

3862-175

01/15/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Kim Inman
ABC Compounding Co., Inc
PO BOX 16247
Atlanta, GA 30321

JAN 15 2009

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

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated November 12, 2008 for:

EPA Registration 3862-175 Titanic Weed Killer

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 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 nonrefillable 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 me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
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 3862-175
2. EPA Product Manager Joanne Miller
3. Proposed Classification None Restricted
4. Company/Product (Name) Titanic Weed Killer
5. Name and Address of Applicant ABC Compounding Co., Inc.
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. JAN 15 2009

Section - II

Amendment - Explain below. Resubmission in response to Agency letter dated. Notification - Explain below. Final printed labels in response to Agency letter dated. "Me Too" Application. Other - Explain below.

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.

Section - III

1. Material This Product Will Be Packaged In: Child-Resistant Packaging, Unit Packaging, Water Soluble Packaging, 2. Type of Container, 3. Location of Net Contents Information, 4. Size(s) Retail Container, 5. Location of Label Directions, 6. Manner in Which Label is Affixed to Product

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) Name: Kim Inman, Title: Regulatory Chemist, Telephone No.: 770-968-9222. Certification: I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. 2. Signature: Kim Inman, 3. Title: Regulatory Chemist, 4. Typed Name: Kim Inman, 5. Date: 11-12-08, 6. Date Application Received (Stamped)

NOTIFICATION

JAN 15 2009

DIRECTIONS FOR USE:

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

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climatic modifications and being grown in interior plantscapes, ornamental gardens or parks, or on golf courses or lawns and grounds.

REENTRY STATEMENT

Do not allow people or pets to touch treated plants until the sprays have dried. For terrestrial uses, do not allow entry of maintenance personnel into treated areas, or allow contact with treated vegetation wet with spray, dew or rain, without appropriate protective clothing until spray has dried.

For aquatic uses, do not enter treated areas while treatments are in progress. Do not allow swimming in treated areas within 24 hours after treatment. Certain states may require more restrictive reentry intervals; consult your State Department of Agriculture for further information.

Written or oral warnings regarding use of protective clothing and accidental exposure must be given to workers who are expected to be in treated areas or in areas about to be treated. Oral warnings must be given if there is reason to believe that written warnings cannot be understood by workers.

When oral warnings are given, warnings shall be given in a language customarily understood by workers and must indicate the specific period of time that treated areas may not be entered without protective clothing. Oral warnings must also include appropriate first aid instructions in case of accidental exposure. These instructions are given in the FIRST AID at the beginning of this label.

Written warnings must include the following information, "WARNING: Area treated with Diquat Herbicide on (date of application). Do not enter treated areas without appropriate protective clothing until spray has dried (or other reentry interval if your State has a more restrictive interval for this product). If accidental exposure occurs, follow the instructions below." (Written warnings must include the FIRST AID given at the beginning of this label).

DIRECTIONS

This product is recommended for use as a general weed killer and as an aquatic weed killer. Absorption and herbicidal action is usually quite rapid with effects visible in a few days. Rinse all spray equipment thoroughly with water after use. AVOID SPRAY DRIFT to crops which may be damaged during application. Always add a 75% nonionic spreader. Do not use dirty or muddy water for this product dilution as this product will be inactivated. Do not mix or apply with any other desiccant, pesticide or fertilizer.

NONCROP OR NONPLANTED AREAS (applied as spot sprays): Rights-of-Way, including Railroads, Highways, Roads, Dividers and Medians, Pipelines, Public Utility Lines, including Pumping Stations, Transformer Stations and Substations, around Electric Utilities, Commercial Buildings, Manufacturing Plants, Storage Yards, Rail Yards, Fence Lines and Parkways, Edges and Nonflooded Portions of Ponds, Lakes and Ditches. Also Around Ornamental Gardens, Walkways, Patios, Beneath Greenhouse Benches, Along Driveways and Around Golf Courses. To Kill Undesirable Above-Ground Grass and Broadleaf Weed Growth - 2 1/2 to 5 gallons plus 8 to 16 oz. of a nonionic surfactant per 100 gallons of water (6-2/3 oz. This product plus 1/2 teaspoon of a nonionic surfactant to 1 gallon water). Apply for full coverage and thorough weed contact. Apply to young weeds since control decreases as weeds mature. Retreatment may be necessary to control grasses and established weeds. Avoid spray contact with foliage of food crops or ornamental plants.

AQUATIC USE DIRECTIONS:

For application only to ponds, lakes, and drainage ditches where there is little or no outflow of water and which are totally under control of the product's user. Do not apply to muddy water. Avoid creating muddy water during application. Do not apply where plants are covered with mud deposits.

Do not use the treated water for animal consumption, spraying, irrigation, or domestic purposes for 14 days after treatment. Do not apply to public water.

Submersed Weeds (infesting Still Ponds, Lakes, Ditches or portions Thereof):

Weed Species	Gallons/Surface Acre
Bladderwort (<i>Utricularia</i> spp.)	10-20
Coontail (<i>Ceratophyllum demersum</i>)	20
Elodea (<i>Elodea</i> spp.)	20
Naiad (<i>Najas</i> spp.)	10
Pondweeds (<i>Potamogeton</i> spp.)*	20
Watermilfoil (<i>Myriophyllum</i> spp.)	10-20

*Except *P. robbinsii*; also Richardson Pondweed (*P. richardsonii*) in Minnesota

APPLICATION:

In early season where submersed weed growth has not reached the surface, apply this product by pouring directly from the container into the water while moving slowly over the water surface in a boat. Distribute evenly over infested areas in strips 40 feet apart. In mixed weed populations, use the high rate of application as indicated by weeds present.

In late season or where submersed weed growth has reached the water surface throughout the area to be treated, apply this product by pouring as above or injecting below the water surface in strips no more than 20 feet apart. Use the high rate of application as indicated by the weeds present. Where algae are present along with the submersed weeds, pre-treatment with Copper Sulphate at recommended rate is advised for best results with this product.

Floating Weeds Gallons/Surface Acre

Pennywort (<i>Hydrocotyle umbellata</i>)	5-7.5
Salvinia (<i>Salvinia rotundifolia</i>)	5-7.5
Waterhyacinth (<i>Eichhornia crassipes</i>)	5-7.5
Waterlettuce (<i>Pistia Stratiotes</i>)	5-7.5

APPLICATION: 150 to 200 gallons of water plus 1 pint of a nonionic surfactant should be applied as an overall spray for control of the above weeds. The high rates of this product should be used for late season application.

Weed Species Gallons/Surface Acre

Duckweed (<i>Lemna</i> spp.)	10
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APPLICATION: For control, apply this product as an overall spray in 50 to 150 gallons of water per acre. Care should be taken to thoroughly cover all plants on water and on damp marginal areas. Reinfestation of Duckweed occurs readily from untreated areas. Retreatment with this product may be necessary to obtain season-long control.

Weed Species Gallons/100 Gallons Water

Marginal Weeds (infesting the Edges and Other Portions of Ponds, Lakes & Ditches): Cattails (<i>Typha</i> spp.)	10
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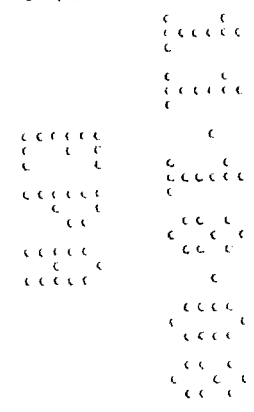
APPLICATION: For top kill, apply this product in 100 gallons of water, plus 1 pint of a nonionic surfactant for full coverage and thorough weed contact. Repeat treatment as necessary to control regrowth. For best results, apply before flowering.

ALGAE: This product will control certain filamentous algae. For *Spirogyra* spp. and *Pithophora* spp.; Apply 0.5 to 1.5 ppm. Application methods as for submersed weeds.

Formula for Parts Per Million (PPM) Recommendations

Gallons to use = ppm recommended x acreage of water x average depth of water x 14.

For Example- 1/2 ppm recommendations; two acre pond; 4 feet average depth, 1/2 x 2 x 4 x 14 = 56 gallons required.



Do not apply under conditions involving possible drift to food, forage or other plantings that might be damaged or the crops thereof rendered unfit for sale, use or consumption.

IMPORTANT: Read the Entire Directions for Use and the Conditions of Sale and Warranty before using this product.

CONDITIONS OF SALE AND LIMITED WARRANTY: The Directions of Use of this product are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as timing and method of application, weather and crop conditions, mixture with other chemicals not specifically recommended or other influencing factors in the use of this product, all of which are beyond the control of the seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label, subject to the inherent risks referred to above, when used in accordance with directions under normal conditions of use. 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 and Buyer and User assume the risk of any such use. **SELLER DISCLAIMS ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING ANY WARRANTY OF FITNESS OR MERCHANTABILITY.**

When Buyer or User claims losses or damage resulting from the use or handling of this product (including claims based on contract, negligence, strict liability or other legal theories), Buyer or User must promptly notify in writing Seller of any claims to be eligible to receive either of the remedies set forth below. The **EXCLUSIVE REMEDY OF BUYER OR USER** and the **LIMIT OF LIABILITY** of Seller will be, at the election of the Seller, refund of the purchase price paid for product bought, or replacement of amount of product used. **SELLER SHALL NOT BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT AND SELLER'S SOLE LIABILITY AND BUYER'S AND USER'S EXCLUSIVE REMEDY SHALL BE LIMITED TO THE REFUND OF THIS PURCHASE PRICE.**

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage, disposal or cleaning of equipment.

STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Do not contaminate feed, foodstuffs or drinking water. Do not store or transport near feed or food. Store at temperature above 32°F.

PESTICIDE DISPOSAL: This product is acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL - (For containers greater than 5 gallons): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

(For containers equal to or less than 5 gallons): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS WARNING

Harmful if swallowed, inhaled or absorbed through skin. Causes skin irritation. Do not get on skin, in eyes or on clothing. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Avoid breathing spray mist. Remove contaminated clothing and wash clothing before reuse. Do not feed forage from treated crops to livestock. Keep livestock and pets out of treated areas.

Applicators and other handlers must wear:

- Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.
- Coveralls over short sleeved shirt and shorts/pants.
- Shoes plus socks.
- Chemical-resistant gloves such as (or made of) any waterproof material.
- Protective eyewear.
- Chemical-resistant apron when cleaning equipment, mixing and loading.

Application Restrictions: Do not apply this product in a way that will contact any person or pet, either directly or through drift. Only persons applying this product may be in the area during application.

User Safety Recommendations:

- Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Users should remove clothing 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 (Aquatic and Nonaquatic Uses)

This pesticide is toxic to aquatic invertebrates. For terrestrial uses, do not apply directly to water, or 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 washwaters.

For aquatic uses, do not apply directly to water except as specified on this label. Treatment of dense weed areas may result in oxygen loss from decomposition of dead weeds. This loss of oxygen may cause suffocation. Therefore, treat only 1/3 to 1/2 of the water body area at one time, especially if dense areas of weeds and/or algae exist, and wait 14 days between treatments.

Necessary approval and/or permits should be obtained prior to application if required. Consult the responsible State Agencies (i.e., Fish and Game Agencies or Department of Natural Resources) before making applications to public waters.

