

228-378

04-11-2011

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

William M. Mahlburg
NuFarm Limited
P.O. Box 13499
RTP NC 27709

APR 11 2011

Subject: Notification: Per PR-Notice 2007-4
Aqua-Kleen
EPA Reg. No. 228-378

Dear Mr. Mahlburg:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated December 22, 2010 for the product referenced above. The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions regarding this letter, please contact Jasmine Branch at (703) 347-0351 or branch.jasmine@epa.gov.

Sincerely,

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

2
11

 <p>EPA United States Environmental Protection Agency Washington, DC 20460</p>	<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 <p style="text-align: center;">228-378</p>	2. EPA Product Manager <p style="text-align: center;">Kathryn Montague</p>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nufarm Americas, Inc. / Aqua-Kleen®	PM# <p style="text-align: center;">23</p>	
5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. 150 Harvester Dr., Ste. 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 NOTIFICATION composition and labeling to: EPA Reg. No. : _____ Product Name : _____ APR 11 2011

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 type="checkbox"/> Notification - Explain below.	<input checked="" type="checkbox"/> Other - Explain below

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
 Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				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	If "Yes" Package 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					
3. Location of Net Contents Information <input type="checkbox"/> Label or <input type="checkbox"/> Container		4. Size(s) Retail Container <p style="text-align: center;">50-250 gallons, BULK</p>		5. Location of Label Directions <input type="checkbox"/> On Label or <input type="checkbox"/> On labeling accompanying product	
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 William M. Mahlburg	Title Director, Government Affairs	Telephone No. (Include Area Code) 630-455-2015
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 Director, Government Affairs	4. Date <p style="text-align: center;">12/22/10</p>	
4. Typed Name William M. Mahlburg		

514

AQUA-KLEEN®

NOTIFICATION

APR 11 2011

**A Selective Herbicide
For Controlling Certain Unwanted Aquatic Plants**

ACTIVE INGREDIENT:

Butoxyethyl Ester of 2,4-Dichlorophenoxyacetic Acid*	27.6%
OTHER INGREDIENTS:	<u>72.4%</u>
TOTAL:	100.0%

*Isomer Specific AOAC Method, Equivalent to:
2,4-Dichlorophenoxyacetic Acid 19.0%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

SEE BACK PANEL 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. 228-378
EPA EST. NO. 228-IL-1

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



NET WT. 50 LBS.

5
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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION**

Causes moderate eye irritation. Avoid contact with eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

All loaders, applicators, and other handlers must wear:

- long-sleeved shirt and long pants,
- shoes plus socks

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. If pesticide gets on skin, wash immediately with soap and water. • 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 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 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.
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 INHALED	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further 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

Fish breathe dissolved oxygen in the water and decaying weeds also use oxygen. When treating continuous, dense weed masses, it may be appropriate to treat only part of the infestation at a time. For example, apply the product in lanes separated by untreated strips that can be treated after vegetation in treated lanes has disintegrated. During the growing season, weeds decompose in a 2 to 3 week period following treatment. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas. Waters having limited and less dense weed infestations may not require partial treatments.

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.**

GENERAL PRECAUTIONS AND RESTRICTIONS

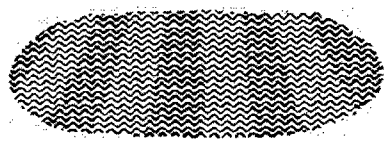
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.
Do not enter or allow others to enter the treated area until dusts have settled.
Do not use in or near a greenhouse.

OXYGEN RATIO

Fish breathe oxygen in the water and a water/oxygen ratio must be maintained. Decaying weeds use up oxygen, but during the period when this product should be used, the weed mass is fairly sparse and the weed decomposition rate is slow enough so that the water/oxygen ratio is not disturbed by treating the entire area at one time.

If treatments must be applied later in the season when the weed mass is dense and repeat treatments are needed, spread granules in lanes, leaving buffer strips which can then be treated when vegetation in treated lanes has disintegrated. During the growing season, weeds decompose in a 2 to 3 week period following treatment.

Buffer lanes should be 50 to 100 feet wide. Treated lanes should be as wide as the buffer strips. (See illustration below.)



WATER pH

Best results are generally obtained if the water to be treated has a pH less than 8. A pH of 8 or higher may reduce weed control. If regrowth occurs within a period of 6 to 8 weeks, a second application may be needed.

PERMIT TO USE CHEMICALS IN WATER

In many states, permits are required to control weeds by chemical means in public water. If permits are required, they may be obtained from the Chief, Fish Division, State Department of Conservation or the State Department of Public Health.

GENERAL INFORMATION

This product is formulated on special heat treated attaclay granules that resist rapid decomposition in water, sink quickly to lake or pond bottoms and release the weed killing chemical into the critical root zone area.

This product is designed to selectively control the weeds listed on the label. While certain other weed may be suppressed, control may be incomplete. Reduced control may occur in lakes where water replacement comes from bottom springs.

WHEN TO APPLY

For best results, spread this product in the spring and early summer, during the time weeds start to grow. If desired, this timing can be checked by sampling the lake bottom in areas heavily infested with weeds the year before.

If treatments are delayed until weeds form a dense mat or reach the surface, two treatments may be necessary. Make the second treatment when weeds show signs of recovery. Treatments made after September may be less effective depending upon water temperature and weed growth. Occasionally, a second application will be necessary if heavy regrowth occurs or weeds reinfest from untreated areas.

HOW TO APPLY

FOR LARGE AREAS: Use a fertilizer spreader or mechanical seeder such as the Gerber or Gandy or other equipment capable of uniformly applying this product. Before spreading any chemical, calibrate your method of application to be sure of spreading the proper amount. When using boats and power equipment, you must determine the proper combination of (1) boat speed, (2) rate of delivery from the spreader, and (3) width of swath covered by the granules.

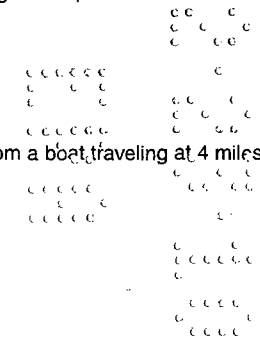
FOR SMALL AREAS (Around Docks or Isolated Patches of Weeds): Use a portable spreader such as the Cyclone seeder or other equipment capable of uniformly applying this product. Estimate or measure out the area you want to treat. Weigh out the amount of material needed and spread this uniformly over the area. More uniform coverage is obtained by dividing the required amount in two and covering the area twice, applying the second half at right angles to the first.

Use the following formula to calibrate your spreader's delivery in pounds of this product per minute.

$$\frac{\text{Miles per hour} \times \text{spreader width} \times \text{pounds per acre}}{495}$$

Example: To apply 100 pounds of this product per acre using a spreader that covers a 20 foot swath from a boat, traveling at 4 miles per hour, set the spreader to deliver 16 pounds of this product per minute.

$$\frac{4 \text{ mph} \times 20 \text{ feet} \times 100 \text{ lbs./A}}{495}$$



AMOUNTS TO USE

Rates of application vary with resistance of weed species to the chemical, density of weed mass at time of treatment, stage of growth, water depth, and rate of water flow through the treated area. Use the higher rate for dense weeds, when water is more than 8 feet deep and where there is a large volume turnover.

SUSCEPTIBLE WEEDS

- Water Milfoil (*Myriophyllum* spp.)
- Water stargrass (*Heteranthera dubia*)

SLIGHTLY TO MODERATELY RESISTANT WEEDS

- Bladderwort (*Utricularia* spp.)
- White water lily (*Nymphaea* spp.)
- Yellow water lily or spatterdock* (*Nuphar* spp.)
- Water shield (*Brasenia* spp.)
- Water chestnut (*Trapa natans*)
- Coontail* (*Ceratophyllum demersum*)

*Repeat treatments may be needed.

AQUATIC USE PRECAUTIONS AND RESTRICTIONS

FLOATING AND EMERGENT WEEDS

Maximum of 4.0 lbs 2,4-D ae or 21 lbs of this product per surface acre per application. Limited to 2 applications per season.

Minimum of 21 days between applications.

Spot treatments are permitted.

Apply to emergent aquatic weeds in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, non-irrigation canals, rivers, and streams that are quiescent or slow moving.

Coordination and approval of local and state authorities may be required, either by letter of agreement or issuance of special permits for aquatic applications.

Water Use for Floating and Emergent Weeds

1. Water for irrigation or sprays:

- A. If treated water is intended to be used only for crops or non-crop areas that are labeled for direct treatment with 2,4-D such as pastures, turf, or cereal grains, the treated water may be used to irrigate and/or mix sprays for these sites at anytime after the 2,4-D aquatic application.
- B. Due to potential phytotoxicity considerations, the following restrictions are applicable:
If treated water is intended to be used to irrigate or mix sprays for plants grown in commercial nurseries and greenhouses; and other plants or crops that are not labeled for direct treatment with 2,4-D, the water must not be used unless one of the following restrictions has been observed:
 - i. A setback distance from functional water intake(s) of greater than or equal to 600 feet was used for the application, or,
 - ii. A waiting period of 7 days from the time of application has elapsed, or,
 - iii. An approved assay indicates that the 2,4-D concentration is 100 ppb (0.1 ppm) or less at the water intake. Wait at least 3 days after application before initial sampling at water intake.

2. Drinking water (potable water):

- A. Consult with appropriate state or local water authorities before applying this product to public waters. State or local agencies may require permits. The potable water use restrictions on this label are to ensure that consumption of water by the public is allowed only when the concentration of 2,4-D in the water is less than the MCL (Maximum Contaminant Level) of 70 ppb. Applicators should consider the unique characteristics of the treated waters to assure that 2,4-D concentrations in potable water do not exceed 70 ppb at the time of consumption.
- B. For floating and emergent weed applications, the drinking water setback distance from functioning potable water intakes is greater than or equal to 600 feet.
- C. If no setback distance of greater than or equal to 600 feet is used for application, applicators or the authorizing organization must provide a drinking water notification prior to a 2,4-D application to the party responsible for public water supply or to individual private water uses. Notification to the party responsible for a public water supply or to individual private water users must be done in a manner to assure that the party is aware of the water use restrictions when this product is applied to potable water.

The following is an example of a notification via posting, but other methods of notification which convey the above restrictions may be used and may be required in some cases under state or local law or as a condition of a permit.

Example:

Posting notification should be located every 250 feet including the shoreline of the treated area and up to 250 feet of shoreline past the application site to include immediate public access points. Posting must include the day and time of application. Posting may be removed if analysis of a sample collected at the intake 3 or more days following application

shows that the concentration in the water is less than 70 ppb (100 ppb for irrigation or sprays), or after 7 days following application, whichever occurs first.

Text of notification:

Wait 7 days before diverting functioning surface water intakes from the treated aquatic site to use as drinking water, irrigation, or sprays, unless water at functioning drinking water intakes is tested at least 3 days after application and is demonstrated by assay to contain not more than 70 ppb 2,4-D (100 ppb for irrigation or sprays). Application Date: _____ Time: _____

- D. Following each application of this product, treated water must not be used for drinking water unless one of the following restrictions has been observed:
 - i. A setback distance from functional water intake(s) of greater than or equal to 600 feet was used for the application, or,
 - ii. A waiting period of at least 7 days from the time of application has elapsed, or,
 - iii. An approved assay indicates that the 2,4-D concentration is 70 ppb (0.07 ppm) or less at the water intake. Sampling for drinking water analysis should occur no sooner than 3 days after 2,4-D application. Analysis of samples must be completed by a laboratory that is certified under the Safe Drinking Water Act to perform drinking water analysis using a currently approved version of analytical Method Number 515, 555, other methods for 2,4-D as may be listed in Title 40 CFR, Part 141.24, or Method Number 4015 (immunoassay of 2,4-D) from U.S. EPA Test Methods for Evaluating Solid Waste SW-846.
- E. Note: Existing potable water intakes that are no longer in use, such as those replaced by a connection to a municipal water system or a potable water well, are not considered to be functioning potable water intakes.
- F. Drinking water setback distances do not apply to terrestrial applications of 2,4-D adjacent to water bodies with potable water intakes.

3. Swimming:

- A. Do not swim in treated water for a minimum of 24 hours after application.
- B. Users must provide notification prior to performing a 2,4-D BEE application. Notification to the party responsible for the public swimming area or to individual private users must be done in a manner to assure that the party is aware of the water use swimming restrictions when this product is applied to water. The following is an example of a notification via posting, but other methods of notification which convey the above restrictions may be used and may be required in some cases under state or local law or as a condition of a permit.

Example:

Posting notification should be located every 250 feet including the shoreline of the treated area and up to 250 feet of shoreline past the application site to include immediate public access points.

Text of notification:

Do not swim in treated water for a minimum of 24 hours after application. Application Date: _____ Time: _____

4. Except as stated above, there are no restrictions on using water from treated areas for swimming, fishing, watering livestock or domestic purposes.

SUBMERSED WEEDS

Maximum of 10.8 lbs 2,4-D ae or 56.8 lbs of this product per acre-foot per application.

Limited to 2 applications per season.

Apply to aquatic weeds in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, non-irrigation canals, rivers, and streams that are quiescent or slow moving.

Do not apply within 21 days of previous application.

When treating moving bodies of water, applications must be made while traveling upstream to prevent concentration of 2,4-D downstream from the application.

Coordination and approval of local and state authorities may be required, either by letter of agreement or issuance of special permits for such use.

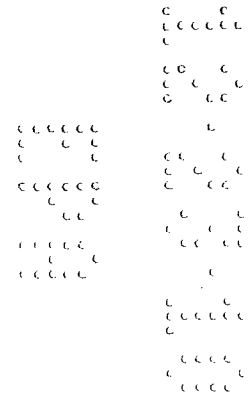


Table 1. Amount of 2,4-D to Apply for a Target Subsurface Concentration			
Surface Area	Average Depth	For typical conditions 2 ppm 2,4-D ae/acre-foot	For difficult conditions* 4 ppm 2,4-D ae/acre-foot
1 Acre	1 Foot	5.4 pounds (28.4 lbs of this product)	10.8 pounds (56.8 lbs of this product)
	2 Feet	10.8 pounds (56.8 lbs of this product)	21.6 pounds (110.8 lbs of this product)
	3 Feet	16.2 pounds (85.2 lbs of this product)	32.4 pounds (170.5 lbs of this product)
	4 Feet	21.6 pounds (110.8 lbs of this product)	43.2 pounds (227.3 lbs of this product)
	5 Feet	27.0 pounds (142.1 lbs of this product)	54.0 pounds (284.2 lbs of this product)

* Examples include spot treatment of pioneer colonies of Eurasian Water Milfoil and certain difficult to control aquatic species.

Note: The same "Water for Irrigation or Spray" restrictions for Floating and Emergent Weeds apply to Submersed Weeds.

Water Use for Submersed Weeds

1. Water for irrigation or sprays:

- A. If treated water is intended to be used only for crops or non-crop areas that are labeled for direct treatment with 2,4-D such as pastures, turf, or cereal grains, the treated water may be used to irrigate and/or mix sprays for these sites at anytime after the 2,4-D aquatic application.
- B. Due to potential phytotoxicity considerations, the following restrictions are applicable:
If treated water is intended to be used to irrigate or mix sprays for unlabeled crops, non-crop areas or other plants not labeled for direct treatment with 2,4-D, the water must not be used unless one of the following restrictions has been observed:
 - i. A setback distance described in the Drinking Water Setback Table was used for the application, or,
 - ii. A waiting period of 21 days from the time of application has elapsed, or,
 - iii. An approved assay indicates that the 2,4-D concentration is 100 ppb (0.1 ppm) or less at the water intake. See Table 3 for the waiting period after application but before taking the initial sampling at water intake.

2. Drinking water (potable water):

- A. Consult with appropriate state or local water authorities before applying this product to public waters. State or local agencies may require permits. The potable water use restrictions on this label are to ensure that consumption of water by the public is allowed only when the concentration of 2,4-D in the water is less than the MCL (Maximum Contaminant Level) of 70 ppb. Applicators should consider the unique characteristics of the treated waters to assure that 2,4-D concentrations in potable water do not exceed 70 ppb at the time of consumption.
- B. For submersed weed applications, the drinking water setback distances from functioning potable water intakes are provided in Table 2. Drinking Water Setback Distance (below).
- C. If no setback distance from the Drinking Water Setback Table (Table 2) is to be used for the application, applicators or the authorizing organization must provide a drinking water notification and an advisory to shut off all potable water intakes prior to a 2,4-D application. Notification to the party responsible for a public water supply or to individual private water users must be done in a manner to assure that the party is aware of the water use restrictions when this product is applied to potable water.

The following is an example of a notification via posting, but other methods of notification which convey the above restrictions may be used and may be required in some cases under state or local law or as a condition of a permit.

Example:

Posting notification should be located every 250 feet including the shoreline of the treated area and up to 250 feet of shoreline past the application site to include immediate public access points. Posting should include the day and time of application. Posting may be removed if analysis of a sample collected at the intake no sooner than stated in Table 3 (below) shows that the concentration in the water is less than 70 ppb (100 ppb for irrigation or sprays), or after 21 days following application, whichever occurs first.

Text of notification:

Wait 21 days before diverting functioning surface water intakes from the treated aquatic site to use as drinking water, irrigation, or sprays, unless water at functioning drinking water intakes is tested no sooner than (insert days from Table 3)

19
11

and is demonstrated by assay to contain not more than 70 ppb 2,4-D (100 ppb for irrigation or sprays).
Application Date: _____ Time: _____

- D. Following each application of this product, treated water must not be used for drinking water unless one of the following restrictions has been observed:
 - i. A setback distance described in the Drinking Water Setback Distance Table was used for the application, or,
 - ii. A waiting period of at least 21 days from the time of application has elapsed, or,
 - iii. An approved assay indicates that the 2,4-D concentration is 70 ppb (0.07 ppm) or less at the water intake. Sampling for drinking water analysis should occur no sooner than stated in Table 3. Analysis of samples must be completed by a laboratory that is certified under the Safe Drinking Water Act to perform drinking water analysis using a currently approved version of analytical Method Number 515, 555, other methods for 2,4-D as may be listed in Title 40 CFR, Part 141.24, or Method Number 4015 (immunoassay of 2,4-D) from U.S. EPA Test Methods for Evaluating Solid Waste SW-846.
- E. Note: Existing potable water intakes that are no longer in use, such as those replaced by a connection to a municipal water system or a potable water well, are not considered to be functioning potable water intakes.
- F. Drinking water setback distances do not apply to terrestrial applications of 2,4-D adjacent to water bodies with potable water intakes.

Table 2. Drinking Water Setback Distance for Submersed Weed Applications			
Application Rate and Minimum Setback Distance (feet) From Functioning Potable Water Intake			
1 ppm*	2 ppm*	3 ppm*	4 ppm*
600	1200	1800	2400
* ppm acid equivalent target water concentration			

Table 3. Sampling for Drinking Water Analysis After 2,4-D Application for Submersed Weed Applications			
Minimum Days After Application Before Initial Water Sampling at the Functioning Potable Water Intake			
1 ppm*	2 ppm*	3 ppm*	4 ppm*
5	10	10	14
* ppm acid equivalent target water concentration			

3. Swimming:

- A. Do not swim in treated water for a minimum of 24 hours after application.
- B. Users must provide the following notification prior to performing a 2,4-D BEE application. Notification to the party responsible for the public swimming area or to individual private users must be done in a manner to assure that the party is aware of the water use swimming restrictions when this product is applied to water. The following is an example of a notification via posting, but other methods of notification which convey the above restrictions may be used and may be required in some cases under state or local law or as a condition of a permit.

Example:

Posting notification should be located every 250 feet including the shoreline of the treated area and up to 250 feet of shoreline past the application site to include immediate public access points.

Text of notification:

Do not swim in treated water for a minimum of 24 hours after application. Application Date: _____

4. Except as stated above, there are no restrictions on using water from treated areas for swimming, fishing, watering livestock or domestic purposes.

Use of this product in certain portions of California, Oregon, and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition, et al. v. EPA, C01-0132C, (W.D. WA).

For further information, please refer to <http://www.epa.gov/espp/litstatus/wtc/index.htm>.

11
11

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Always use original container to store pesticides in a secured warehouse or storage building. Do not store near seeds, fertilizers, insecticides or fungicides. Do not stack more than two pallets high. It is recommended that a SARA Title III emergency response plan be created for storage facilities. Do not transport in the passenger compartment of any vehicle.

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.

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.

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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