

228-317

2.17.2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Mathew Granahan
Product Registration
Willbert Home Products
4044 Park Ave.
St. Louis, MO 63110

FEB 17 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change
EPA Reg. No. 228-317
Application Dated December 23, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/23/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) 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 call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to be "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

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United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 228-317	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cool Power Selective Herbicide	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: NOTIFICATION EPA Reg. No. _____ Product Name _____ FEB 17 2009	

Section - II

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

Label Notification per PR Notice 98-10, Section II. Amended labeling with label claims as highlighted. 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 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 the 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 section 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" Unit Packaging wgt. No. per container		<input 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" Package wgt No. per container			
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input type="checkbox"/> Other _____					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Matthew Granahan matthew.granahan@us.nufarm.com	Title Registration Manager	Telephone No. (Include Area Code) 630.455.2048
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 Registration Manager	
4. Typed Name Matthew Granahan	5. Date 12/23/08	



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Nufarm Americas Inc.

150 Harvester Drive, Suite 200

Burr Ridge, IL 60527

Telephone: (630) 455.2000 Facsimile: (630) 455.2001

www.us.nufarm.com

December 23, 2008

Via Overnight Courier

U. S. Environmental Protection Agency (7504P)
Document Processing Desk (NOTIF)
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

**Subject: Cool Power Selective Herbicide
EPA REG. No. 228-317
Label Notification per PR 98-10**

Dear Ms. Hobgood:

Nufarm Americas, Inc would like to add optional language to subject product's label. The proposed language is consistent with PR Notice 98-10, Section II (Labeling Notifications) Subsection E (Changes in Packaging and Related Labeling Statements). We have added Optional Use Instructions for a Ready-To-Spray Container, to our Residential Label and Commercial Label.

To process this request please find enclosed the following:

- Application for Pesticide Registration EPA form 8570-1
- Revised labeling with areas of change clearly identified (1 copy)
- Revised labeling – clean (1 copy)

If you should have any questions regarding this matter, please feel free to contact me at (630) 455-2048 or matthew.granahan@us.nufarm.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Granahan', written over a horizontal line.

Matthew Granahan
Registration Manager
Nufarm Americas, Inc.

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(COMMERCIAL LABEL)

COOL POWER®

SELECTIVE HERBICIDE

A THREE-WAY POST-EMERGENT SELECTIVE BROADLEAF HERBICIDE FOR USE ON GOLF COURSES, PARKS, ORNAMENTAL TURF LAWNS, ROADSIDES, AND SIMILAR TURF AREAS.

CONTROLS (OR KILLS) DANDELIONS, CHICKWEEDS, PLANTAINS, OXALIS, SPURGE AND MANY OTHER BROADLEAF WEEDS, SOME OF WHICH ARE LISTED ON THIS LABEL.

CONTAINS MCPA, TRICLOPYR AND DICAMBA
ONE GALLON COVERS UP TO 3.2 ACRES

ACTIVE INGREDIENTS:

Isooctyl (2-ethylhexyl) Ester of 2-Methyl-4-Chlorophenoxyacetic Acid*	56.14%
Butoxyethanol Ester of 3,5,6-Trichloro-2-Pyridinyloxyacetic Acid**	5.00%
Dicamba (3,6-Dichloro-o-Anisic Acid)***	3.60%

OTHER INGREDIENTS:	35.26%
TOTAL:	100.00%

Isomer Specific AOAC Method, Equivalent to:

*2-Methyl-4-Chlorophenoxyacetic Acid	36.0%, 3.0 lbs./gal.
**3,5,6-Trichloro-2-Pyridinyloxyacetic Acid	3.6%, 0.3 lbs./gal.
***3,6-Dichloro-o-Anisic Acid	3.6%, 0.3 lbs./gal.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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

NOTIFICATION

FEB 17 2009

EPA REG. NO. 228-317
EPA EST. NO.

Manufactured For
NUFARM AMERICAS INC.
150 Harvester Drive
Burr Ridge, IL 60527



NET CONTENTS: GAL. (L)

000228-00317.20081222.EPA.Notification

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(COMMERCIAL LABEL)

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

Causes moderate eye irritation. Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

- Long-sleeved shirt and long pants;
- Socks and shoes;
- Chemical-resistant gloves made of barrier laminate, nitrile rubber, neoprene rubber, or viton.

Follow manufacturer's instructions for cleaning/maintaining personal protective equipment, 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. If pesticide gets on skin, wash immediately with soap and water. • Remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing. 	

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"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give any liquid to the person. • 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
Contains Petroleum Distillates. May pose an aspiration pneumonia hazard.

ENVIRONMENTAL HAZARDS

Drift or runoff may adversely affect nontarget plants. 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 when disposing of equipment washwaters or rinsate nor pour washwater on the ground; spray or drain over a large area away from wells and other water sources. Do not apply this product through any type of irrigation system. Do not contaminate water used for irrigation or domestic purposes.

Most cases of groundwater contamination involving phenoxy herbicides such as MCPA have been associated with mixing/loading and disposal sites. Caution should be exercised when handling these phenoxy pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing and transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

Triclopyr has properties and characteristics associated with chemical 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. READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

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(COMMERCIAL LABEL)

GENERAL INFORMATION

This product is a stable solution containing a mixture of three herbicides. It is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees* and Roughs) and similar turf areas. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes. *Excluding Bentgrass tees.

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. 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 (or killing) of weeds will be obtained from spring or early fall applications when weeds are actively growing. Use the higher rate for hard-to-control (or kill) weeds. Do not exceed specified dosages for any area; be particularly careful within the dripline of trees and other ornamental species. Do not apply to newly seeded grasses until well established. Avoid broadcast applications when air temperature exceeds 85°F. When using small, spot treatment applications in temperature over 85°F, turf injury may occur.

When treating Carpetgrass and St. Augustine grass, avoid broadcast applications when air temperature exceeds 80°F. When air temperatures exceed 80°F, 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 these non-recommended turf species may be determined by treating a small area at any rate/acre (or 1000 sq.ft.) which does not exceed 3-1/2 pints/acre (1.29 fl.oz./1000 sq.ft.). 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 1 to 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. Failure to observe the above precautions may result in injury to turf and other desirable vegetation.

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

Sensitive Areas: The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

WEEDS CONTROLLED

Beggarweed	Dog fennel	Mustard	Spotted catsear
Bindweed	English daisy	Oxalis	Spurge
Black medic	Florida pusley	(Stricta and corniculata)	Spurweed
Buckhorn	Frenchweed	Parsley-piert	Stinging nettle
Burdock	Goldenrod	Pennywort	Stitchwort
Buttercup	Ground ivy	Pepperweed	Thistle
Canada thistle	Hawkweed	Pigweed	Toadflax
Carpetweed	Healall	Plantain	Veronica
Catnip	Heartleaf drymary	Poison ivy	Vetch
Chamise	Henbit	Poison oak	Wild aster
Chickweed	Jimsonweed	Purslane	Wild carrot
Chicory	Knawel	Ragweed	Wild garlic
Cinquefoil	Knotweed	Red clover	Wild geranium
Clover	Kochia	Red sorrel	Wild lettuce
Cocklebur	Lambsquarter	Sheep sorrel	Wild onion
Coffeeweed	Lespedeza	Shepherdspurse	Wild radish
Cornflower	Little Starwort	Smartweed	Wild violet
Cornspeedwell	Mallow	Sowthistle	Wood sorrel
Dandelion	Matchweed	Speedwell	Yarrow and many other
Dock	Morningglory	Spiderwort	broadleaf weeds.

PREPARATION OF THE SPRAY

Add one-half the required amount of water to the spray tank, then add this product with agitation, and finally the balance of the water with continued agitation. This material forms an emulsion in water - not a solution. This tends to separate on standing. Provide agitation to prevent such separation and ensure a uniform mixture.

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(COMMERCIAL LABEL)

ORNAMENTAL LAWNS AND TURF

Apply this product at the rate of 2-1/2 to 3-1/2 pints in 20 to 240 gallons of water per acre (0.91 to 1.29 fluid ounces in 0.5 to 5.5 gallons of water per 1,000 square feet) to control weeds growing in turf planted to Bluegrass, Fescue, Rye, Bent (excluding golf greens and tees), Bahia, Bermuda and Zoysia.

When treating warm season turf that is completely dormant, the higher rates may be used. When treating warm season turf that is actively growing, use a lower rate. Avoid applications to warm season turf during transition from dormancy to green-up or green-up to dormancy.

Herbi Controlled Droplet Applicator: Add 1-2/3 to 2-1/2 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. Herbi™ is a trademark of North American Micron.

Controlled Droplet Applicators - (CDA), Atomizers, and Spinning Disk Applicators: Use this product at the rate of 2-1/2 to 3-1/2 pints per acre (0.9 to 1.25 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.

Do not apply more than 1.5 lbs. ae of MCPA or 4 pints of product per acre per year.
Do not apply more than 2 application per year with a minimum retreatment interval of 21 days.

OTHER NON-CROP AREAS

(fencerows, hedgerows, roadsides (including aprons and guard rails), ditches, rights-of-way, utility, pipelines, powerlines, railroads, airports, commercial plants, storage and lumber yards, barrier strips and firebreaks, equipment areas, nurseries and ornamental plantings, fuel tank farms, pumping stations and other industrial sites)

For the control of broadleaf weeds, mix at a rate of 1/4 to 3/4 gallon of this product per 50 to 300 gallons of water. This mixture will cover 43,500 square feet. Thoroughly saturate all weeds with spray mixture. Apply any time between the time when plants come into full leaf (Spring) to when the plants begin to go dormant. Best results are obtained when weeds are young and actively growing. Do not cut weeds until herbicide has translocated throughout the plant causing root death. For small broadleaf weeds, use the lower rate. Heavy, dense stands require the higher rate of 3 ounces of this product per gallon of water and spray to thoroughly wet all foliage.

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. Containers should be opened in well-ventilated area. 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.
PESTICIDE DISPOSAL: 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. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
CONTAINER DISPOSAL: Triple rinse (or equivalent). 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.

Local conditions may affect the use of this chemical as shown on this label. Consult State Experimental Station or Extension Service weed specialist for specific recommendations for local weed problems and for information on possible lower dosages.

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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(COMMERCIAL LABEL)

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

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.

(RV122208N)

Cool Power is a registered trademark of Nufarm Americas Inc.
All other trademarks are the property of their respective owners.

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(COMMERCIAL LABEL)

Optional Language RTS

If this product is packaged in a hose-end sprayer, follow the directions below:

HOW TO USE THIS SPRAYER: Shake Container Well Before Getting Started.

1. Before you start, the blue top water flow valve should be in the "OFF" position, and the red product flow valve should be in the up, "OFF" position.
2. Shake container well and attach it to your garden hose.
3. Turn on the water from the faucet.
4. To apply, remove side pin (labeled "PULL OUT") and rotate red product flow valve to "ON"; then while holding sprayer at waist level and pointing in a direction away from face and body, push blue water flow valve forward to activate water.
5. When you are finished spraying or if you have to stop spraying at any time, press blue water flow valve with thumb to the rear to shut off water and return side red valve to the upright "OFF" position and replace side pin.
6. Turn off the water at the faucet.
7. Remove the container from the garden hose; then rinse thoroughly and store according to storage instructions.

NOTIFICATION

FEB 17 2009