

228-313

10/20/2010

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Mr. George Meindl
Nufarm Americas
150 Harvester Drive
Burr Ridge, IL 60527

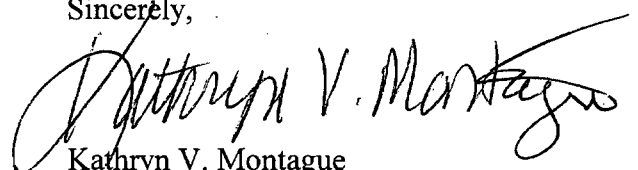
OCT 20 2010

Subject: Label Amendment – add language that allows reduced eye protection when diluted to 3 pints product with 20 gallons or more water only
Product Name: Horsepower Selective Herbicide
EPA Registration Number: 228-313
Decision Number: 434797

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you make the following change to the product labeling:

1. Remove “or safety glasses” from the protective eyewear PPE
2. Change, “Container Disposal” to “Container Handling” in the Storage and Disposal section.

One copy of the master label stamped “Accepted with Comments” is enclosed for your records. Products shipped after 18 months from the date on 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. Your release for shipment of this product constitutes acceptance of these conditions. This label supersedes all previous accepted labels. You must submit one copy of the final printed label before the product is released for shipment.

Sincerely,

Kathryn V. Montague
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

October 5, 2010

Reg. No. 228-313

Label Amendment

1. The original proposed label wanted to add the following PPE reduction statement:
"After this product has been diluted in accordance with Directions for Use, eye protection is not required."

Nufarm submitted a primary eye irritation study that supported a tox. cat. IV for eye irritation when 3 pints of product were diluted with 20 gallons of water.

TRB tox team found the proposed statement unacceptable due to the fact that the Use Directions of the label allow for dilutions that result in concentrations greater than what the study supported as well as dilutions with solvents other than water.

However, TRB tox did not have objection with a less all-encompassing statement indicating that when 3 pints of product is diluted with 20 or more gallons of water only, eye protection is not required.

A 75-day letter was issued to Nufarm on September 27, 2010.

Nufarm resubmitted a revised label with the following PPE reduction statement:
"Eye protection is not required ONLY when 3 pints of product is diluted with 20 or more gallons of water."

This reviewer believes this to be acceptable based on TRB's comment (see pg 2 of 3 of the acute toxicity review dated September 23, 2010)

2. The resubmitted/revised proposed label was also compared with the last approved label and the AI REDs.

Since the original acute tox. assessment did not allow for safety glasses (for the undiluted concentrate), comment 1 requires removal of this PPE option.

The last approved label did include "Chemical-resistant headgear for overhead exposure" as this was required in the notice of registration. However, upon review of the AI REDs, this is only a requirement for WPS early re-entry purposes. Therefore, this should not be a requirement for an ornamental turf product (no WPS uses)

PRIA Due Date: 10/28/10

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HORSEPOWER® SELECTIVE HERBICIDE

ACCEPTED
with COMMENTS
In EPA Letter Dated:
OCT 20 2010

FOR SELECTIVE BROADLEAF WEED CONTROL IN ORNAMENTAL LAWNS
AND TURF GRASSES. CONTROLS BLACK MEDIC, CHICKWEED, CLOVER
COCKLEBUR, DANDELION, KNOTWEED, OXALIS, PLANTAIN, THISTLE AND
MANY OTHER SPECIES OF BROADLEAF WEEDS; SOME OF WHICH ARE
LISTED ON THIS LABEL.

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

228-313

CONTAINS MCPA, TRICLOPYR AND DICAMBA

ACTIVE INGREDIENTS:

Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	48.99%
Triethylamine Salt of 3,5,6-Trichloro-2-Pyridinyloxyacetic Acid**	5.59%
Dimethylamine Salt of Dicamba (3,6-Dichloro-o-Anisic Acid)***	4.82%

OTHER INGREDIENTS:

.....	40.60%
TOTAL	100.00%

By Isomer Specific AOAC Method, Equivalent to:

*2-Methyl-4-Chlorophenoxyacetic Acid	40.0%	3.80 lbs./gal.
**3,5,6-Trichloro-2-Pyridinyloxyacetic Acid	4.0%	0.38 lbs./gal.
***3,6-Dichloro-o-Anisic Acid	4.0%	0.38 lbs./gal.

**KEEP OUT OF REACH OF CHILDREN
DANGER - PELIGRO**

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.)

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300
For Medical Emergencies Only, Call (877) 325-1840

NOTE: Spanish language is optional

EPA REG. NO. 228-313
EPA EST. NO. 228-IL-1

MANUFACTURED BY
NUFARM AMERICAS INC.
150 HARVESTER DRIVE
BURR RIDGE, IL 60527



NET CONTENTS GALS.

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER - PELIGRO**

Corrosive. Causes irreversible eye damage. Harmful if swallowed or absorbed through skin. Do not get in eyes, on skin or on clothing. Avoid contact with eyes, skin or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are Butyl rubber ≥1 4 mils. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators, and other handlers must wear:

- Long-sleeved shirt and long pants,
- Protective eyewear (goggles, face shield or safety glasses)*
- Shoes plus socks, and
- Chemical-resistant gloves made of any waterproof materials.

- Eye protection is not required ONLY when 3 pints of product is diluted with 20 or more gallons of water

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 SAFETY RECOMMENDATIONS	
Users Should:	
<ul style="list-style-type: none"> • 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. 	

NON-AGRICULTURAL USE REQUIREMENTS	
<p>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.</p> <p>Do not enter or allow people or pets to enter the treated field until sprays have dried.</p>	

FIRST AID	
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 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 SWALLOWED	<ul style="list-style-type: none"> • Call 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.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.

NOTE TO PHYSICIAN

This product is corrosive to the eyes. Probable mucosal damage may contraindicate the use of gastric lavage.

ENVIRONMENTAL HAZARDS

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 contaminate water when disposing of equipment washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

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.

DIRECTIONS FOR USE

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

This product is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees* and Roughs) . Not for use on turf being grown for resale or other commercial use as sod, or for commercial seed production or for research purposes. *Excluding Bentgrass Tees.

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

Application Restrictions: Avoid contact with eyes, skin, or clothing during and after application. Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application. This product may cause skin sensitization reactions in some people.

The maximum application rate is 3.2 pints of product (1.5 lb ae) per acre per year.

Limit two applications per year with a minimum retreatment interval of 21 days.

Aerial application is prohibited.

USE PRECAUTIONS

Avoid drift of spray mist to vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not pour spray solutions near desirable plants. Do not use on Carpetgrass, Dichondra, nor on lawns or turf where desirable clovers are present. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Avoid contact with exposed feeder roots of ornamentals and trees. Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. Use the higher rate for hard-to-control weeds. Do not exceed specified dosages for any area; be particularly careful within the dripline of tree and other ornamental species. Do not apply to newly seeded grasses until well established. Avoid broadcast applications when air temperature exceeds 90 degrees. When using small, spot treatment applications in temperature over 90 degrees, turf injury may occur.

When treating Carpetgrass and St. Augustine grass, avoid broadcast applications when air temperature exceeds 80 degrees. When air temperatures exceed 80 degrees, limit application to spot treatment only.

Avoid application to Centipede or St. Augustine grasses unless turf injury can be tolerated. The suitable use of this product on non-recommended turf species may be determined by treating a small area at any rate/acre which does not exceed 3 pints/acre. Prior to treatment of larger areas, the treated area should be observed for any sign of turf injury for a period of 30 days of normal growing conditions to determine the phytotoxicity and efficacy to the treated area. The user assumes the responsibility for any plant damage or other liability resulting from the use of this product on species not recommended on this label.

For optimum results: (1) avoid applying during excessively dry or hot periods unless irrigation is used;(2) turf should not be mowed 1to 2 days before and following application; (3) reseed no sooner than 3 to 4 weeks after application of this product. Adding oil, wetting agent, or other surfactant to the spray may be used to increase effectiveness on weeds but doing so may reduce selectivity to turf resulting in turf damage. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other sprays.

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when the wind speed is 2-10 mph at the application site.

Do not apply with a nozzle height greater than 4 feet above the crop canopy for ground boom application.

WEEDS CONTROLLED

Alfalfa	Dog fennel	Mayweed	Spurweed
Amaranth	Dragonhead mint	Milkweed	Starbur
Aster	Evening primrose	Morningglory	Stinging nettle
Beadstraw	Field pennycress	Mustard	Stitchwort
Bedstraw	Fleabane	Nightflowering catchfly	Stunkweed
Beggartick	Florida pusley	Nightshade	Sumpweed
Beggarweed	Frenchweed	Oxalis(Stricta and corniculata)	Sunflower
Bindweed	Galinsoga	Parsley-piert	Tansy ragwort
Bitter sneezeweed	Geranium	Pennywort	Teasel
Black medic	Goatsbeard	Peppergrass	Teaweed
Bladder campton	Goldenrod	Pepperweed	Texas blueweed
Bracken fern	Goosefoot	Pigweed	Thistle
Broomweed	Gromwell	Plantain	Toadflax
Buckhorn	Ground ivy	Poison hemlock	Trumpet creeper
Buckwheat	Halfshrub sundrop	Poison ivy	Velvetleaf
Buffalobur	Hawkweed	Poison oak	Veronica
Burclover	Healall	Pokeweed	Vetch
Burcucumber	Heartleaf drymary	Poorjoe	Waterhemlock
Burdock	Hemp sesbania	Prickly sida	Waterhemp
Bursage	Hempnettle	Prickly lettuce	Whitebrush
Buttercup	Henbit	Puncturevine	Wild violet
Canada thistle	Horsenettle	Purslane	Wild radish
Carpetweed	Horseweed	Ragweed	Wild onion
Catnip	Ironweed	Red sorrel	Wild aster
Catsear	Jerusalem artichoke	Red clover	Wild carrot
Chamise	Jimsonweed	Redvine	Wild lettuce
Chamomile	Knapweed	Redstem	Wild garlic
Chickweed	Knapwood	Rubberweed	Wild geranium
Chicory	Knawel	Sheep sorrel	Wood sorrel
Cinquefoil	Knotweed	Shepherdspurse	Wormwood
Clover	Kochia	Sicklepod	Yankeeweed
Cocklebur	Ladysthumb	Smartweed	Yarrow
Coffeeweed	Lambsquarter	Snakeweed	Yellow starthistle
Cornflower	Lespedeza	Sowthistle	Yellow rocket and many other broadleaf weeds.
Cornspeedwell	Little starwort	Speedwell	
Croton	Mallow	Spiderwort	
Daisy	Marc's Tail	Spikeweed	
Dandelion	Marshelder	Spurge	
Dock	Matchweed	Spurry	

ORNAMENTAL LAWNS AND TURF

Apply this product at the rate of 2 to 3 pints in 20 to 240 gallons of water per acre (0.73 to 1.10 fluid ounces in 0.5 to 5.5 gallons of water per 1,000 square feet) to control weeds growing in turf grasses planted to Bluegrass, Fescue, Rye, Bent (excluding golf course greens and tees), Bahia, Bermuda and Zoysia.

Herbi™ Controlled Droplet Applicator: Add 1-1/2 to 2-1/4 pints of this product to the 5 pint Herbi bottle, then fill with water to make 5 pints of mixture or substitute 1/2 pint of a surfactant for water while agitating the solution.

While walking at approximately 1 pace (3 feet) per second, spray entire contents over 33,000 square feet (3/4 of an acre). Do not overlap (double coverage) at edge of spray patterns. Reduced rates (use 1/2 of rate shown above) of this product must be applied when grass is stressed from heat, drought, etc.

Controlled Droplet Applicators - (CDA), Atomizers, and Spinning Disk Applicators: Use this product at the rate of 2 to 3 pints per acre (0.73 to 1.10 fluid ounces per 1,000 square feet) in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment).

NOTE: For all grasses (1) Do not overlap spray patterns; (2) Use reduced rates if grass is stressed from heat, drought, etc.; and (3) Follow CDA equipment spray instructions.

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COMPATIBILITY

This product can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizers and liquid iron differ in pH, free ammonia content, density, salt concentration and percentage of water, a compatibility test (given below) is recommended prior to mixing in the application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed. The following compatibility test should always be performed prior to full-scale mixing.

1. Pour 18 ounces of water into a quart jar.
2. Add 1 ounce of either the liquid fertilizer or liquid iron to be used.
3. Add 1 ounce of this product.
4. Close jar and shake well.
5. Watch the mixture for several seconds after shaking and check again after 30 minutes.
6. If the mixture does not show signs of separating, the combination may be used. If the mixture foams excessively, gels, separates or gets very thick, do not combine for field application.
7. Compatibility may be improved by the use of a compatibility agent. Some suggested compatibility agents to try are Kalo Laboratories Complex, Hopkins Chemical's Unite, Farm Chemicals Inc.'s Compat, Harcros Chemicals' T-Mulz 734-2, Rigo Company's Rigo Compatibility Agent, Witco Chemical's Sponto 1 68D, Amoco Oil's Amoco Spray Mate and Universal Co-op's Chem-Link. These agents are all used in the same manner. Follow the previously outlined test procedures and add 1/6 ounce of the compatibility agent between steps (the compatibility agent must be added to the fertilizer or iron before adding this product).
8. If the mixture does not separate, gel, foam or get very thick, it may be used for field application. Mix only the amount to be sprayed. Do not allow to stand overnight.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Always store pesticides in a secured warehouse or storage building. Store at temperatures above 32°F. If allowed to freeze, remix before using. This does not alter this product. Containers should be opened in well-ventilated areas. Keep container tightly sealed when not in use. Do not stack cardboard cases more than two pallets high. Do not store near open containers of fertilizer, seed or other pesticides.

PRODUCT DISPOSAL: Pesticide wastes are acutely hazardous. If container is damaged or if pesticide has leaked, contain all spillage. Absorb and clean up all spilled material with granules or sand. Place in a closed labeled container for proper disposal. Improper disposal of excess pesticide, spray mixtures, 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 Containers 5 Gallons or Less: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) 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. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

Nonrefillable containers larger than 5 gallons: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If recycling or reconditioning not available, puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke. Triple rinse or pressure rinse container (or equivalent) 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. **Pressure rinse as follows:** Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

OR

Refillable containers larger than 5 gallons: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

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If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

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