tablespoon][Tbsp.] of dry powder over each mound. Do not water in. Do not disturb mound during application. Do not use food utensils for food use after measuring pesticides.]

[[Single Use] [Single Mound Treatment] Packets: Tear open package. Sprinkle dry powder over mound. Do not water in. Do not disturb mound during application.]

For best results, apply in morning or evening hours. At these times, fire ants are closer to the surface virtually assuring the product will contact them.

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STORAGE AND DISPOSAL

Storage: Store in a cool dry area away inaccessible to children. **If empty:** Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency. Never place unused product down any indoor or outdoor drain.

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

CAUTION: May be harmful if absorbed through skin. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

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 immediately with plenty of water for 15-20 minutes. Call a Poison Control Center or doctor for treatment advice.

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

Environmental Hazards

This product is extremely toxic to fish and aquatic invertebrates. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.

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

Questions or comments? Call 1-800-332-5553

[*Guaranteed results or your money back. 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.]

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

EPA Reg. No.: 9688-257

EPA Est. No.: 9688-MO-1

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