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

> OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

> > STG

MAR 2 1 2008

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

Re: Notification for Primary Brand Name to be Relegate RTU Herbicide EPA Reg. No.: 228-552 Date of Submission: February 19, 2008

Dear Mr. Granahan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated February 19, 2008, for the product, NUP06127 Herbicide. 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 call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

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Linda Arrington Notifications & Minor Formulations Team Leader Registration Division (7505P) Office of Pesticide Programs

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€EPA	United States Environmental Protection Age Weshington, DC 20460		Agency	x	Registra Amenda Other		OPP Identifier Number
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1. Company/Product Number 228-552			2. EPA Product Manager Jim Tompkins		3. Proposed Classification		
4. Company/Product (Name) Relegate RTII Herbicide			РМ# 25				
Relegate RTU Herbicide 5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 Check if this is a new address			6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to:				
			EPA Reg. No.				
			Section - I	ct Name			
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EPA Form 8570-1 (Rev. 3-94) Previous editions are obsolete.



Nufarm Americas Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 Telephone: (630) 455.2000 Facsimile: (630) 455.2001 www.us.nufarm.com

February 19, 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: NUP06127 Herbicide EPA REG. No. 228-552 Primary Brand Name Change Relegate RTU Herbicide

Dear Ms. Hobgood:

Nufarm Americas Inc. would like to change the Primary Brand Name for the subject registration to be: Relegate RTU Herbicide. We feel that this label change is permitted and consistent with PR Notice 98-10 section II (Labeling notifications) part A (Changing primary brand name). The new primary brand name is not false and misleading.

To process this request please find enclosed the following:

- Application for Pesticide Registration EPA form 8570-1
- Final print labeling with new primary brand name (1 copy)

If you should have any questions regarding this matter, please feel free to contact me at (630) 455-2048 or <u>matthew.granahan@us.nufarm.com</u> or contact George Meindl at (630) 455-2017 or e-mail at <u>george.meindl@us.nufarm.com</u>

Sincerely,

Matthew Granahan Regulatory Specialist Nufarm Americas, Inc.

# RELEGATE<sup>™</sup> RTU Herbicide

FOR THE CONTROL OF WOODY PLANTS IN FORESTS, IN RANGELAND AND PERMANENT PASTURES, AND IN NON-CROP AREAS INCLUDING ON INDUSTRIAL MANUFACTURING AND STORAGE SITES, RIGHTS-OF-WAY SUCH AS ELECTRICAL POWER LINES, COMMUNICATION LINES, PIPELINES, ROAD SIDES AND RAILROADS, FENCE ROWS, NON-IRRIGATION DITCH BANKS AROUND FARM BUILDINGS. USE ON THESE SITES MAY INCLUDE APPLICATIONS TO GRAZED AREAS AS WELL AS ESTABLISHMENT AND MAINTENANCE OF WILDLIFE OPENINGS.

ACTIVE INGREDIENT:	
Triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic acid, butoxyethyl ester*	13.6%
OTHER INGREDIENTS:	86.4%
TOTAL:	100.0%

# KEEP OUT OF REACH OF CHILDREN CAUTION - PRECAUCION

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 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. 228-552 EPA EST. NO. MANUFACTURED BY NUFARM AMERICAS INC. 150 HARVESTER DRIVE BURR RIDGE, IL 60527



**NET CONTENTS** 

000228-00552.20080129.EPA.Notification NUP-06127

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#### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION - PRECAUCION

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

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category E on an EPA chemical resistance category selections chart.

All applicators and other handlers must wear:

- long-sleeved shirt and long pants,
- · chemical-resistant gloves such as Barrier Laminate, Nitrile Rubber, Neoprene Rubber, or Viton

shoes and 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:**

- 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 ON SKIN OR CLOTHING	<ul> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>		
IF IN EYES	<ul> <li>Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>		

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 is toxic to fish. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

This chemical has properties and characteristics associated with chemicals detected in groundwater.

The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

#### DIRECTIONS FOR USE

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

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

#### Ready-To-Use, No Mixing Required.

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. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Use of this product in certain portions of California, Oregon, and Washington is subject to the January 22, 2004 Order of Injuctive Relief in <u>Washington Toxics Coalition et al vs EPA</u> C01-132C(W.D.WA). For further information, please refer to <u>www.epa.gov/espp/wtc/</u>.

## AGRICULTURAL USE REQUIREMENTS

Use this product for ground application only and is to be used in accordance with its labeling and with the Worker Protection Standard (40 CFR part 170). This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.

PPE is required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, chemical-resistant gloves such as barrier laminate, nitrile rubber, neoprene rubber, and viton; shoes plus socks.

### NON-AGRICULTURAL USE REQUIREMENTS

For Ground Application Only. The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Entry Restrictions for Non-WPS Uses: Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried.

#### **GENERAL INFORMATION**

This is a ready-to-use product which is recommended for the control of woody plants through the use of basal bark application techniques in forests, in rangeland and permanent pastures, and in non-crop areas including on industrial manufacturing and storage sites, rights-of-way such as electrical power lines, communications lines, pipelines, road sides and railroads, fence rows, non-irrigation ditch banks and around farm buildings. Use on these sites may include application to grazed areas as well as establishment and maintenance of wildlife openings.

#### **USE PRECAUTIONS AND RESTRICTIONS**

The state of Arizona has not approved this product for use on plants grown for commercial productions; specifically forests grown for commercial timber production, or on designated grazing areas.

Apply this product only as specified on this label.

#### CHEMIGATION

Do not apply this product through any type of irrigation system.

It is permissible to treat non-irrigation ditch banks, seasonally dry wetlands, flood plains, deltas, marshes, swamps, bogs, and transitional areas between upland and lowland sites. Do not apply to open water (such as lakes, reservoirs, rivers, streams, creeks, salt water bays or estuaries) nor to water present in fresh water wetlands, deltas, marshes, swamps, bogs or potholes, or to salt water marshes below the mean high water mark.

Do not apply this product directly to, or otherwise permit it to come into direct contact with, grapes, tobacco, cotton, vegetable crops, flowers or other desirable broadleaf plants, and do not permit spray mists containing it to drift onto them.

#### **GRAZING AND HAYING RESTRICTIONS**

Except for lactating dairy animals, there are no grazing restrictions following application of this product.

- Grazing Lactating Dairy Animals: Do not allow lactating dairy animals to graze treated areas until the next growing season following
  application of this product.
- · Do not harvest hay for 14 days after application.
- Grazed areas of non-cropland and forestry sites may be spot treated if they comprise no more than 10% of the total grazable area at that site. Portions of grazed areas that intersect treated non-cropland, rights-of-way and forestry sites may be treated at up to 8 lbs ae per acre if the area to be treated on that day of application compromises no more than 10% of the total grazable area.

#### SLAUGHTER RESTRICTIONS

During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

#### **AVOIDING INJURIOUS SPRAY DRIFT**

Applications should be made only when there is little or no hazard from spray drift. Very small quantities of spray, which may not be visible, may seriously injure susceptible plants. Do not spray when wind is blowing toward susceptible crops of or largental plants near enough to be injured.

Spray drift can be reduced by using spray pressures no greater than are required to obtain adequate coverage by using large droplet producing nozzle tips; and by spraying when wind velocity is low. Do not apply with nozzles that produce a fine 3 oplet spray. Do not apply with an orchard type mist blower.

Do not apply on snow or frozen ground.

Untreated trees occasionally can be affected by movement of the herbicide through root grafting with the treated trees.

Since this product moves withing the treated plant, do not use this product on parts of a multiple stem plant if injury to the untreated portion (cut or standing stems) cannot be tolerated.

Do not apply on ditches used to transport irrigation water. Do not apply where runoff or irrigation water may flow onto agricultural land as injury to crops may result.

Be sure that use of this product conforms to all applicable regulations.

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# WOODY PLANT SPECIES CONTROLLED

ailanthus	hazel	pecan
alder, red	hedge	persimmon, common
alder, speckled	hercules, club	pine, jack
ash, green	hickory, mockernut	pine, loblolly
ash, white	hickory, pignut	pine, ponderosa
aspent	honeylocust	pine, red
Australian pine	hombeam (blue beach)	pine, white
basswood	huisache	plum (Prunus spp.)
beech, American	locust, black <sup>†</sup>	plum, sand
birch, black	lotebush	plum, wild
birch, gray	madrone, Pacific	poison ivy
birch, paper	manzanita, greenleaf	poison oak
blackberry	maple, bigleaf <sup>†</sup>	poplar, balsam
blackgum	maple, mountain	privet <sup>†</sup>
boxelder	maple, red	redcedar, eastern
bois d'arc	maple, silver	rose, multiflora
briar, green	maple, striped	salt cedar <sup>†</sup>
Brazilian pepper	maple, sugar	sassafras <sup>†</sup>
cherry, black <sup>†</sup>	maple, vine	sumac, smooth <sup>†</sup>
cherry, choke	mesquite <sup>t, †††</sup>	sumac, staghorn <sup>†</sup>
cherry, pin	mountain-laurel	sweetgum
cottonwood	oak, black <sup>tt</sup>	sycamore
dogwood, flowering	oak, blackjack <sup>tt</sup>	tallowtree, Chinese
dogwood, red-osier	oak, chestnut	tamarack
elbow bush	oak, post <sup>††</sup>	tanoak
elm, American	oak, red	walnut
elm, winged <sup>†</sup>	oak, scarlet	waxmyrtle
gallberry	oak, water	willow
greenbriar <sup>†</sup>	oak, white	yaupon
guava	olive, autumn	yellow poplar
hackberry	olive, Russian	yucca
hawthorne	osage, orange	

†.....Some resprouting may occur.

tt.....Not recommended for streamline basal treatment.

ttt...Suppression only with streamline basal bark treatment.

# APPLICATION METHODS

#### MAXIMUM USE RATES PER ACRE PER YEAR

Maximum Application Rate	Rangeland and Permanent Pastures, Rights-of-way, Fence rows and any area where grazing or harvesting is allowed	Forestry Sites	Non-Crop Areas
Gallons per Acre per Year	2.7 gallons (2 lbs. ae)	8 gallons (6 lbs. ae)	10.7 gallons (8 lbs. ae)

#### APPLICATION IN FORESTS, IN RANGELAND AND PERMANENT PASTURES, AND IN NON-CROP AREAS

#### LOW VOLUME BASAL BARK TREATMENT

To control susceptible woody plants with stems less than 6 inches in basal diameter, apply this product with a backpack or knapsack sprayer using low pressure and a solid cone or flat fan nozzle. Spray the basal parts of brush and tree trunks in a manner which thoroughly wets the lower 12 to 15 inches of stems, including the root collar area, but not to the point of runoff. Herbicide concentration should vary with size and susceptibility of species treated. Apply at any time, including the winter months, except when snow or water prevent spraying to the ground line.

#### TREATMENT OF CUT STUMPS

To control resprouting, apply undiluted product to wet the area adjacent to the cambium and bark around the entire circumference and the sides of the cut stumps. Sides of stumps should be thoroughly wetted down to the root collar area, but not to the point of runoff. Treatments may be applied throughout the year, except when snow or water prevent spraying to the ground line. Control may be reduced with treatment during periods of moisture stress as in late summer.

#### STREAMLINE BASAL BARK TREATMENT (SOUTHERN STATES)

To control or suppress susceptible woody plants for conifer release or in rangeland and pasture, apply this product with a backpack or knapsack sprayer using equipment which provides a directed straight-stream spray. Apply sufficient spray to one side of stems less than 3 inches in basal diameter to form a treated zone that is 6 inches in height. When the optimum amount of spray mixture is applies, the treated zone should widen to encircle the stem within approximately 30 minutes. treat both sides of stems which are 3 to 4 inches in basal diameter. Direct the spray at bark that is approximately 12 to 24 inches above ground. Pines (loblolly, slash, shortleaf, and Virginia) up to 2 inches in diameter breast height (dbh) can be controlled by directing the spray at the point approximately 4 feet above ground. Best results are achieved when applications are made to young vigorously growing stems that have not developed the thicker bark characteristic of slower growing, understory trees in older stands. This technique is not recommended for scrub and live oak species, including blackjack, bluejack, laurel, live, post and turkey oaks. Apply from approximately 6 weeks prior to hardwood leaf expansion in the Spring until approximately 2 months after leaf expansion is completed. Do not apply when snow or water prevent spraying at the desired height above ground level.

# TREATMENT OF OLD WORLD CLIMBING FERN (Lygodium microphyllum)

Stem/Foliage Application: To control old world climbing fern, where the plants are invading and overgrowing host trees, apply this product as a coarse low-pressure directed spray to thoroughly wet foliage and stems in a 1 to 3 foot band. Apply when the ferns are actively growing and not under environmental stress.

SPECIAL USE PRECAUTION: Direct the spray onto target plants and prevent the spray from coming into contact with the bark or foliage of the host tree, otherwise the host tree may be severely damaged or destroyed by the treatment. Where necessary, use an impervious shield of wood, plastic, or metal to prevent spray from contacting the host tree.

To ensure the protection of threatened and endangered plants when applying this product to old world climbing fern:

- 1. Federal agencies must follow NEPA regulations to ensure protection of threatened and endangered species.
- State agencies must work with the Fish and Wildlife Service or the Service's designated state conservation agency to ensure protection of threatened and endangered plants.
- Other organizations or individuals must operate under a Habitat Conservation Plan if threatened or endangered plants are known to be present on the land to be treated.

# STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Store above 28°F or agitate before use.

PESTICIDE 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) with 10 drops or more of a liquid hand soap and water or an oil basal product such as kerosene or diesel fuel and spray rinsate on undesirable vegetation, in target area. Offer containers for recycling or reconditioning where allowed, or puncture and dispose of in a sanitary landfill, or by incineration if approved by state and local procedures.

CONTAINER DISPOSAL FOR REFILLABLE CONTAINER: Close all openings which have been opened during use and replace all caps. For returns of empty container, contact Nufarm Americas, Inc. Customer Service Department at 1-800-345-3330 to obtain proper handling instructions.

GENERAL: Consult Federal, State or local disposal authorities for approved alternative procedures.

#### WARRANTY DISCLAIMER

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