

228-649

8/26/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Lizbeth Rea
Product Registration
Nufarm Americas, Inc.,
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527

AUG 26 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Primary Brand Name "Nufarm Two Ox Pro Herbicide,"
Warranty Statement and First Aid/Precautionary Statement and General Label
Changes
EPA Reg. No. 228-649
Application Dated July 15, 2009

Dear Ms. Rea:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 07/15/09 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

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

2099

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-96



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|--|--|--|
| 1. Company/Product Number 228-649 | 2. EPA Product Manager Joanne Miller | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Two Ox E-Pro Herbicide | PM# 23 | |
| 5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. 150 Harvester Drive, 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 identical in composition and labeling to: EPA Reg. No. NOTIFICATION Product Name AUG 26 2009 | |

Section - II

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

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Notification of a primary brand name (Nufarm Two Ox Pro Herbicide) and minor label changes per PRN 98-10. This notification is consistent with the provisions of PRN 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the 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 EPA. I further understand that if this notification is not consistent with the terms of PRN 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 sections 12 and 14 FIFRA.

Section - III

| | | | | | |
|--|--|---|--|---|----------------------------------|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | <input checked="" type="checkbox"/> Metal | <input type="checkbox"/> Plastic |
| | | | | <input type="checkbox"/> Glass | <input type="checkbox"/> Paper |
| * Certification must be submitted | If "Yes" Unit Packaging wgt. | No. per container | If "Yes" Package wgt | Other (Specify) _____ | |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | 4. Size(s) Retail Container 50 lbs | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | | |
| 6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | | <input type="checkbox"/> Other _____ | |

Section - IV

| | | |
|--|--------------------------------|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | |
| Name Lizbeth Rea | Title Regulatory Manager | Telephone No. (Include Area Code) 919/655-0701 |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature | 3. Title Regulatory Manager | |
| 4. Typed Name Lizbeth Rea | 5. Date 7/15/2009 | |



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Nufarm Americas, Inc.
Lizbeth Rea
Regulatory Manager
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527
Phone: 919.655.0701 Fax: 919.342.5176
liz.rea@us.nufarm.com

July 15, 2009

Via Overnight Courier

Linda Arrington
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

Subject: Two Ox E-Pro Herbicide
EPA Reg. No. 228-649
PBN Change: Nufarm Two Ox Pro Herbicide
Minor Label Changes

Dear Ms. Arrington:

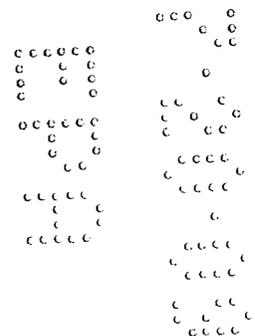
The following documents are attached in support of the primary brand name and minor label changes being made via notification under PR Notice 98-10.

- Application for a New Product Registration (EPA Form 8570-1)
- One (1) copy of the Nufarm Two Ox Pro Herbicide label with changes tracked. Changes include:
 - Replaced the product name throughout the label with "this product".
 - Replaced "recommend" and "may" with more definitive language.
 - Updated Warranty Disclaimer and Limitation of Liability statements.
- Five (5) copies of the Nufarm Two Ox Pro Herbicide label with changes incorporated.

Please call me at 919/655-0701 if you have any questions and/or comments regarding this submission.

Sincerely,

Lizbeth Rea
Regulatory Manager
Nufarm Americas Inc.



4089

Nufarm Two OX Pro Herbicide

For sale to and use by professional applicators only. Not for sale or use by homeowners/consumers.

For preemergent control of weeds in commercial nursery and ornamental landscapes. Especially suited for use in container, field grown and landscape ornamentals, and foliage crops.

ACTIVE INGREDIENTS:

Oxyfluorfen: 2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene..... 2.0%

Oxadiazon: [2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-2-1,3,4-oxadiazoline-5-one]..... 1.0%

OTHER INGREDIENTS:..... 97.0%

TOTAL:..... 100.0%

KEEP OUT OF REACH OF CHILDREN CAUTION/PRECAUCION

See inside label booklet for additional FIRST AID and PRECAUTIONARY STATEMENTS

EPA Reg. No. 228-649

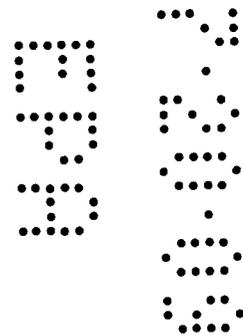
EPA Est. No.

Manufactured for:

Nufarm Americas Inc.
150 Harvester Drive
Burr Ridge, IL 60527

Nufarm Two OX Pro Herbicide contains oxyfluorfen and oxadiazon, the active ingredients used in Regal O-O Herbicide®.

Net Weight:



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

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. Avoid contact with eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, and neoprene rubber ≥ 14 mils. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant footwear plus socks
- Chemical-resistant gloves
- Chemical-resistant apron for mixers and loaders

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.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Engineering Controls:

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

| | |
|--|--|
| USER SAFETY RECOMMENDATIONS: | |
| User 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 15-20 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 15-20 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 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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further 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. |

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 1-800-424-9300 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic invertebrates and wildlife. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. See Directions for Use for additional restrictions. Do not contaminate water when cleaning equipment or disposing of equipment wash water or rinsate.

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.

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.

AGRICULTURAL USE REQUIREMENTS

Use this product only 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 24 hours.

PPE 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 made of any waterproof material
- Shoes plus socks

GENERAL INFORMATION

This product is a dry-granule preemergent herbicide for use on container and field grown ornamentals. This product has a unique combination of active ingredients that provides ornamental plant tolerance and a broad spectrum of weed control, including the following weeds:

Weed Grasses

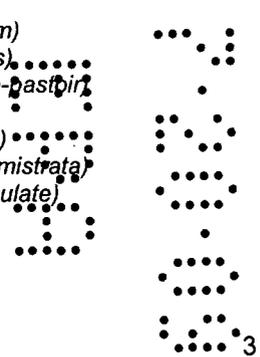
- Annual bluegrass (*Poa Annua*)
- Barnyardgrass (*Echinochloa crusgali*)
- Crabgrass (*Digitaria sanguinalis*)

- Goosegrass (*Eleusine indica*)
- Sprangletop (*Leptochloa uninerva*)

Broadleaf Weeds

- Bittercress (*Cardamine pensylvanica*)
- Common Chickweed (*Stellana media*)
- Cudweed (*Gnaphalium obtusifolium*)
- Dandelion (*Taraxcum officinale*)
- Fireweed (*Epilobium angustiolium*)
- Fleabane (*Erigeron stingosus*)
- Groundsel (*Seneco vulgans*)
- Horseweed (*Conyza canadensis*)
- Oxalis (*Oxalis stincta*)

- Pearlwort (*Segina procumbens*)
- Pepperweed (*Lepidium virginicum*)
- Pigweed (*Amaranthus retroflexus*)
- Shepherdspurse (*Capsella burse-pastoris*)
- Sowthistle (*Sonchus arvensis*)
- Spurge, Garden (*Euphorbia hirta*)
- Spurge, Prostrate (*Euphorbia humistrata*)
- Spurge, Spotted (*Euphorbia maculate*)



NOTICE: Plant tolerance to this product has been found to be acceptable on all ornamentals that it has been tested on, including those listed in the table below. However, due to the large number of species and varieties of ornamental and nursery plants as well as growing conditions, it is impossible to test every combination for tolerance to this product. *Neither the manufacturer nor the seller has determined the safe use of this product on ornamental plants not specified on this label.* For plants not specifically listed on this label, the user should determine plant tolerance to this product on a test sample of plants prior to widespread use. In some instances, efficacy has been found to vary.

Container and / or Field Grown Plants Safe for Use with Product

| | | |
|------------------------------------|-----------------------|---------------------------|
| Abelia | Euonymus [†] | Pittosporum |
| Acacia | Forsythia | Potentilla [†] |
| Acer | Gardenia | Prunus |
| Araucaria | Hydrangea | Pyracantha |
| Azalea (Rhododendron) [†] | Hypericum | Quercus |
| Berberis | Ilex [†] | Raphiolepis |
| Betula | Jasminum | Rhododendron [†] |
| Buxus | Juniperus | Santolina |
| Callistemon | Ligustrum | Schefflera |
| Camellia | Lonicera | Spiraea |
| Cercis | Magnolia | Syringa |
| Chamaecyparis | Mahonia | Taxus |
| Chamaedorea | Neium | Thuja |
| Cornus | Pachysandra | Viburnum |
| Cotoneaster | Photinia | Weigela |
| Cupressus | Picea | Xylosma |
| Cytisus | Pieris | |
| Escallonia | Pinus | |

[†] Certain species have shown to be sensitive to this herbicide and test plots should be used to determine sensitive cultivars prior to widespread use.

USE PRECAUTIONS

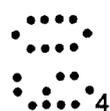
- Do NOT apply to any edible food crops.
- Do NOT apply to moist or wet foliage.
- Do NOT apply to plant types whose leaves funnel the herbicide granules to the leaf base; the accumulation can result in foliage injury and granule removal is difficult.
- Do NOT apply in wind conditions that will cause uneven product distribution; uneven distribution will result in erratic weed control.
- Do NOT apply to plants that are producing flush new growth; new leaves are especially sensitive to this product.
- Do NOT use on any varieties or cultivars unless you are familiar with the results on specific plant materials under your growing conditions.
- Not for use on home lawns.

APPLICATION INSTRUCTIONS

Apply 100 lbs. per acre (2.3 lbs. per 1000 sq. ft.) of this product prior to weed seed germination using a spreader that provides even and accurate particle distribution. 100 lbs. per acre of this product contains 2 lbs. oxyfluorfen active ingredient and 1 lb. oxadiazon active ingredient. Do not apply more than 2 lbs. oxyfluorfen (100 lbs. of this product) per acre per application. Once the product has been applied, do not disturb the soil surface or uniform placement will be disrupted and the effectiveness reduced.

For best results, approximately ½ inch of water should be applied (either as rainfall or irrigation) to water in the herbicide and to wash granules off the plant foliage as soon as practical after application.

For continued weed control, repeat applications at 3-4 month intervals. Do not apply more than 300 lbs. of this product per season (6 lbs. oxyfluorfen active ingredient and 3 lbs. oxadiazon active ingredient).



STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a clean, dry place.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. 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. Offer for recycling, if available. Completely empty bag into application equipment. Then 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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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 RISING 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.

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Nufarm Two OX Pro Herbicide is not manufactured or distributed by Regal Chemical Company, seller of Regal O-O Herbicide®. Regal O-O Herbicide® is a trademark of Regal Chemical Company.

