

228-336

09-25-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

SEP 25 2009

Mr. Matthew Granahan
Registration Manager
Nufarm Americas Inc.
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527

RE: Notification to add language subject product label and for Primary Brand Name:
"Horsepower Spot Weed Killer"
EPA Registration Number: 228-336
Date of Submission: August 21, 2009

Dear Mr. Granahan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated, August 21, 2009, for 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



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	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 228-336	2. EPA Product Manager Joann Miller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Horsepower Spot Weed Killer	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Nufarm 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)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____

Section - II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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NOTIFICATION
SEP 25 2009

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:					
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	2. Type of 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" Unit Packaging wgt. No. per container		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"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

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) 455-2040
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.		5. Date Application Received (Stamped)
2. Signature 	3. Title Registration Manager	
6. Typed Name Matthew Granahan	5. Date 08/21/09	



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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

August 21, 2009

Via Overnight Courier

Joanne Miller (PM 23)
Document Processing Desk (FINLABEL)
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

**Subject: EPA Reg. No. 228-336
Primary Brand Name Change
From:
Riverdale Horsepower Spot Weed Killer
To: Horsepower Spot Weed Killer
Notification PR Notice 98-10**

Nufarm Americas Inc. would like to add language to subject product's label.

The proposed language is consistent with PR Notice 98-10, Section II (labeling notifications). We have added the following statements and well as changed the Primary Brand Name of reference product:

"Kills the weed not the lawn*

* when used as directed"

"Kills tough weeds like clover, plantain, ground ivy (creeping Charlie), speedwell, spurge and veronica."

"Kills tough weeds like clover, plantain, ground ivy (creeping Charlie) and spurge."

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', is written over a horizontal line.

Matthew Granahan
Registration Manager
Nufarm Americas, Inc.

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NOTIFICATION

SEP 25 2009

HORSEPOWER® SPOT WEED KILLER

FOR SELECTIVE BROADLEAF WEED CONTROL IN RESIDENTIAL
ORNAMENTAL LAWNS AND TURF GRASSES

CONTAINS MCPA, TRICLOPYR AND DICAMBA

KILLS (OR CONTROLS): Dandelion, Chickweed, Black medic, Knotweed, Plantain, Oxalis, Clover, Cocklebur, Thistle and many other species of broadleaf weeds; some of which are listed on this label.

ACTIVE INGREDIENTS:

Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	0.740%
Triethylamine Salt of 3,5,6-Trichloro-2-Pyridinyloxyacetic Acid**	0.084%
Dimethylamine Salt of Dicamba (3,6-Dichloro-o-Anisic Acid)***	0.072%

OTHER INGREDIENTS:	99.104%
TOTAL	100.000%

By Isomer Specific Method, Equivalent to:

*2-Methyl-4-Chlorophenoxyacetic Acid	0.604%, 0.057 lbs./gal.
**3,5,6-Trichloro-2-Pyridinyloxyacetic Acid	0.060%, 0.006 lbs./gal.
***3,6-Dichloro-o-Anisic Acid	0.060%, 0.006 lbs./gal.

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE SIDE PANELS 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. 228-336
EPA EST. NO.

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



NET CONTENTS:

000228-00336.20090817.EPA.MCPARED.FIN

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

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

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear: Long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves made of any waterproof material. 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 immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. 	

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Call a 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 a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IN 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	
<p>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.</p>	

ENVIRONMENTAL HAZARDS

This pesticide may be toxic to fish, aquatic invertebrates, and aquatic plants. Do not apply directly to water. 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. Do not contaminate water when disposing of equipment washwaters or rinsate.

Triclopyr 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. **READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.**

This product is for use on residential ornamental turf lawns only.

The maximum number of applications per treatment site is two (2) per year.

Do not apply more than 22 gallons of product (1.5 lbs. ae MCPA)/acre per year or 4 pints of product per 1,000 square feet. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

USE PRECAUTIONS

Do not use this product for controlling weeds in flower or vegetable beds or around shrubs or ornamental plantings. Do not spray roots of desirable trees and plants. Maximum kill of weeds will be obtained from spring or early fall applications when weeds are actively growing. Do not use on Carpetgrass, Dichondra, nor on lawns or turf where desirable clovers are present. Avoid application to Centipede or St. Augustine grasses unless turf injury can be tolerated. Do not apply to newly seeded grasses until they have been mowed 3 times. Do not cut grass 1 to 2 days before and after application. Do not reseed for 3 to 4 weeks after use. If lawn needs watering, water thoroughly before application. Do not water for 48 hours after application. Watering will wash off killing material. Do not apply if rainfall is expected within 48 hours. Avoid fine mists. Spray when air is calm to avoid spray drift that might injure desirable ornamental plants. Do not apply when temperature exceeds 90°F. Shake well before using.

Entry Restrictions: Do not allow people or pets to enter the 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 persons or pets either directly or through drift. Keep people and pets out of the area during application.

WEEDS CONTROLLED

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

After applying this product, many broadleaf weeds will begin to show visible signs of leaf curl within a few days. One application should be sufficient. Some hard-to-kill (or control) broadleaf weeds may require a second (or an additional) treatment in 3 to 4 weeks.

HOW TO USE

Trigger Spray: Adjust spray nozzle to give coarse spray. Aim at center of weed and spray.

Applicator Cap: Hold applicator end about 6 inches from surface to be treated and thoroughly wet. To obtain wider coverage, raise container.

TO PREPARE REFILL

Add 1.7 ounces of Horsepower Lawn Weed Killer or 2.1 ounces of Horsepower 8000 Lawn Weed Killer to this empty container. Then add 30 ounces tap water and use according to directions in this label.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep from freezing. To be stored in original container and placed in an area inaccessible to children.

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. 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 the 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. 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. 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.

[Refillable Container 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 and, if possible, spray all sides while adding 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.

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 the 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.

(RV081809N)

Horsepower is a Registered Trademark of Nufarm Americas Inc.

Additional Statement for Sub-Registrants not using the word "Horsepower®" in the product name:
"Contains Horsepower® Selective Herbicide".

Additional advertising claims and marketing phrases that may be present on promotional materials and container labeling.

- Kills Brush, [Brambles] & Weeds.
- Proven Poison Ivy, Poison Oak and Brush Killer.
- Begins working overnight, Rainproof in hours
- Kills all major broadleaf weeds, woody plants, vines & brambles, roots and all.
- Destroys Dandelions, Obliterates Oxalis, Clobbers Clover, Chickweeds "Check-Out", Pummels Poison Ivy & Oak, Victory over Vines! Bashes Brambles, Kills Kudzu.
- Starts working overnight
- Kills even the toughest brush, vines and broadleaf weeds [like (clover) (dandelion) (oxalis)]
- Kills weeds, roots and all
- Starts working on contact
- Kills 150+ weed types, roots and all
- Kills to the root
- [Also] ideal for spot treating individual lawn weeds
- Reseed in 3 to 4 weeks
- Kills the weed not the lawn*
* when used as directed
- Kills tough weeds like clover, plantain, ground ivy (creeping Charlie), speedwell, spruce and veronica
- Kills tough weeds like clover, plantain, ground ivy (creeping Charlie) and spruce