

228-330

9/23/2010

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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, Inc.
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527

SEP 23 2010

Subject: Label Amendment – Add an additional bag size
Product Name: Tri-Power N.Y.
EPA Registration Number: 228-330
Decision Number: 436709

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 changes to the product labelling of both the 'commercial' and 'residential' sub-labels:

1. Remove the following advertisement claim:
"Premium Grade"
Words or phrases that imply a product possesses unique characteristics because of its composition are not acceptable. See 40 CFR 156.10(a)(5)(i)
2. Remove or qualify the following advertisement claim:
"Get the Optical Advantage"
3. On page 4, under the 'How To Apply' section, revise the sentence, "Possible retreatment in approximately 30 days may be necessary if lawn is heavily overrun with weeds or if adverse low moisture conditions prevail and weeds are in a state of poor health." to the following:
"If lawn is heavily overrun with weeds or if adverse low moisture conditions prevail and weeds are in a state of poor health, a second application may be made 30 days after the initial treatment; however, do not exceed the maximum yearly broadcast application rate (1.5 lbs a.e. MCPP-p per acre)"
4. Also on page 4, revise "recommended" to "specified" in the sentence, "Do not exceed *recommended* rates because damage to turf may occur."

One copy of each sub-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,

A handwritten signature in black ink that reads "Kathryn V. Montague".

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

(Commercial)

TRI-POWER® N.Y.

WEED AND FEED

THIS PRODUCT IS A PREMIUM GRADE HERBICIDE AND TURF FOOD COMBINATION WHICH CONTROLS A WIDE SPECTRUM OF BROADLEAF WEEDS WHILE PROVIDING BOTH FAST AND LONG FEEDING ACTION.

Weeds contacted by this product gradually die and disappear from the lawn.
Treats (or covers) 5,000 Square Feet (50' x 100')

GET THE OPTICAL ADVANTAGE®

ACTIVE INGREDIENTS:

Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	0.808%
Dimethylamine Salt of (+)-R-2-(2-Methyl-4-Chlorophenoxy) propionic Acid**‡	0.157%
Dicamba (3,6-Dichloro-o-Anisic Acid)	0.060%

OTHER INGREDIENTS:

TOTAL:	98.975%
	100.000%

Isomer Specific Method, Equivalent to:

*2-Methyl-4-Chlorophenoxyacetic Acid	0.66%
**(+)-R-2-(2-Methyl-4-Chlorophenoxy)propionic Acid	0.13%

‡CONTAINS THE SINGLE ISOMER FORM OF MECOPROP-p

GUARANTEED ANALYSIS:

Total Nitrogen (N)	X%
X% Ammoniacal Nitrogen	
X% Urea Nitrogen	
Available Phosphate (P ₂ O ₅)	X%
Soluble Potash(K ₂ O)	X%
Primary Plant Foods derived from Ammonium Phosphate, Sulfur Coated Urea, Urea, Triple Super Phosphate, and Muriate of Potash.	
Chlorine (Cl) Maximum	X%

The urea nitrogen in this product has been coated to provide X% coated slow release urea nitrogen.
Fertilizer guaranteed by (Name of Fertilizer registrant)

KEEP OUT OF REACH OF CHILDREN
CAUTION - CAUCION

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

EPA REG. NO. 228-330
EPA EST. NO.

ACCEPTED
with COMMENTS
In EPA Letter Dated:

SEP 23 2010

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

MANUFACTURED BY
NUFARM AMERICAS INC.
BURR RIDGE, IL 60527



NET CONTENTS

228-330

000228-00330.201006040.adding 16 pound bag

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

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Loaders, applicators, and other handlers must wear:

- Long-sleeved shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves

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. 	

FIRST AID	
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.
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.
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.	

ENVIRONMENTAL HAZARDS

This pesticide may adversely affect non-target plants. 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 washwaters or rinsate. Drift or 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 product 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. READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS. 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. Do not enter or allow others to enter until dusts have settled.

This product is a stable mixture of three herbicides. It is for use on residential turf.

This product may be used on Bahia, common Bermuda, Blue Grass, Centipede, Fescue, Rye, St. Augustine, and Zoysia grass. DO NOT USE on Dichondra and Carpetgrass. DO NOT USE this product where desirable clovers are present or allow the product to "wind drift" onto flowers, vegetables, ornamentals, shrubs, trees or other desirable plants.

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

(Commercial)

This product is designed to promote lush green growth in lawns and controls many broadleaf weeds including:

- | | | | |
|----------------|-----------------|-------------------------|-------------------|
| Beggartick | Chickweed | English daisy | Healall |
| Bindweed | Chicory | Fat hen | Heartleaf drymary |
| Black medic | Cinquefoil | Fennel | Hempnettle |
| Buckhorn | Clover | Florida pusley | Henbit |
| Burcucumber | Cocklebur | Frenchweed | Hoary cress |
| Burdock | Croton | Galinsoga | Honeysuckle |
| Buttercup | Daisy | Goatsbeard | Jimsonweed |
| Canada thistle | Dandelion | Goldenrod | Knotweed |
| Carpetweed | Dock | Ground ivy | Kochia |
| Catsear | Dogfennel | Halbert-leaved saltbush | Lambsquarter |
| Chervil | Dragonhead mint | Hawkweed | Mallow |

Marshelder	Puncture vine	Spurweed	Wild gooseberry
Mexican poppy	Purslane	Stinging nettle	Wild jute
Morningglory	Ragweed	Stinkweed	Wild lettuce
Mustard	Red clover	Stitchwort	Wild marigold
Nettle	Red root	Sunflower	Wild onion
Oxalis	Red sorrel	Thistle	Wild petunia
Pennycress	Redstem	Thornapple	Wild radish
Pennywort	Sheep sorrel	Toadflax	Wild sage
Peppergrass	Shepherdspurse	Veronica	Wintercress
Pepperweed	Sicklepod	Vetch	Witchweed
Pigweed	Smartweed	Whitebrush	Woodsorrel
Plantain	Sneezeweed	White top	Yarrow
Poison hemlock	Sowthistle	Wild aster	Yellow charlock
Poison ivy	Spanishneedle	Wild carrot	Yellow daisy
Poison oak	Speedwell	Wild garlic	Yellow rocket
Prickly lettuce	Spurge	Wild geranium	

WHEN TO APPLY: Best results are obtained when weeds are growing actively in spring or early fall. Avoid contact with desirable shrubs, plants, vegetables, or flowers; especially when applying with a rotary (spinner) type spreader. Do not reseed for at least 3 to 4 weeks after application. Do not apply to newly seeded or sodded lawn until after 3 mowings. For optimum results (1) Avoid mowing 1 to 2 days before and after application; (2) Apply when grass is moist (after a rain sprinkling or dew); (3) Avoid unnecessary disturbances, including watering of treated areas for 48 hours after application. Watering will wash off weed killing material; and (4) Avoid applying if rainfall is expected within 48 hours following treatment. Possible retreatment in approximately 30 days may be necessary if lawn is heavily overrun with weeds or if adverse low moisture conditions prevail and weeds are in a state of poor growth. Do not exceed recommended rates because damage to turf may occur.

NOTE: When applying to Southern Grasses - under conditions of inadequate moisture, high temperature and high humidity, over-application may cause minor transitory discoloration on Centipede and St. Augustine grasses. It is recommended that during hot, dry conditions, application rates should be reduced 50% to avoid possible dehydration or browning of grass.

HOW TO APPLY: This 20 pound (or 18 pound) (or 16 pound) bag treats 5,000 square feet. Apply evenly with a lawn spreader as a one pass application. A two pass application, criss-crossing the area at half the rate each time is also acceptable.

The following settings are approximate for applying contents of this package at a specified rate of 4 pounds (3.6 pounds for 18 pound bag) (3.2 pounds for a 16 pound bag) per 1,000 square feet. Settings are based on an average walking speed. Reduce setting for slower speed; raise setting for higher speed. Check your spreader on 250 square feet and adjust to apply at the rate of 1 pound (.9 pound for 18 pound bag) (.8 pound for 16 pound bag) per 250 square feet.

Restrictions: Do not apply more than 2 applications per year with a minimum retreatment interval of 30 days.

SPREADER SETTINGS
ONE PASS APPLICATION:

<u>MAKE</u>	<u>SETTING</u>
Central Calibrated	5
Cyclone Broadcast	3-3/4
Jackson	5
Sears Broadcast	3
Sears	5
Scotts Calibrated	4

Sweep (do not wash) all fertilizer materials from surfaces immediately after application, because certain fertilizer ingredients can cause permanent stains. Wash out spreader after each use and allow it to dry thoroughly. Treat any exposed metal spreader areas with oil to reduce corrosion.

(The following paragraph is mandatory in Kentucky when the nitrogen analysis does not provide 1 pound of nitrogen/1,000 square feet; otherwise, this information is optional.)

A lawn typically will utilize 1 to 4 pounds of nitrogen per 1,000 square feet per growing season. When used as directed, this product will supplement your regular fertilizer program by providing *(No. of lbs.)* pounds of nitrogen per 1,000 square feet (optional P₂O₅ and K₂O levels) and herbicide to control listed weeds. Please consult your local extension office for questions regarding a regular fertilizer program.

*Based on Inert fertilizer claimed.

Environmental Benefits

(Grasscycling Logo)

Besides increasing property values, did you know a well-maintained lawn provides the following benefits to your home and environment:

Grass clippings and yard waste are approximately 20% of the volume in our nation's landfills. To do your part to reduce this amount, leave grass clippings on your lawn. Increased mowing height and frequency will produce smaller grass clippings that will decompose more readily so nutrients go back into your lawn.

- > A 50' x 50' lawn produces enough oxygen for a family of 4 every day
- > Reduces Glare & Reduces Noise
- > Traps Dust, Smoke Particles & Other Pollutants
- > Purifies Water & Modifies Temperature
- > Improves Soil Condition & Controls Erosion

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Always use original container to store pesticides and keep any bags containing unused product in locked storage area inaccessible to children and domestic animals. Do not store near other feed or foodstuffs. To prevent cross-contamination, do not store near open containers of fertilizer, seed or other pesticides.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. If container is damaged or if pesticide has leaked, clean up all spilled material. Improper disposal of excess pesticide, spray mixtures 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 the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For nonrefillable bags of granular or dry formulation

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment, then offer for recycling if available, or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Or

Solid dilutable formulations in nonrefillable plastic containers

CONTAINER DISPOSAL: Rigid, Nonrefillable Containers small enough to shake (less than 50 lbs.): Nonrefillable container. Do not reuse or refill this container. Triple 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 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 if available 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.

CONTAINER DISPOSAL: Rigid, Nonrefillable Containers too large to shake (greater than 50 lbs.): Nonrefillable container. Do not reuse or refill this container. **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. Then offer for recycling if available 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.

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

(Commercial)

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SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

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.

(RV030810)

Tri-Power is a registered trademark of Nufarm Americas Inc.

OPTIONAL SPREADER INSTRUCTIONS:

(Illustration) For Drop Spreaders: First apply two strips at ends. Then apply product along the length of the lawn, overlapping very slightly and shutting off spreader when turning.

(Illustration) For Rotary Spreaders: Apply in a circular path, starting on the outside and working toward the center, overlapping very slightly.

OPTIONAL MARKETING STATEMENTS:

Contains Tri-Power® - A Premium Broadleaf Herbicide

The following note will not be part of the actual label copy.

*Note: Guaranteed (fertilizer) Analysis and Spreader Settings will vary among various commercial fertilizer manufacturers. Chlorine declaration and fertilizer guarantee are optional except where mandated by State fertilizer regulation.

(Additional Optional Fertilizer and Advertising Information)

Lawn Fertilizer
Plus Weed Control
Effectively Controls Dandelions And Other Broadleaf Weeds

(ILLUSTRATION)

- *Exclusive DeepGreen® Feeding System Keeps Lawns Green While Controlling Weeds, Whatever The Weather--Hot Or Cold, Wet Or Dry.
- *Contains Time-Release Nitrogen For Longer Feeding And Consistently Green Lawns.
- *Feeds Up To Three Times Longer Than Ordinary Soluble Lawn Fertilizer.
- *100% Satisfaction Guaranteed.
- * Toll-Free Helpline: 1-888-XXXXXX-1

EXPERIENCE THE (SELLER'S NAME) ADVANTAGE™

Only (Seller's Name) has the extraordinary DeepGreen® nutrient delivery system containing an exclusive polymer-coated time-release nitrogen source, assuring you the predictable, continuous feeding ordinary soluble lawn fertilizers can't deliver. So you'll enjoy the advantage of a consistently beautiful lawn week after week, whether it's hot or cold, wet or dry.

(Illustration)

(Seller's) DeepGreen® System Feeds Your Lawn Continuously When Ordinary Soluble Fertilizers Can't.

SUGGESTED SPREADER SETTINGS

One Pass Application

(Illustration) **Drop Spreaders:** First, mow lawn then apply 2 border strips along each end of the lawn. Apply fertilizer along the length of the lawn overlapping slightly between passes.

<u>Drop Spreader</u>	<u>Setting</u>
K-Gro, Sears Drop	5
Republic E-Z Drop	5
Scotts Drop - All Models	6
Ortho Drop	5

(Illustration) **Rotary Spreaders:** First, mow lawn then apply fertilizer in a circular pattern, working from the outer edge towards the center of the lawn. Overlap slightly to insure uniform application and complete coverage.

<u>Rotary Spreader</u>	<u>Setting</u>
Cyclone	4
Republic E-Z Rotary	3
Scotts Easy Green Rotary	26
Scotts Speedy Green Rotary	4
Ortho Rotary 6000	3

The above suggested spreader settings are approximate. In general, spreaders should be calibrated to apply 1 lb. of this fertilizer product per 275 square feet of lawn.

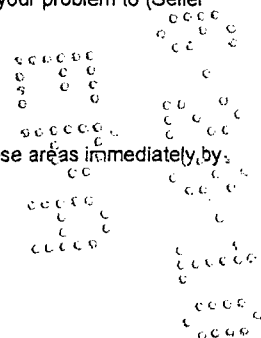
Be sure to close spreader openings when loading, turning or when stopped.

(SELLER'S NAME) 100% GUARANTEE OF SATISFACTION

If not totally satisfied with the results of this product, simply send proof of purchase and a brief description of your problem to (Seller name & address) for a prompt refund.

(SELLER'S NAME) HELPLINE

Questions concerning lawn care or fertilizer application? Just call toll free 1 -888-XXXXXX-1 To avoid staining patios, sidewalks, swimming pools and other surfaces, remove any spilled product from these areas immediately, by (Residential)



sweeping, vacuuming or blowing.
Made in the U.S.

(ILLUSTRATION)

- Exclusive DeepGreen* Feeding System Keeps Lawns Green While Controlling Weeds, Whatever The Weather--Hot Or Cold, Wet Or Dry.
- Contains Time-Release Nitrogen For Longer Feeding And Consistently Green Lawns.
- Feeds Up To Three Times Longer Than Ordinary Soluble Lawn Fertilizer.
- 100% Satisfaction Guaranteed.

* Toll-Free Helpline: 1 -888-XXXXXX-1

The above suggested spreader settings are approximate. In general, spreaders should be calibrated to apply 1 lb. of this fertilizer product per 275 square feet of lawn.

Be sure to close spreader openings when loading, turning or when stopped.

(SELLER'S NAME) 100% GUARANTEE OF SATISFACTION

If not totally satisfied with the results of this product, simply send proof of purchase and a brief description of your problem to (Seller name & address) for a prompt refund.

(SELLER'S NAME) HELPLINE

Questions concerning lawn care or fertilizer application? Just call toll free 1 -888-XXXXXX-1

To avoid staining patios, sidewalks, swimming pools and other surfaces, remove any spilled product from these areas immediately by sweeping, vacuuming or blowing.
Made in the U.S.

(Residential)

