

10088-35

05-14-2010

1/4



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Mr. Adam Swader  
Athea Laboratories, Inc  
PO BOX 240014  
Milwaukee, WI 53224

MAY 14 2010

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 March 25, 2010 for:

**EPA Registration 10088-35                      Contact Herbicide # 1**

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,

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs



United States  
Environmental Protection Agency  
Washington, DC 20480

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

OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number 10088-35	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Contact Herbicide #1	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Athea Laboratories, Inc. P.O. Box 240014 Milwaukee, WI 53224 <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: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____	

### Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	<b>NOTIFICATION</b>  MAY 14 2010
<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.)

Notification of minor label changes per PR Notice 2007-4. See attached cover letter

### Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" 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		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted	If "Yes" Unit Packaging wgt.    No. per container	If "Yes" Package wgt.    No. per container		<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container N/A	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"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input checked="" type="checkbox"/> Other Silkscreened		

### Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Adam Swader	Title Regulatory Comp Spec.	Telephone No. (Include Area Code) 414-354-6417
<b>Certification</b> 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 both under applicable law.		6. Date Application Received  (Stamped)  ○○○○○○ ○○○○○○ ○○○○○○ ○○○○○○
2. Signature 	3. Title Regulatory Comp Spec.	
4. Typed Name Adam Swader	5. Date Mar 25, 2010	



March 25, 2010

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001

**Subject: Storage and Disposal Update  
Contact Herbicide #1  
EPA Registration No. 10088-35**

To Whom It May Concern:

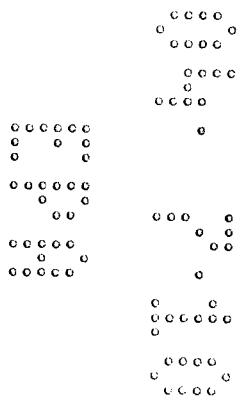
Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

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. No other changes have been made to the labeling or 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 requirements 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.

If there are any questions in regards to this notification please contact me at 414-354-6417 ext. 215 or email me at [aswader@athea.com](mailto:aswader@athea.com).

Thank You,

Adam Swader  
Regulatory Compliance Specialist  
Enclosures



**PRECAUTIONARY STATEMENTS**  
**HAZARDS TO HUMANS & DOMESTIC ANIMALS**  
**CAUTION**

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing.

**PERSONAL PROTECTIVE EQUIPMENT(PPE)**

Applicators and other handlers must wear: coveralls over long-sleeved shirt and long pants; Butyl gloves, or nitrile gloves, or other gloves that glove selection charts or guidance indicate are chemical-resistant to the pesticide for the period of time required to perform the task, chemical-resistant footwear plus socks; chemical-resistant headgear for overhead exposure; chemical-resistant apron when cleaning equipment, mixing or loading; and a dust/mist filtering respirator with NIOSH approval number prefix TC-84A.

**ENGINEERING CONTROLS**

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard(WPS) for agricultural pesticides(40 CFR 170.240(d)(4-6), the handler PPE requirements may be reduced or modified as specified in the WPS.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions exist 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 immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outsides of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**ENVIRONMENTAL HAZARDS**

This pesticide is toxic to aquatic invertebrates. 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 by cleaning of equipment or disposal of wastes or washwater. Local conditions may affect the use of this product. Consult Agricultural Extension Service for specific recommendations on dosage and time of application and for control of other weeds. Check with state and local authorities for necessary application permits.

**STORAGE AND DISPOSAL**

Do Not Contaminate Water, Food, or Feed By Storage or Disposal.

**Pesticide Storage:** Store in a dry place no lower in temperature than 50°F or higher than 120°F.

**Pesticide Disposal:** Pesticide wastes are 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:** Nonrefillable container. Do not reuse or refill 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 procedure two more times.

**Container Disposal For Greater than 5 gallons**

**Container Disposal:** Nonrefillable container. Do not reuse or refill 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 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 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.

# CONTACT HERBICIDE # 1

A CONTACT, NON-SELECTIVE VEGETATION KILLER  
FOR CONTROL OF BROADLEAF WEEDS AND GRASSES

KILLS MOST ALL FORMS OF PLANT GROWTH  
WITHOUT DAMAGE TO THE SOIL

**ACTIVE INGREDIENTS:**

Diquat Dibromide (6,7-Dihydrodipyrido(1,2-a:2',1'-c)  
pyrazinediium dibromide) ..... 1.85%  
INERT INGREDIENTS:..... 98.15%  
TOTAL.....100.00%

Contains 0.083 Lbs. Diquat cation per gallon as 0.155 Lbs. salt per gallon.

## KEEP OUT OF REACH OF CHILDREN CAUTION

**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 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.

**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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information on this pesticide (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378.

For information on product, usage, etc., call 1-800-743-6417.

EPA REG. NO. 10088-35  
EPA EST. 10088-WI-1

**NET CONTENTS:**

(Insert container size here, expressed in gallons/ounces  
with the option to add the metric equivalent.)

Manufactured By:

**Athea Laboratories Inc**  
**PO Box 240014**  
**Milwaukee, WI 53224**

**DIRECTIONS FOR USE**

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

**ENTRY RESTRICTIONS**

For 4 days following applications to non-crop areas (other than aquatic or residential sites), do not allow employees to have contact with the treated plants, except for contact with their footwear. For spot-treatment applications to residential sites, do not allow people or pets to touch treated plants until the sprays have dried.

General vegetation control around buildings and other non-crop areas, ornamental gardens, walkways, patios, storage areas, beneath greenhouse benches, fence lines, golf courses, parkways, driveways, ditches, sand traps and similar areas where any type of vegetation is undesirable. Controls broadleaf weeds, brush and grasses. Kills most every type of plant life on contact - it kills through the leaves only. THIS PRODUCT IS INACTIVATED ON CONTACT WITH THE SOIL. Absorption and herbicidal action is usually quite rapid with effects visible in a few days.

**General weed control in shrub areas:** This product will not injure desirable plants as long as spray does not come into contact with leaves of these plants. It becomes inactivated on contact with soil and is not absorbed through roots. This herbicide is not residual and will not prevent seeds from sprouting or new growth from occurring.

**Spot weed control in lawns and other areas:** This product will kill undesirable grasses in lawns if these grasses are spot sprayed.

**GOLF COURSES, DRIVEWAYS, PATIOS, ORNAMENTAL GARDENS, WALKWAYS, FENCEROWS AND OTHER NON-CROP AREAS** including around commercial and manufacturing buildings, rights-of-way and storage yards for control of undesirable broadleaf weeds and grasses, including annual and perennial broadleaf weeds, chickweed, sedge, bermuda grass and other grasses.

Use 2-1/2 gallons of this product per 20 gallons of water (16 ounces per gallon of water). Apply as a directed spray to thoroughly wet the weeds. For best results, use a non-ionic surfactant in the spray mixture. Application may be made any time during the growing season. Repeat application as necessary. Do not water treated areas for 24 to 36 hours after application. Avoid spray contact with food crops or ornamental plants. Do not apply this product through any type of irrigation system.

0146.031610

NOTIFICATION  
MAY 14 2010

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