

10404-67

03/15/2010

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



OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

March 15, 2010

Susan E. Spencer
LESCO, Inc.
1301 East 9th Street, Suite 1300
Cleveland, OH 44114-1849

Subject: Label Notification per Pesticide Registration Notices 2007-4 and 98-10

Dear Ms. Spencer:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notices (PRNs) 2007-4 and 98-10, dated March 3, 2010 for:

- **EPA Registration 10404-67; LESCO 1% Dursban Granular Bait**

The Registration Division has conducted a review of this request for applicability under PRNs 2007-4 and 98-10, and finds that the label changes requested fall within the scope of PRNs 2007-4 and 98-10. The label submitted with your application has been date-stamped "Notification" and will be placed in our records.

Please be 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 or durably marked on the container itself, and can be added by non-notification per PRN 98-10.

If you have any questions, please contact me directly at 703-308-8735 or email me at chao.julie@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Chao".

Julie A. Chao
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|---|--|---|
| 1. Company/Product Number 10404-67 | 2. EPA Product Manager | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) LESCO 1% Dursban Granular Bait | PM# 07 | |
| 5. Name and Address of Applicant (Include ZIP Code) LESCO, Inc. 1301 East 9th Street, Suite 1300 Cleveland, OH 44114-1849 <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 labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____

Resubmission in response to Agency letter dated _____ "Me Too" Application.

Notification - Explain below. Other - Explain below.

NOTIFICATION
MAR 15 2010

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 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. This notification is also consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46. W&D is now compliant with Agency Guidance on Warranty Statements of 10/17/06; No other changes have been made to the labeling or the confidential statement of formula for 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 §§ 156.10, 156.140, 156.144, 146.146, 156.156, and 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.

Section - III

1. Material This Product Will Be Packaged In:

| | | | |
|--|--|---|---|
| Child-Resistant Packaging <input type="checkbox"/> Yes <input 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 Packaging wgt. No. per container | If "Yes" Package wgt. No. per container |

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container
40#

5. Location of Label Directions
 On label

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

| | | |
|--------------------------|--------------------------------|--|
| Name Susan E. Spencer | Title Regulatory Specialist | Telephone No. (Include Area Code) 216-706-9250 ext 2343 |
|--------------------------|--------------------------------|--|

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.

| | | |
|--|-----------------------------------|--|
| 2. Signature Susan E. Spencer <small>Digitally signed by Susan E. Spencer DN: cn=Susan E. Spencer, o=John Deere Landscapes, ou=Regulatory Affairs, email=susan.spencer@johndeere.com, c=US Date: 2009.12.11 14:28:13 -0500</small> | 3. Title Regulatory Specialist | 6. Date Application Received (Stamped) |
| 4. Typed Name Susan E. Spencer | 5. Date 3/3/10 | |



Phone: 216.706.9250
800.321.5325
www.lesco.com

March 3, 2010

Document Processing Desk (NOTIF)
Office of Pesticide programs (7504P)
U. S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

NOTIFICATION

MAR 15 2010

SUBJECT: Notification – PRN 2007-4
LESCO 1% Dursban Granular Bait, EPA Reg. No. 10404-67

Enclosed please find Notification for review and acceptance to address the following:

- Storage & Disposal Statement – updated to bring into compliance with PRN 2007-4, ‘Standards for Pesticide Containers and Containment’ dated 10/29/07 and revised 4/29/08

In addition, we have taken this opportunity to ensure our updated Warranty and Disclaimer Statement is in compliance with Agency ‘Guidance on Warranty Statements’ dated 10/17/06.

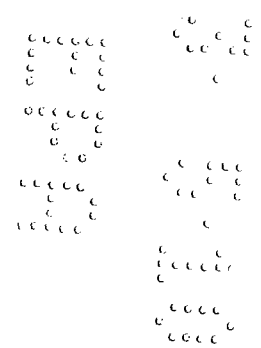
The following documentation is provided in support of the above:

- 8570-1 for each registration
- One (1) highlighted label copy for the registration noting the above actions
- Five (5) clean label copies for Agency files

Thank you for your assistance in this matter. If you should have any questions, or require additional information, please feel free to contact me at sspencer@johndeerelandscapes.com or at 216.706.9250, ext 2343.

Sincerely,

Susan E. Spencer
Susan E. Spencer
Regulatory Specialist
enclosures



Juli

1% Dursban® Granular Bait

MAR 15 2010

For use on golf courses (turf only), road medians and industrial plant sites only

For effective long lasting control of Chinch Bugs, Foraging Ants except for fire ants, carpenter ants, pharaoh ants and harvester ants, Mole Crickets, and other outdoor insects.

ACTIVE INGREDIENT:

Chlorpyrifos: [0,0,-diethyl-0-(3,5,6-trichloro-2-pyridyl) phosphorothioate]..... 1.00%

INERT INGREDIENTS:..... 99.00%

Total..... 100.00%

Controls Ants except for fire ants, carpenter ants, pharaoh ants and harvester ants (including Argentine & Foraging), Army-worms (Beet, Fall, Yellow-striped), Centipedes, Chinch Bugs (1), Clover Mites, Cutworms, Crickets, Earwigs, Fiery Skipper, Grasshoppers, Greenbugs, Millipedes, Mole Crickets (3), Sod Webworms (Lawn Moth) (2), Sow Bugs, Springtails (See numbered paragraphs for insect control)

Use for crawling insect control outside of industrial sites such as warehouses and food processing establishments.

Apply 1 lb/435 sq ft (2.3 lb/1,000 sq ft or 100 lb/A) when insects appear and/or their damage is imminent. To prevent damage apply as soon as daily temperatures reach 80 degrees F and repeat every 2 months.

(2) SOD WEBWORMS

For Sod Webworms, delay watering or mowing the treated area for 12 to 24 hours after treatment. Treat in the spring or when insects first appear troublesome. Additional treatments at 30 day intervals may be needed for new infestations. Apply at rate of 2.3 lb per 1,000 sq ft.

(3) MOLE CRICKETS

Use 2.3 lbs. Per 1,000 sq. ft. Treat suspected problem areas when insects become a problem or as recommended by your local Ag. Extension Service Specialist.

The Best Time to Control Adult Mole Crickets

Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

1. _____
 2. _____
1. Indicates egg laying time. 2. Best time to control crickets.

GENERAL DIRECTIONS FOR USE ON GOLF COURSES (TURF ONLY) ROAD MEDIANS AND INDUSTRIAL PLANT SITES. Apply 1% Dursban Granular uniformly to golf courses (turf only), road medians, and industrial plant sites using any hand or power operated type spreader designed for application of granules. Treat when insects first appear at the rate of 2.3 lb/1,000 sq ft (100 lb/Acre) for Surface insects. For best efficacy sprinkle the turf with water to move the granules into the zone of insect infestation. Repeat treatment as necessary. Observe Watering limitation in paragraph for No. (2) Sod Webworms.

RATE TO USE FOR SURFACE INSECTS

For control of Ants (as listed on front panel), Armyworms (Beet, Fall, Yellow-striped), Centipedes, Chinch Bugs, Clover Mites, Cutworms, Crickets, Earwigs, Fiery Skipper, Grasshoppers, Greenbugs, Millipedes, Sod Webworms (Lawn Moth), Sowbugs, Springtails use 2.3 lb/1,000 sq ft

PERIMETER AROUND INDUSTRIAL BUILDINGS/FOOD PROCESSING ESTABLISHMENTS

Use for crawling insect control outside of industrial plant sites such as warehouses and food processing establishments. To protect against insects entering the indoors, a band of granules may be placed around the outside of buildings to kill Ants (as listed on front panel), Crickets, Earwigs, Fleas, Millipedes, Sowbugs, Springtails before they attempt to enter. Use 1 lb to treat 435 sq ft (as a band 5 ft x 87 ft long) around the structure. Apply when insects have become troublesome or before they cause problems in the spring or early fall. Repeat one month later and then as needed for control but not more than once every 7 days.

LESCO ROTARY SPREADER APPROXIMATE SETTINGS

For Large Area Treatments

| # Product/ 1,000 sq ft | #A/A | Effective Spreading Width | Third Hole | LESCO Calibration Gauge |
|---------------------------|------|---------------------------------|---------------|----------------------------|
| 1.0 | 0.44 | 6 ft. | OPEN | # 11 |
| 2.3 | 1.00 | 6 ft. | OPEN | # 14 |

***IMPORTANT:** These settings are only approximate. Age, condition of spreader, and operator speed can cause wide variation. Be sure to calibrate your spreader with each application.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
Pesticide Storage: Store product in its original bag container in a cool, dry locked place out of reach of children.
Pesticide Disposal: Pesticide wastes are toxic. Wastes resulting from the use of this product that cannot be used or chemically reprocessed should be may be disposed of in a landfill approved for pesticide disposal or in accordance with applicable Federal, State or local procedures. on-site or at an approved waste disposal facility.
Container Disposal: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available or dispose of empty bag in sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned stay out of smoke.

CONDITION OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.
 The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather, presence of other materials or other influencing factors in the use of the product, which are beyond the control of LESCO, Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold LESCO, Inc. harmless for any claims relating to such factors.
 LESCO, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or LESCO, Inc. and the Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LESCO, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.
 In no event shall LESCO, Inc. or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF LESCO, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, USE OR HANDLING OF THIS PRODUCT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF LESCO, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.
 LESCO, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of LESCO, Inc.

CONDITION OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.
 The Directions for Use of this product must be followed carefully and completely. It is impossible to eliminate all risks inherently associated with the use of this product. To the extent consistent with applicable law, Buyer and/or User assume all risks of ineffectiveness or other unintended consequences or damages that may result from conditions outside or beyond the control of LESCO, Inc. including but not limited to, such factors as manner of use or application, weather or weather conditions outside the range considered normal at the application site or for the time period in which the product is applied, the presence of other materials, incompatible products, or other influencing factors which are beyond the control of LESCO, Inc. To the extent consistent with applicable law, all such risks shall be assumed by Buyer and/or User, and Buyer and/or User agrees to hold LESCO, Inc. harmless for any claims relating to such factors.
 LESCO, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with the Directions for Use under normal use conditions. To the extent consistent with applicable law, this warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of LESCO, Inc. and Buyer and/or User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LESCO, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

**FIRST AID
Organophosphate**

| | |
|-------------------------------|--|
| If swallowed | <ul style="list-style-type: none"> • 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person. |
| If inhaled | <ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice. |
| If on skin or clothing | <ul style="list-style-type: none"> • 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. |
| If in eyes | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice. |

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact CHEM-TREC at 1-(800) 424-9300 for emergency medical treatment information.

NOTE TO PHYSICIAN

Chlorpyrifos is a cholinesterase inhibitor. Treat symptomatically. Atropine is an antidote by injection.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Harmful if inhaled. Avoid breathing dust. Do not take internally. Avoid contact with eyes, skin and clothing. Wash thoroughly after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Wash contaminated clothing before reuse. Keep away from food, feed-stuffs, and water supplies. Keep children and pets off treated areas until this material is washed into the soil and the grass is dry.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Loaders, applicators and all other handlers must wear:
- Long-sleeved shirt and long pants;
 - shoes and socks
- In addition to the above, loaders must wear:
- Chemical-resistant gloves made of any waterproof material
 - Chemical-resistant apron
 - A NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approved number prefix TC-21C or a NIOSH-approved respirator with any N, R, P, or HE filter

Follow Manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

- Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates, small mammals, birds. Do not apply directly to water, or other areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate. Use only as directed.
 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.

DIRECTIONS FOR USE

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not enter or allow others to enter until dusts have settled.
- Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.
- The maximum application rate per application is 1 lb ai/A.

SPECIFIC DIRECTIONS

The following numbered paragraphs correspond to numbers in parenthesis (x) on the front panel following the insect names. Insects not numbered may be controlled by following the GENERAL DIRECTIONS. Repeat treatments as needed for control.

(1) CHINCH BUGS

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TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE LIABILITY OF LESCO, INC. FOR INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF LESCO, INC. REPLACEMENT OF THE PRODUCT, OR IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY, TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL LESCO, INC. BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

REMEDY OF THE BUYER
ALL CLAIMS, LOSSES,
WARRANTY, CONTRACT,

LESKO, Inc. offers this product, and Buyer accepts it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be accepted by written agreement signed by a duly authorized representative of LESKO, Inc.

LESKO, Inc. offers this product, and Buyer accepts it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be accepted by written agreement signed by a duly authorized representative of LESKO, Inc.

LESKO is a registered trademark and the sweeping design is a trademark of LESKO Technologies, LLC. Dursban is a registered trademark of Dow AgroSciences, LLC.
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(091107) Rev 3/3/10 SS

Net Weight: 40 lb (18.16 kg)
EPA Reg. No. 10404-67
EPA Est. No. 82757-OH-001 (M), 82757-FL-002 (S),
82757-MA-002 (H)
First letter of lot code indicates manufacturing site.

F1560
LESKO, Inc.
1301 East 9th Street,
Cleveland, OH 44114-1849



#069232