

10088-118

05-07-2010

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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 7 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 10088-118 Non-Selective Weed Killer Concentrate

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 read "Linda Arrington".

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

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 10088-118	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Non-Selective Weed Killer Concentrate	PM# 25	
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

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

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

Notification - Explain below. Other - Explain below. **MAY - 7 2010**

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:

Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" 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
1,5,6,20,30,35, **55 GA**

5. Location of Label Directions
 On Label
 On Labeling accompanying product

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

6. Date Application Received (Stamped)

2. Signature 	3. Title Regulatory Comp Spec.
4. Typed Name Adam Swader	5. Date 4/22/10



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
Non-Selective Weed Killer Concentrate
EPA Registration No. 10088-118**

To Whom It May Concern:

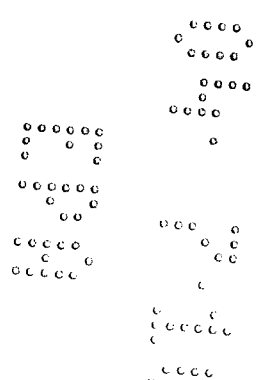
Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

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.

Thank You,

Adam Swader
Regulatory Compliance Specialist
Enclosures



PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

Harmful if swallowed. Causes moderate eye irritation. Do not get on skin or clothing. Avoid contact with eyes, skin or clothing.

FIRST AID

IF ON SKIN: 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. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have a person sip a glass of water if able to swallow. Do not induce vomiting unless told to by poison control center or doctor.

IF INHALED: 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

This product may cause skin sensitization reactions in some people.

You may also contact the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: Chemical-resistant gloves made of any water-proof material, long sleeved shirt and long pants, shoes plus socks. 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. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing.

ENVIRONMENTAL HAZARDS

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. Keep out of lakes, streams or ponds. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

DIRECTIONS FOR USE

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

GENERAL PRECAUTIONS AND RESTRICTIONS

Entry Restrictions: Do not enter or allow others to enter the treated area until sprays have dried.

Application Restrictions:

Do not apply more than the maximum application which is 109 gallons.

Do not apply this product in such a way that it will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

NOTIFICATION
MAY - 7 2010

NON-SELECTIVE WEED KILLER CONCENTRATE

NON-SELECTIVE HERBICIDE FOR CONTROLLING A
WIDE RANGE OF ANNUAL AND PERENNIAL WEEDS
AND GRASSES ON NON-CROPLAND AREAS

ACTIVE INGREDIENTS

Lithium salt of Bromacil
(5-bromo-3-sec-butyl-6-methyluracil) 1.20%

INERT INGREDIENTS..... 98.80%

TOTAL.....100.00%

This product contains lithium salt of bromacil at 0.11 pounds per gallon.

KEEP OUT OF REACH OF CHILDREN CAUTION

See side panel for additional precautionary statements.

EPA Reg. No. 10088-118

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

Not to be used in any recreational areas or in or around homes.

Do not use aluminum spray nozzles. Do not apply when the ground is frozen. Do not apply, drain or flush equipment on or near valuable trees or other desirable plants or on areas where their roots may extend, or where the chemical may be washed or moved into contact with their roots. Do not use on lawns, walks, driveways, tennis courts or similar areas. Prevent spray drift to desirable plants. **NOTE:** For effective brush control and to prevent damage to desirable vegetation: do not apply to brush in standing water; do not use on rights-of-way or other sites where desirable trees or shrubs are immediately adjacent to the treated areas. Do not use along ditch banks.

This product is an effective total kill herbicide for use on non-crop areas for control of many annual and perennial weeds and grasses. The degrees of control and duration of effect will vary with the amount of product applied, soil type, rainfall and other conditions.

Apply this product just before or during the period of active growth of plants to be controlled and when rainfall can be expected for soil activation. Because it works through the soil, results will be improved by removing dense vegetation growth before treatment. Effects are slow to appear and may not become apparent until the chemical has been carried into the root zone by moisture.

WEED CONTROL: To control most weeds for an extended period of time on non-cropland areas such as railroad, highway and pipeline rights-of-way, tank farms, lumber yards, fencerows, parking lots, storage areas and industrial sites.

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.

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Words in italics are for reference only
Words in [] are alternative wording
Words in { } are optional wording

Directions for Use continued
The following applies to Option 1, 2 or 3

Dilute 1 gallon of Non-Selective Weed Killer Concentrate (this product) with 9[10] gallons of water (total of 10 [11] gallons). This will assist in getting the product to the root zone. This solution may be applied by sprinkling or spraying. If sprayed, direct spray toward the base of the weed and adjust (nozzle) for a coarse spray to prevent drift.

Option 1

Annual weeds and grasses: Such as foxtail, ryegrass, wild oats, crabgrass, broomgrass, cheatgrass, ragweed, lambsquarters, puncturevine, orchardgrass, and turkey mullein. Apply 10 [11] gallons of diluted product per 800 square feet [ft²] (54-1/2 gallons/[per] acre).

Perennial weeds and grasses: Such as smooth brome, bahiagrass, bluegrass, purpletop, quackgrass, broomsedge, dogs fennel, aster, goldenrod, plantain, dandelion, and wild carrot. Apply 10 [11] gallons of diluted product per 400 square feet [ft²] (109 gallons/[per] acre).

Hard to kill perennials: Such as johnsongrass, nutgrass bermudagrass, dalligrass, nutsedge, saltgrass, bouncingbet, bracken, fern, dogbane and horsetail. Apply 10 [11] gallons of diluted product per 400 square feet [ft²] (109 gallons/[per] acre). Where limited rainfall (usually less than 4 inches) occurs during the active growing period, such as some areas of the west, this product will not provide satisfactory control of hard-to-kill, deep rooted perennial weeds such as johnsongrass. Use the higher application rates on absorptive soils (usually those high in organic matter or carbon).

Re-treatment: Apply 10 [11] gallons of the diluted product per 800 square feet when annual weeds and grasses reappear.

Option 2

Annual weeds and grasses: Such as foxtail, ryegrass, wild oats, crabgrass, broomgrass, cheatgrass, ragweed, lambsquarters, puncturevine, orchardgrass, and turkey mullein. Apply 10 [11] gallons of diluted product per 800 to 3100 square feet [ft²] (13-1/2 to 54-1/2 gallons/[per] acre).

Perennial weeds and grasses: Such as smooth brome, bahiagrass, bluegrass, purpletop, quackgrass, broomsedge, dogs fennel, aster, goldenrod, plantain, dandelion, and wild carrot. Apply 10 [11] gallons of diluted product per 400 to 800 square feet [ft²] (54-1/2 to 109 gallons/[per] acre).

Hard to kill perennials: Such as johnsongrass, nutgrass bermudagrass, dalligrass, nutsedge, saltgrass, bouncingbet, bracken, fern, dogbane and horsetail. Apply 10 [11] gallons of diluted product per 400 to 800 square feet [ft²] (54-1/2 to 109 gallons/[per] acre). Where limited rainfall (usually less than 4 inches) occurs during the active growing period, such as some areas of the west, this product

will not provide satisfactory control of hard-to-kill, deep rooted perennial weeds such as johnsongrass. Use the higher application rates on absorptive soils (usually those high in organic matter or carbon).

Re-treatment: Apply 10 [11] gallons of the diluted product per 800 square feet when annual weeds and grasses reappear.

Option 3

Annual weeds and grasses: Such as foxtail, ryegrass, wild oats, crabgrass, broomgrass, cheatgrass, ragweed, lambsquarters, puncturevine, orchardgrass, and turkey mullein. Apply 10 [11] gallons of diluted product over an area of 3100 square feet [ft²] (13-1/2 to 54-1/2 gallons/[per] acre).

Perennial weeds and grasses: Such as smooth brome, bahiagrass, bluegrass, purpletop, quackgrass, broomsedge, dogs fennel, aster, goldenrod, plantain, dandelion, and wild carrot. Apply 10 [11] gallons of diluted product over an area over 800 square feet [ft²] (54-1/2 to 109 gallons/[per] acre).

Hard to kill perennials: Such as johnsongrass, nutgrass bermudagrass, dalligrass, nutsedge, saltgrass, bouncingbet, bracken, fern, dogbane and horsetail. Apply 10 [11] gallons of diluted product over an area of 800 square feet [ft²] (54-1/2 to 109 gallons/[per] acre). Where limited rainfall (usually less than 4 inches) occurs during the active growing period, such as some areas of the west, this product will not provide satisfactory control of hard-to-kill, deep rooted perennial weeds such as johnsongrass. Use the higher application rates on absorptive soils (usually those high in organic matter or carbon).

Re-treatment: Apply 10 [11] gallons of the diluted product per 800 square feet when annual weeds and grasses reappear.

Option 4

To control annual weeds and grasses such as foxtail, ryegrass, wild oats, crabgrass, broomgrass, cheatgrass, ragweed, lambsquarters, puncturevine, orchardgrass, and turkey mullein: Apply 13-1/2 to 54-1/2 gallons [of this product] per acre diluted with sufficient water to allow for uniform application. (For small areas,) use 40 ounces in about 4 gallons of water to treat 250 square feet [ft²].

To control perennial weeds and grasses such as smooth brome, bahiagrass, bluegrass, purpletop, quackgrass, broomsedge, dogs fennel, aster, goldenrod, plantain, dandelion, and wild carrot: Apply 54-1/2 to 109 gallons [of this product] per acre diluted with sufficient water to allow for uniform application. (For small areas,) use 80 ounces in about 4 gallons of water to treat 250 square feet [ft²].

To control hard to kill perennials such as johnsongrass, nutgrass bermudagrass, dalligrass, nutsedge, saltgrass, bouncingbet, bracken, fern, dogbane and horsetail: Apply 54-1/2 to 109 gallons [of this product] per acre diluted with sufficient water to allow for uniform application. Where limited rainfall (usually less than 4 inches) occurs during the active growing period, such as some areas of the west, this product will not provide satisfactory control of hard-to-kill, deep rooted perennial weeds such as johnsongrass. Use the higher

application rates on absorptive soils (usually those high in organic matter or carbon).

For re-treatment on sites where weed growth has been controlled, apply 12 to 26-1/2 gallons per acre.

Brush Control: To control undesirable woody plants on non-cropland areas such as railroad rights-of-way, storage areas and industrial sites.

Broadcast Treatment: Apply 54-1/2 to 109 gallons per acre to control oak, willow, sweet gum, pine, American elm, winged elm, hackberry, sumac and cottonwood. Use the higher application rates on absorptive soils (those high in organic matter or carbon).

Basal (Soil) Treatment: To control the woody plants shown above and maple, poplar, red bud and wild cherry, dilute 2 gallons [of this product] with 2 gallons of water and apply at the rate of 6 to 12 fluid ounces [oz] per stem 2" to 4" in basal diameter. Wet base of stem to run off.

The following two paragraphs are required text:

Before spraying, calibrate equipment to uniformly apply the herbicide. After mixing, agitation of the spray solution is not required. Thoroughly clean spray equipment with a suitable chemical cleaner before using for other purposes or do not use the same spray for other purposes.

For all applications, do not apply more than 109 gallons of this product per acre per year.

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