

9688-276

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

EPA Reg. Number:
9688-276

Date of Issuance:
FEB 24 2009

NOTICE OF PESTICIDE:
 Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance:
Conditional

Name of Pesticide Product:
CHEMSICO Insecticide Concentrate 320P

Name and Address of Registrant (include ZIP Code):

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

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with section 3(c)(7)(A) of FIFRA provided that you:

1. Submit and/or cite all data required for registration of your product under sec 3(c)(5) of FIFRA when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under section 4 of FIFRA.

(continued on page 2)

Signature of Approving Official:

See page #4.

Richard J. Gebken, Product Manager (10)
Insecticide Branch, Registration Division (7505P)

Date:

FEB 24 2009

EPA Form 8570-6

2. Make the following change(s) to the label:

- a. Change the product registration number to "EPA Reg. No. 9688-276"
- b. Make the following label revision(s):

General Statement:

- 1. Delete all text throughout the label marked with "strikethrough."

Optional Marketing Statements comment(s):

- 2. Delete the 2nd, 3rd, 4th, 17th and 18th optional marketing statements.
- 3. Revise "Made with botanical insecticides." (the 12th optional marketing statement) to read: "Contains pyrethrins, a botanical insecticide."

National Organic Program (NOP) Labeling Review comment(s):

- 4. The Manufacturing Use Product used in the formulation of this product contains a List 3 additive – BHT, which is not allowed under USDA regulations. You should reformulate your Manufacturing Use Product if you want the label for the proposed product to be reconsidered for OMRI review.
- 5. Revise all optional marketing statements related to being "organic" or "OMRI Certified" as noted in detail on the attached NOP labeling review.

Directions for Use section comment(s):

- 6. To facilitate inclusion of language from the RED for pyrethrins, you must add the following new subsection immediately following the statement "It is a violation of Federal law..." as follows:

GENERAL PRECAUTIONS & USE RESTRICTIONS
<ul style="list-style-type: none"> Apply this product only as specified on this label. Do not contaminate food or feedstuffs. Do not apply this product in a way that will contact adults, children or pets, either directly or through drift. Do not remain in treated area. Exit area immediately and remain outside the treated area until sprays have dried. Remove or cover exposed food and drinking water before application. Remove or cover dishes, utensils, food processing equipment and food preparation surfaces, or wash them before use. Do not apply directly to or near water, storm drains or drainage ditches. Do not apply when windy. To prevent run-off, do not over-water the treated areas or apply prior to heavy rainfall. Do not wet plants to the point of run-off or drip. For Home Gardens: Do not apply more than 10 times per season. Do not reapply within 3 days except under extreme pest pressure. In case of extreme pressure, do not reapply within 24 hours. Do not harvest until spray has dried. For Outdoor Ornamentals: Do not apply more than 1 time per day. Remove pets, birds and cover fish aquariums before application.

- 7. Revise the statement starting with "[This package][Chemsico Insecticide Concentrate 40P] is to be..." to read: "[This package][Chemsico Insecticide Concentrate 320P] is to be..."

Storage & Disposal section comment(s):

- 8. To facilitate inclusion of language from PR Notice 2007-4, you must replace this section with:

STORAGE AND DISPOSAL
<p>Do not contaminate water, food or feed by storage and disposal.</p> <p>Pesticide Storage: Keep this product in a tightly closed container when not in use. Store in a cool, dry, well-ventilated area. DO NOT TRANSPORT OR STORE THIS PRODUCT UNDER 32°F. If freezing occurs, thaw and agitate vigorously.</p> <p>Container Disposal: If empty: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>

Precautionary Statements, Hazards to Humans & Domestic Animals section comment(s):

- 9. Revise the 3rd sentence in this section to read: "Wash hands thoroughly with plenty of soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet."

First Aid Statement comment(s):

- 10. Replace the last sentence in this section with: "Have the product container with you when or label with you when calling a poison control center or doctor or going for treatment. For more information on this pesticide product (including health concerns, medical emergencies or pesticide incidents), you may call 1-800-332-5553."¹

Environmental Hazards section comment(s):

- 11. To facilitate inclusion of language from the RED for pyrethrins, you must replace this section with:
 "This product is toxic to aquatic organisms, including fish and invertebrates. Drift and run-off may be hazardous to aquatic organisms in water adjacent to treated areas. This product may contaminate water through run-off. This product has a potential for run-off for several weeks after application. Poorly draining soils and soils with shallow water tables are more prone to produce run-off that contains this product.

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

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash-waters or rinsate. See Directions for Use for additional precautions and restrictions."

Warranty & Disclaimer section comment(s):

- 12. Within forty-five (45) days from the date of this letter, CHEMSICO must submit a label amendment revising the "WARRANTY & DISCLAIMER" section on page 2 of 2 of this label in accordance with the guidance document entitled, "Guidance on Warranty Statements," dated October 17, 2006. This update can be found at the following hyperlink: <http://www.epa.gov/pesticides/regulating/labels/warranty.pdf>.
- 13. The "WARRANTY & DISCLAIMER" section heading must be placed on the top and in a central position above the WARRANTY & DISCLAIMER section.

Conditional Data Requirements:

- 14. Within one (1) year from the date of this registration, CHEMSICO is obligated to submit a One Year Storage Stability (830.6317) study and a Corrosion Characteristics (830.6320) study on this product in support of this registration.²
- 3. You must submit two (2) copies of the revised final printed labeling, incorporating the above changes, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

CHEMSICO should note that a notice of availability of EPA's RED for products containing pyrethrins was published in the *Federal Register* on July 26, 2006 (Volume 71, Number 143, Pages 42387-42389). As a result, additional data and/or labeling changes may be required for products containing pyrethrins.

Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under section 12(a)(1)(E) of FIFRA. 40 CFR §156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not be substantially differ from those claims approved through the registration process. Therefore, should the Agency find, or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to EPA's Office of Enforcement and Compliance Assurance (OECA). As an alternative, you may refer consumers to the company's phone number or e-mail address.

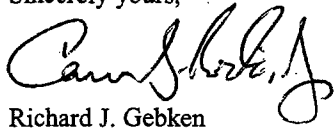
¹ Please note that the "1-800-332-5553" must be substituted with a valid phone number that is available twenty-four (24) hours per day, seven (7) days per week for answering and responding to any medical emergencies or health concerns.

² For more detailed information, please refer to page 2 of 3 of the product chemistry review for this product.

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A copy of your label stamped "Accepted with Comments" is enclosed for your records along with hard copies of the acute toxicity, product chemistry and NOP reviews for this product. If you have any questions about this label review, please contact Mr. Carmen J. Rodia, Jr. at (703) 306-0327 or via e-mail at Rodia.Carmen@epa.gov.

Sincerely yours,


FOP

Richard J. Gebken
Product Manager (10)
Insecticide Branch
Registration Division (7505P)

Enclosures:

- Label stamped "Accepted with Comments"*
- Acute Toxicity Review, dated January 6, 2009*
- Product Chemistry Review, dated January 7, 2009*
- National Organic Program Labeling Review, dated December 17, 2008*

009688-00275 D401448

CHEMSICO Insecticide Concentrate 32OP

For Indoor/Outdoor Use Around the Home Only.

WATER-BASED

Kills gypsy moth caterpillars and Japanese beetles • ~~Fast acting • Kills on Contact~~
 • ~~Kills over x types of insects as listed~~ • Apply anytime right up to harvest • An effective insecticide for use on vegetable and ornamental pests • Can be applied on day of harvest • Use on day of harvest • Spray up to Harvest • Use Up to Day Of Harvest • Use Indoors and Outdoors • Made with botanical insecticides • Can be used on delicate ornamentals • Won't harm delicate ornamentals • Protects roses, vegetables, houseplants, ornamentals, trees, shrubs, flowers • Protects your whole garden [from damaging insects!] • ~~Made with a botanical insecticide from the chrysanthemum flower • Contains a botanical insecticide • For Organic Gardening~~
 • ~~Ideal for Organic Gardening~~ • [For] Use on Roses, Vegetables, Houseplants, Ornamentals, Trees, Shrubs & Flowers • Use in your [Vegetable] Garden • ~~Use in your Organic Garden~~

[Economical [Concentrated] Refill • [Refills][Refill for] Chemsico Insecticide RTU OP-M • Less Packaging • Save xx% vs. ready-to-use products • Good for the environment, less packaging in landfills • Good Value!]

~~[OMRI Listed][OMRI Logo]~~ Delete.

Active Ingredient	
Pyrethrins.....	3.2%
Other Ingredients.....	96.8%

KEEP OUT OF REACH OF CHILDREN

CAUTION. See back panel for additional precautionary statements [Option for booklet label: See back booklet for additional precautionary statements.]

Net [Contents]: 0.50 fl oz

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.



Do not allow children or pets into the treated area until dry.

[This package][Chemsico InsecticideConcentrate 4OP] is to be used as a refill for Chemsico Insecticide RTUOP-M Only.

To refill Chemsico Insecticide RTUOP-M remove existing cap from top of [bottle][trigger]. Fill bottle [with 31.5 fl oz of tap water][to refill line (31.5 fl oz) with tap water]. Place [refill cap][refill cartridge][refill cartridge/cap] on top of bottle and turn clockwise to secure cap and release refill concentrate into bottle. Shake vigorously for 15-30 seconds to mix bottle contents prior to reusing. Remove [Refill cap][Refill Cartridge] and discard. Replace original cap prior to product application.

STORAGE AND DISPOSAL

Storage: Do not contaminate water, food, or feed by storage or disposal. Do not store or transport under 32° F.

Disposal: If empty: Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. Causes moderate eye irritation. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

**ACCEPTED
With COMMENTS
In EPA Letter Dated:**

February 24, 2009
**Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:**

9688-276

FIRST AID

If Swallowed: Call a Poison Control Center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a Poison Control Center or doctor. Do not give anything by mouth to an unconscious person.

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. Do not contaminate water when disposing of equipment washwaters. Do not apply directly to water. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas.

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.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.

[Questions or comments? Call 1-800-332-5553 or visit our website.] ~~Delete.~~

[**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-

EPA Est. No.: 9688-MO-1

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