

34704-771

10/30/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. John Tice
Manager Registration
Loveland Products, Inc.
P.O. Box 1286
Greeley, Colorado 80632-1286

OCT 30 2009

RE: Notification to change the Manufacturer's Warranty
EPA Registration Number: 34704-771
Date of Submission: September 28, 2009

Dear Mr. Tice:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated September 28, 2009, to the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

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

2097



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 34704-771	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Napropamide-Oxadiazonn 4-2 Granules	PM#	
5. Name and Address of Applicant (Include ZIP Code) Loveland Products, Inc. P.O. Box 1286 Greeley, Colorado 80632-1286 <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

OCT 3 0 2009

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

Notification: change in Manufacturer's Warranty permitted by PRN 98-10 § II (J) "Changes in Warranty Statements". This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 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 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 type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other (Specify) Plastic Bag
* 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
25 or 50 lb bag

5. Location of Label Directions
 Printed on the bag

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 John T. Tice John.Tice@cpsagu.com	Title Manager Registrations	Telephone No. (Include Area Code) 970-534-3415
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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, both under applicable law.

2. Signature <i>John Tice</i>	3. Title Manager Registrations	6. Date Application Received (Stamped)
4. Typed Name John T. Tice	5. Date Sep 28, 2009	

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Performance

Quality

Value

September 28, 2009

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

RE: EPA Reg. No. 34704-771: Napropamide-Oxadiazon 4-2 Granules, Notification:
Request to change the Manufacturer's Warranty Statement.

Dear Sir or Madam:

Loveland Products, Inc. is submitting an application to change the manufacturer's
Warranty in accordance with PRH 98-10, Section II(J). Enclosed please find:

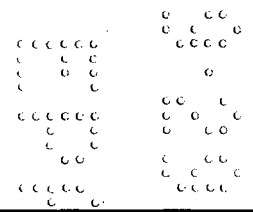
1. EPA Form 8570-1 (Notification)
2. E-Label Certification Statement.
3. CD ROM Containing a Searchable PDF File.
4. Copy of the EPA Letter Dated May 11, 2009 Approving Warranty Language
5. Copies of the Current Label with Warranty Changes

If you have any questions, please feel free to call or contact me at 970-534-3415 or
email at John.Tice@cpsagu.com.

Sincerely,

John Tice
Manager Registrations
Loveland Products, Inc.

Enclosures



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Napropamide- Oxadiazon 4-2 Granules

**FOR SALE TO AND USE BY PROFESSIONAL APPLICATORS ONLY.
NOT FOR SALE TO OR USE BY HOMEOWNERS/CONSUMERS.**

ACTIVE INGREDIENTS:	
Napropamide	4.0%
Oxadiazon: 2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-z-1,3,4 oxadiazolin-5-one	2.0%
INERT INGREDIENTS:	<u>94.0%</u>
TOTAL	100.0%

Selective, Pre-emergent Granular Herbicide for Control of Annual Grasses and Broadleaf Weeds in Container, Field Grown Nursery Stock, Liner Stock, Ground Covers, Shade/Lath Houses, and Landscape Ornamentals

KEEP OUT OF REACH OF CHILDREN CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail).

**EPA REG. NO. 34704-771
EPA EST. NO. 34704-NB-01
NET WEIGHT: 50 LBS. (22.68 Kg)**

IHT

EXP D 11/08

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Wear long-sleeved shirt and long pants, socks and shoes with waterproof gloves. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Loaders, Applicators and other handlers must wear:

- Long-sleeved shirt and long pants,
- Chemical-resistant gloves made of any waterproof material,
- Shoes plus socks.

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

When handlers use closed systems, enclosed caps, or aircraft in a manner that meets with 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.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing/PPE 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. As soon as possible, wash thoroughly and change into clean clothing.

FIRST AID

If swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Do not give any liquid to the person. • 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 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 the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.

**FOR A MEDICAL EMERGENCY INVOLVING THIS PRODUCT CALL:
1-800-301-7976.**

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

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from areas treated. Do not apply where runoff is likely to occur. Do not contaminate water when disposing of equipment washwaters or rinseate. Apply only as specified on this label.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. 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. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation. Do not apply this product through any type of irrigation system.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls,
- Shoes plus socks,
- Chemical-resistant gloves made of any waterproof material
- Protective eyewear.

Napropamide-Oxadiazon -2 Granules

EPA REG. NO. 34704-771

NON AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.
Keep children and pets out of treated areas until dusts have settled.

GENERAL INFORMATION

This product is a selective, pre-emergent herbicide for control of many annual grasses and broadleaf weeds on a wide variety of woody ornamental shrubs, vines, and trees. This product controls weeds by killing the young weed seedlings as they come in contact with the herbicide during germination.

Apply with a properly calibrated granular applicator that will apply the granules uniformly (uniform application is essential for satisfactory weed control). Calibrate the applicator prior to use, according to the manufacturer's directions, and check frequently during the application to be certain that the equipment is working properly.

Do not allow domestic animals to graze treated areas. Avoid contamination of water intended for irrigation and domestic purposes.

This product can be applied to newly planted container stock after soil has settled from first watering, field-grown nursery stock, dichondra, and to established plants.

This product is recommended on several different container potting soil mixtures. These mixtures include those containing 30% soil and/or sand and mixtures containing no soil (e.g., perlite, peat, bark, sawdust, and sand).

This product does not control established weeds. It must be applied to freshly weeded soil before weeds germinate or during fall and winter months.

GENERAL PRECAUTIONS

Read all instructions before using. Use only for recommended purposes and at recommended rates. Do not overdose. Treated plants may not be used for food or feed for one year after the last application of this product.

The maximum application rate is 150 lbs. of product (equivalent to 6 lbs. a.i. of napropamide / A). Only one application may be made per year.

Not for use on home lawns

For best results, water-in the product as soon as practical after application.

HOW TO USE

Woody Ornamental Shrubs, Vines, Trees, and Conifer Nursery Application*

For maximum weed control, apply prior to weed seed germination. This product can be applied to both newly transplanted and established ornamentals. Application can be made to actively growing or dormant ornamentals. Rainfall or overhead irrigation after application will improve weed control activity. This product must not be mixed into the soil. Cultivating or disturbing the soil may reduce the weed control activity of this product. Do not apply in greenhouses as plant injury may result from codistillation of this product's active ingredients onto leaf surfaces in condensation. Do not apply to wet foliage. Under normal conditions, expect control for 90-120 days. Repeat application at 3-month intervals.

*Conifer Nursery Application is Not a Registered Use in California.

This product may be used on the following established ornamentals and ground covers.

Agapanthus	Ajuga
Arborvitae	Ash, green
Azalea**	Bay, or Bay-rum tree
Boxwood, Japanese	Birch, paper
Bougainvillea	Black-laurel
Camellia, Japanese	Boxwood, common
Cedar, red	Camellia, common
Citrus, ornamental (lime, tangelo, temple, cuban shaddock)	Camellia, sasanqua
Cotoneaster**	Cedar, atlas
Croton	Crape myrtle**
Cypress	Cypress, leyland
Dogwood, common	Dogwood, red osier
Dogwood, kousa	Douglas fir
Eucalyptus	Euonymous, spreading
Euonymous, wintercreeper	Forsythia
Gardenia	Gazania, trailing
Heather, Scotch	Hemlock, eastern **
Hibiscus, Chinese or Hawaiian	Honeysuckle
hibiscus (crooked Celia, Jane Cowell crooked Rose, hulagirl)**	Ice plant
Holly	Ivy, English
	Jasmine, primrose
	Jasmine, showy

Ixora	Lantana, trailing
Ivy, Algerian	or Weeping lantana
Jasmine, orange	Leucothoe, coast
Jasmine, star	Lily-of-the-Nile
Juniper	Myrtle, wax
Larch, European	Nandina or Sacred bamboo
Leucothoe, drooping	Oleander
Magnolia, southern	including Dwarf oleander
Maple	Palm (bamboo, fishtail, licuala
Oak	Macarthur, manac, maniala,
Osmanthus	parlor, rattan, sealing wax, sugar)
Palmetto, wax	Podocarpus, yew
Photinia, fraser	Pyracantha
Pine including Spruce Pine	Redbud, eastern
or Cedar Pine	Rhododendron**
Pittosporum, Japanese	Sedum
Plum, natal	Trailing African daisy
Poplar	Xylosma
Raphiolepis	
Rose	
Shower-of-gold	
Spruce**	
Viburnum	
including Sandankwa**	
Yew	

**Varietal Sensitive, Refer to Sensitive Varieties Section for Additional Information

Sensitive Varieties

Under certain growing conditions, the plant varieties listed below may be sensitive to this product. Growers should evaluate usage on a small scale prior to large scale applications.

Plant Species	Varieties
Andromeda, Japanese (<i>Pieris japonica</i>)	Snowdrift, Temple bell
Azalea (<i>Rhododendron</i> spp.)	Pink champagne, Hershey, Leuchtenfuer, Memoire John Hearrens, Hino-crimson, White grandeur, Everest, Girard Roberta
Cotoneaster (<i>Cotoneaster</i> spp.)	Eichholz, Himalayan, Shangri-la
Crape Myrtle, common (<i>Lagerstroemia indica</i>)	Petite red imp, Seminole bush
Heath, spring (<i>Erica carnea</i>)	Mediterranean pink
Hemlock, Eastern (<i>Tsuga canadensis</i>)	pendula
Hibiscus (<i>Hibiscus syriacus</i>)	Red heart
Rhododendron (<i>Rhododendron</i> spp.)	Daphnoides, Nova zembla, Catawba album
Spruce, Norway (<i>Picea abies</i>)	Pumila
Spruce, white (<i>Picea glauca</i>)	Densata
Viburnum (<i>Viburnum</i> spp.)	Davidii

Users who wish to apply this product on ornamental plant species not recommended on this label may determine the suitability for such uses by making a trial application at a recommended rate to a small number of plants. Prior to using this product on a large number of plants, the treated plants should be observed for any sign of herbicidal injury during 30 to 60 days of normal growing conditions to determine if the treatment is non-injurious to the target plant species. **The user assumes responsibility for any plant damage or other liability resulting from the use of this product on plant species not recommended on this label.**

Amount to Use

Ground Application - Apply broadcast or banded to ornamentals at 100 to 150 pounds of product per broadcast acre (or 2.25 to 3.44 pounds per 1000 square

feet). Use the higher rate for harder-to-control weeds and the lower rate for easier-to-control weeds. Remove existing weed/grass growth before application. Do not apply more than 3.44 pounds per 1000 square feet.

Napropamide-Oxadiazon 2 Granules
EPA REG. NO. 34704-771

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BUT NOT LIMITED TO CLAIM OF BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, STRICT LIABILITY, OR OTHER TORTS, SHALL BE LIMITED TO ONE OF THE FOLLOWING, AT THE ELECTION OF LOVELAND PRODUCTS, INC. OR THE SELLER: DIRECT DAMAGES NOT EXCEEDING THE PURCHASE PRICE OF THE PRODUCT OR REPLACEMENT OF THE PRODUCT, TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LOVELAND PRODUCTS, INC. AND THE SELLER SHALL NOT BE LIABLE TO THE BUYER OR USER OF THIS PRODUCT FOR ANY CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES, OR DAMAGES IN THE NATURE OF A PENALTY.

Annual Broadleaf Weeds

Bittercress	Liverwort
Bristly oxtongue	Niruri
Carpetweed	Pennsylvania smartweed
Coast fiddleneck	Petty spurge
Common chickweed	Pineapple-weed
Common groundsel	Prickly lettuce
Common mallow (Cheeseweed)	Prostrate knotweed
Common purslane	Prostrate spurge
Common ragweed	Redroot pigweed
Eveningprimrose	Sensitiveplant, (Partridgepea)
Filaree	Shepherdspurse
Fireweed	Sowthistle
Gallinsoga	Speedwell
Garden spurge	Spiny amaranth
Golden ragwort	Spotted catsear
Horse purslane	Swinecress
Lambsquarters	Yellow woodsorrel
Little mallow	

Annual Grasses

Annual bluegrass	Large crabgrass
Annual sedge	Red sprangletop
Barnyardgrass	Ripgut brome
Bristly foxtail	Sandbur
Cheatgrass (<i>Bromus tectorum</i>)	Smooth crabgrass
Downy brome (<i>Bromus tectorum</i>)	Soft brome (<i>Bromus mollis</i>)
Fall panicum	Southwestern cupgrass
Giant foxtail	Stinkgrass
Goosegrass	Texas panicum
Green foxtail	Wild barley
Guineagrass	Wild oats
Italian ryegrass	Witchgrass
Johnsongrass, seedling	Yellow foxtail

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.
PESTICIDE STORAGE: Store product in its original bag, in a cool, dry, locked place out of the reach of children. Keep container closed when not in use.
PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of 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. Offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration. Do not burn, unless allowed by state and local ordinances.
 For help with any spill, leak, fire or exposure involving this material, call day or night CHEMTREC - 1-800-424-9300.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY BEFORE BUYING OR USING THIS PRODUCT, read the entire Directions for Use and the following Conditions of Sale and Limitation of Warranty and Liability. By buying or using this product, the buyer or user accepts the following Conditions of Sale and Limitation of Warranty and Liability, which no employee or agent of LOVELAND PRODUCTS, INC. or the seller is authorized to vary in any way.

Follow the Directions for Use of this product carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop or other plant injury, ineffectiveness, or other unintended consequences may result from such risks as weather or crop conditions, mixture with other chemicals not specifically identified in this product's label, or use of this product contrary to the label instructions, all of which are beyond the control of LOVELAND PRODUCTS, INC. and the seller. The buyer or user of this product assumes all such inherent risks.

Subject to the foregoing inherent risks, LOVELAND PRODUCTS, 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 when the product is used in strict accordance with such Directions for Use under normal conditions of use. EXCEPT AS WARRANTED IN THIS LABEL AND TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THIS PRODUCT IS SOLD "AS IS," AND LOVELAND PRODUCTS, INC. MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ELIGIBILITY OF THIS PRODUCT FOR ANY PARTICULAR TRADE USAGE.

IN THE UNLIKELY EVENT THAT BUYER OR USER BELIEVES THAT LOVELAND PRODUCTS, INC. HAS BREACHED A WARRANTY CONTAINED IN THIS LABEL AND TO THE EXTENT REQUIRED BY APPLICABLE LAW, BUYER OR USER MUST SEND WRITTEN NOTICE OF ITS CLAIM TO THE FOLLOWING ADDRESS: LOVELAND PRODUCTS, INC., ATTENTION: LAW DEPARTMENT, P.O. BOX 1286, GREELEY, CO 80632-1286.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE BUYER'S OR USER'S EXCLUSIVE REMEDY FOR ANY INJURY, LOSS, OR DAMAGE RESULTING FROM THE HANDLING OR USE OF THIS PRODUCT, INCLUDING

FORMULATED FOR



P.O. BOX 1286, GREELEY, COLORADO 80632-1286