

10088-81

5/20/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

20 MAY 2009

Troy Munson
Athea Laboratories, Inc.
P.O. Box 240014
Milwaukee, WI 53224

Dear Mr. Munson:

Subject: Label Amendment for RED: 2,4-D and MCP-P
Triple Selective Herbicide
EPA Registration Number 10088-81

The labeling referred to above is in compliance with 2,4-D RED and is amended under the RED provided that you:

1. Child resistant package is required.
2. Per the acute toxicity review, the signal word currently on the label "WARNING" must be revised to read "DANGER" and Spanish signal word "PELIGRO" must be added to the signal word section.
3. Per the acute toxicity review, the following "IF INHALED" text must be added to the First Aid statements currently on the label and the "IF INHALED" statements should be placed below the "IF SWALLOWED" statements:

"IF INHALED:
Move person to fresh air.
If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferable mouth-to-mouth if possible.
Call a poison control center or doctor for further treatment advice."

4. Per the acute toxicity review, a Note to Physician must be added to the label and must read:

"Note to Physician
Probable mucosal damage may contraindicate the use of gastric lavage."

The Agency recommends that additional text be added to the Note to Physician that addresses eye irritation concerns.

- 5. Per the acute toxicity review, the Hazards to Humans and Domestic Animals must be revised to read:

“DANGER
Corrosive. Causes irreversible eye damage. Harmful if swallowed. Harmful if absorbed through skin. Harmful if inhaled. Do not get in eyes, on skin, or on clothing. Avoid breathing spray mist or vapor.”

- 6. Per the 2,4-D, 2,4-DP-p and MCPP-p REDs and the acute toxicity review, the PPE section must be revised to read:

“Some materials that are chemical-resistant to this product are made of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators, flaggers, and other handlers must wear:
Long-sleeved shirt and long pants,
Shoes and socks,
Goggles or face shield,
Chemical-resistant gloves, and
Chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.”

Note: The word “flagger” must be deleted from the PPE section because aerial application is prohibited for this product.

- 7. The mechanical transfer engineering control text is no longer needed and may be deleted from the label.
- 8. Per the MCPP-p and 2,4-DP-p REDs, the text in bold type below must be added to the label and this text must be moved out of the box entitled ‘User Safety Requirements’ and placed directly below the PPE:

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

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product’s concentrate. Do not reuse them.”

- 9. The heading for the box entitled “User Safety Requirements” must be revised to read “User Safety Recommendations.”

- 10. The first sentence of the Environmental Hazard section must be revised to read:

“This pesticide is toxic to fish and aquatic invertebrates and may adversely affect non-target plants.”

- 11. Per the product chemistry review dated 5/8/08, revisions are needed to the physical or chemical hazard section of the label.
- 12. Under the Storage and Disposal section, after the first sentence, add the bullet "Pesticide Storage".
- 13. The word "times" must be revised to read "timber" in the section of the label under the heading 'Postemergent - annual & perennial weeds.
- 14. Per the 2,4-DP-p and MCPP-p REDs, the following restrictions must be added to the directions for use and any conflicting text (such as "make 2 applications 10 days apart," "maximum of 2 lbs ae [unspecified ae] per acre per application," "repeat as necessary,") must be deleted:

"For broadcast treatments:

Limited to 2 applications per year.
 Maximum of 0.75 lb ae per acre per application.
 Minimum of 30 days between applications.

For spot treatments:

Limited to 2 applications per year.
 Maximum of 1.2 lbs ae per application.*
 Minimum of 30 days between applications.
 Broadcast application is prohibited at this use rate.

Spot treatment is defined as a treatment area no greater than 1000 sq feet."

*Note: The more restrictive rates were used.

- 15. It is unclear whether the 'commercial' use product is intended for sod farm use. If it is not intended for sod farm use, the following statement must be added to the front panel to make it exempt of WPS language:
"Not for use on turf being grown for sale or other commercial sod, or for commercial seed production, or for research purposes."
 If this product is intended for sod farm use, the label must include an **Agricultural Use Requirements** box that lists an REI and early entry PPE. In addition, a **spray drift management section** must also be added to the label if sod farm use is intended.
- 16. Add the following statement to the front panel "Intended for use to residential areas by commercial applicators only."

17. Change the spray drift text currently on the label (“Spray when air is calm to avoid spray drift that might injure desirable ornamental plants”) to the text required in the 2,4-DP-p and MCPP-p REDs as listed below.

“Spray Drift Management

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of application can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Droplet Size

Use only medium or coarser spray nozzles according to ASAE (S572) definition of standard nozzles.

Wind Speed

Do not apply at wind speeds greater than 10 mph.

Temperature Inversions

If applying at wind speeds less than 3 mph, the applicator must determine if 1) conditions of temperature inversion exist, or 2) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.”

Additional requirements for groundboom application (if applicable):

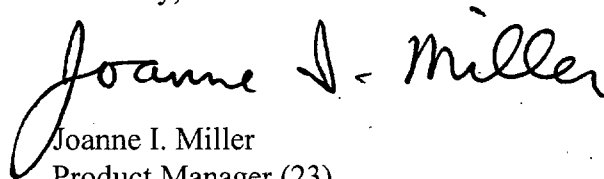
“Do not apply with a nozzle height greater than four feet above the target site.”

18. Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data.
19. Please note: Final product reregistration can not be considered until after all active ingredients in this product are eligible for reregistration.
20. Add the following statements to the labeling:

Use of this product in certain portions of California, Oregon and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition, et al. v. EPA, C01-0132 C, (W.D. WA). For further information, please refer to EPA Web Site: <http://www.epa.gov/espp>.

A stamped copy of your labeling is enclosed for your records. You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after 12 months from the date of this Notice or the next printing of the label whichever occurs first, must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Sincerely,



Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

Enclosure

Stamped 3-1-08

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

WARNING

Causes substantial but temporary eye injury. Do not get in eyes or on clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are barrier-laminate, nitrile rubber, viton. If you want more options, follow the instructions for category E on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators, flaggers, and other handlers must wear: long-sleeved shirt and long pants, shoes and socks, plus chemical resistant gloves, when applying with any handheld nozzle or equipment, mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate, chemical resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

USER SAFETY REQUIREMENTS

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

User should wash hands before eating, drinking, chewing gum, tobacco use, or using the toilet.

User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. If pesticide gets on skin, wash immediately with soap and water.

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.

If this container is over one gallon and less than five gallons, the person engaged in open pouring of this product must also wear coveralls or a chemical-resistant apron. If this container is five gallons or more in capacity, then a mechanical system (probe and pump) must be used for transferring the contents of this container. If the container of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.

ENVIRONMENTAL HAZARDS:

This pesticide may be toxic to fish and aquatic invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark except as noted on appropriate labels. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

PHYSICAL OR CHEMICAL HAZARDS:

Do not use or store near heat or open flame.

TRIPLE SELECTIVE HERBICIDE

ACTIVE INGREDIENTS:

Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid*	4.55%
Dimethylamine Salt of (+)-R-2-(2-Methyl-4-chlorophenoxy)propionic Acid** ‡	2.29%
Dimethylamine Salt of (+)-R-2-(2,4-Dichlorophenoxy)propionic Acid***	2.26%
INERT INGREDIENTS:	90.90%
TOTAL	100.00%

Isomer Specific Method, Equivalent to:

* 2,4-Dichlorophenoxyacetic Acid	3.8%, 0.33 lbs./gallon.
** (+)-R-2-(2-Methyl-4-chlorophenoxy) propionic Acid	1.9%, 0.17 lbs./gallon.
*** (+)-R-2-(2,4-Dichlorophenoxy) propionic Acid	1.9%, 0.17 lbs./gallon.

‡ CONTAINS THE SINGLE ISOMER FORMS OF MECOPROP-p and DICHLORPROP-p.

KEEP OUT OF REACH OF CHILDREN WARNING

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.

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 the poison control center or doctor. Do not give anything by mouth to an unconscious person.

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. 10088-81
EPA EST. NO. 10088-WI-1

Manufactured by:

Athea Laboratories Inc.
P.O. 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.

IMPORTANT: Do not use this product for controlling weeds in flower or vegetable beds, or around shrubs or ornamental plantings. Do not reseed for 3 to 4 weeks after use. If lawn needs watering, water thoroughly before application. Do not water for 48 hours after application. Spray entire lawn, wetting weeds and lawn grasses, do not overspray. Spray when air is calm to avoid spray drift that might injure desirable ornamental plants. Do not apply when temperatures are expected to exceed 85°F. within 24 hours of application. Make a new dilution for each use. Do not apply through any type of irrigation system. Avoid spray drift to vegetables, flowers, ornamental shrubs, trees and other desirable plants. Coarse sprays are less likely to drift.

NEWLY SEEDED LAWNS may be treated after they have been mowed at least 3 times. **BENT, RED FESCUE, CENTIPEDE AND CARPET GRASSES:** Use one-half the recommended rate (2 teaspoons of product per gallon of water covers 200 sq. ft.). Make 2 applications 10 days apart. Do not apply to Dichondra, Lippia, St. Augustine and Clover lawns.

EFFECTIVE FOR THE CONTROL OF: BURDOCK, CANADA THISTLE, CHICORY, CHICKWEED (MOUSE-EAR, COMMON & STITCHWORD), CLOVER, DANDELION, DOCK, DOG FENNEL, ENGLISH DAISY, FRENCHWEED, GROUND IVY, HAWKWEED, HEALALL, HENBIT, JIMSON WEED, KNOTWEED ERECT AND KNOTWEED PROSTRATE, LAMBSQUARTER, MALLOW, MORNING GLORY, MUSTARD, OXALIS, PENNYWORT, PEPPERGRASS, PIGWEED, PLANTAIN, POISON IVY, POISON OAK, PURSLANE, RAGWEED, SMARTWEED, SHEEP SORRELL, SPOTTED SPURGE, WILD ASTER, WILD CARROT, WILD GARLIC, WILD ONION, WOOD SORRELL AND MANY OTHER BROADLEAF WEEDS.

LAWN WEEDS: To kill dandelion, wild onion, pennywort, healall, plantain and similar weeds: Use 8 ounces in 6 gallons of water and apply with pump or hose-end sprayer or sprinkling can to 2,500 square feet of lawn. For smaller areas, use 2 teaspoons in 2 quarts of water applied to 100 square feet. For larger areas, use 1 gallon in 50 gallons of water applied to 1 acre.

To kill weeds such as thistles, bindweed, dock and ragweed, use 8 ounces in 6 gallons of water (or 2 teaspoonful in 2 quarts of water), and apply directly to plants, wetting them thoroughly. Repeat as necessary. For larger areas, use 1 gallon in 50 gallons of water.

To kill undesirable plants such as poison ivy or poison oak, use 8 teaspoonfuls in 2 quarts of water or 1 gallon in 12-1/2 gallons of water and drench plants when they are in full leaf. Repeat in 4 weeks if necessary. Certain hard-to-kill weeds such as poison ivy, poison oak and English daisy may require a fall application.

Application Restrictions: 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.

Postemergence (annual & perennial weeds): Limited to 2 applications per year. Maximum of 2.0 lbs. ae/acre per application. Minimum of 30 days between applications. Application to non-cropland areas are not applicable, to treatment of commercial times or other plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.

Entry Restrictions: Do not enter or allow people (or pets) to enter the treated areas until sprays have dried.

Prohibited for aerial applications.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Do not store near heat or open flame. Store above 32°F. If product freezes, mix thoroughly before using. This does not alter the product. Keep container tightly closed when not in use. If container is damaged or leaking, contain spill. Soak up spilled material with absorbent and place in closed, labeled container for proper disposal.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal law and may contaminate groundwater. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or Hazardous Waste representative at the nearest EPA regional office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

0363.022108_2,4-D RED

NET CONTENTS:

- 1 5 6 15 20
- 30 35 55 250 Gallons

10087

7097

ACCEPTED
with COMMENTS
in EPA Letter Dated

20 MAY 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

10088-81