

241-341

08/05/2004

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Read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-28-95



United States Environmental Protection Agency Washington, DC 20460

Registration Amendment Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number BASF Corporation/241-341
2. EPA Product Manager Jim Tompkins
3. Proposed Classification None Restricted
4. Company/Product (Name) BASF Corporation/ Pendulum 3.3 EC herbicide
5. Name and Address of Applicant BASF Corporation, Agricultural Products
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

Amendment - Explain below. Resubmission in response to Agency letter dated. Notification - Explain below. Final printed labels in response to Agency letter dated "Me Too" Application. Other - Explain below. NOTIFICATION AUG 05 2004

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of Final Printed Labeling as per PR Notice 98-10. 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 the confidential statement of formula of this product.

Section - III

1. Material This Product Will Be Packaged In: Child-Resistant Packaging, Unit Packaging, Water Soluble Packaging, 2. Type of Container, 3. Location of Net Contents Information, 4. Size(s) Retail Container, 5. Location of Label Directions, 6. Manner in Which Label is Affixed to Product

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) Name: Rodney C. Akers, Title: Registration Scientist, Telephone No: (919) 547-2830. Certification: I certify that the statements I have made on this form... 2. Signature: Rodney C. Akers, 3. Title: Registration Scientist, 4. Typed Name: Rodney C. Akers, 5. Date: July 15, 2004, 6. Date Application Received (Stamped)

2/10

NOTIFICATION

AUG 9 8 2004

PENDULUM[®]

3.3 EC herbicide



BASF Corporation
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Research Triangle Park, NC 27709

BASF

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS
(AND DOMESTIC ANIMALS)

CAUTION

Causes moderate eye irritation. Harmful if swallowed or absorbed through skin. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling. Use with adequate ventilation.

Personal Protective Equipment (PPE):

NON-WPS USES:

Applicators and other handlers (except mixers/loaders) who handle this pesticide for any use NOT covered by the Worker Protection Standard (40 CFR Part 170) - in general, only agricultural-plant uses are covered by the WPS - must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, such as nitrile rubber (≥ 8 mils)
- Shoes plus socks

Mixers and Loaders must wear:

- Long-sleeved shirt and long pants, or coveralls
- Chemical-resistant gloves, such as barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, or viton ≥ 14 mils
- Shoes plus socks

WPS USES:

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

Applicators and other handlers who handle this pesticide for any use covered by the Worker Protection Standard (40 CFR part 170) - in general, agricultural-plant uses are covered - must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, such as barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, or viton ≥ 14 mils
- Shoes plus socks

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, 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 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.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. DO NOT apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. DO NOT contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This labeling must be in the possession of the user at time of herbicide application. DO NOT apply this product through any type of irrigation system.

DO NOT APPLY PENDULUM 3.3 EC herbicide in greenhouses, shadehouses or other enclosed structures.

BASF Corporation does not recommend or authorize the use of this product in manufacturing, processing or preparing custom blends with other products for application to turf or ornamentals.

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.

cont'd

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, such as barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, or viton ≥ 14 mils
- Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

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.

Do not enter or allow others to enter the treated area until sprays have dried.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN POOR WEED CONTROL OR CROP INJURY.

STORAGE AND DISPOSAL

STORAGE: DO NOT STORE BELOW 40° F. Extended storage at temperatures below 40° F can result in the formation of crystals on the bottom of container. If crystallization does occur, store the container on its side at room temperature (70°F) and rock occasionally until crystals redissolve.

DO NOT contaminate water, food, or feed by storage or disposal.

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: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning, if burned, stay out of smoke.

Observe all cautions and limitations on this label and the labels of products used in combination with PENDULUM 3.3 EC herbicide. The use of PENDULUM 3.3 EC herbicide not consistent with this label can result in injury to crops, animals, or persons. Keep containers closed to avoid spills and contamination.

DISCLAIMER

The label instructions for use of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the use or application of the product contrary to label instructions, all of which are beyond the control of BASF Corporation (BASF). All such risks shall be assumed by the user. BASF warrants only that the material contained herein conforms to the chemical description on the label and is reasonably fit for the use therein described when used in accordance with the directions for use, subject to the risk referred to above.

Any damages arising from a breach of this warranty shall be limited to direct damages and shall not include consequential commercial damages such as loss of profits or values or any other special or indirect damages.

BASF makes no other express or implied warranty, including other express or implied warranty of FITNESS or of MERCHANTABILITY.

GENERAL INFORMATION

PENDULUM 3.3 EC herbicide provides preemergence control of most annual grasses and certain broadleaf weeds as they germinate in any turfgrass site (lawns, sod, turf areas). Examples of such sites include, but are not limited to: grounds or lawns around residential and commercial establishments, multifamily dwellings, military and other institutions, parks, airports, roadsides, schools, picnic grounds, athletic fields, houses of worship, cemeteries, golf courses, prairiegrass areas; and sod farms.

PENDULUM 3.3 EC herbicide can also be used in and around field, liner, and container grown ornamental nurseries; established landscape ornamentals and ornamental grasses; listed groundcovers; nonbearing fruit and nut trees; conifer and hardwood seedling nurseries; and for tree plantation site preparation and maintenance.

In addition, PENDULUM 3.3 EC herbicide can be applied for general grounds maintenance around areas such as parking lots, driveways and roadsides, alleyways, bike and jogging paths, vacant lots, buildings, stone gardens and gravel yards, markers and fence lines, mulch beds and other similar areas. It may be used under asphalt or concrete treatments as part of a site preparation program.

PENDULUM 3.3 EC herbicide is recommended for preemergence control of most annual grasses and certain broadleaf weeds as they germinate in any noncropland area such as railroad, utility, highway, and pipeline rights-of-way; highway guardrails, delineators, and sign posts; bridge abutments and approaches; utility substations; petroleum tank farms, pumping installations; storage areas; fence rows, windbreaks and shelterbelts, paved or gravel surfaces; and other similar areas where weed control is desired.

PENDULUM 3.3 EC herbicide controls weeds as they germinate, but will not control established weeds. Therefore, areas to be treated should be free of established weeds. For the control of established weeds, PENDULUM 3.3 EC herbicide may be used in conjunction with herbicides registered for postemergence use. Consult the labels of those herbicides for use rates, timings, and precautions or restrictions.

Unusually cold, excessively wet, or hot and dry conditions that delay germination or extend germination over a long period of time can reduce weed control.

The efficacy of PENDULUM 3.3 EC herbicide will improve if the application is followed by one-half inch of rainfall or its equivalent in sprinkler irrigation. If PENDULUM 3.3 EC herbicide is not activated by rainfall or irrigation within 30 days, erratic weed control may result.

Applied according to label directions and under normal growing conditions, PENDULUM 3.3 EC herbicide or PENDULUM 3.3 EC herbicide tank mix combinations will not cause crop injury. Over application can result in crop stand loss, crop injury, or soil residues. Uneven application can decrease weed control or cause crop injury. Seeding diseases, cold weather, excessive moisture, high soil pH, high soil salt concentration, or drought can weaken seedlings and plants, and increase the possibility of plant damage from PENDULUM 3.3 EC herbicide.

PENDULUM 3.3 EC herbicide may cause temporary discoloration of sprayed surfaces. Rinse immediately to avoid staining. Spray colorants or dyes can be added to alter the color of the spray solution to match the treated surfaces.

**MIXING INSTRUCTIONS FOR
PENDULUM 3.3 EC HERBICIDE**

Respective sections of this leaflet define recommended PENDULUM 3.3 EC herbicide or PENDULUM 3.3 EC herbicide registered tank-mix treatments.

Ground Driven Sprayer:

1. Fill tank one-half to three-quarters full with clean water.
2. Add PENDULUM 3.3 EC herbicide to the partially filled tank while agitating and then fill the remainder of the tank with water.
3. **MAINTAIN CONTINUOUS AGITATION WHILE ADDING PENDULUM 3.3 EC HERBICIDE AND UNTIL SPRAYING IS COMPLETED.** If the spray mixture is allowed to settle for any period of time, thorough agitation is essential before spraying is resumed. Continue agitation while spraying.

4. If PENDULUM 3.3 EC herbicide is to be used in tank mixtures with other registered herbicides, then follow directions on the labels of those products which recommend tank mixing.

Backpack Sprayer: Begin with a clean spray tank. Fill the spray tank 1/2 full with clean water and add the required amount of PENDULUM 3.3 EC herbicide to the sprayer. Cap sprayer and agitate to ensure mixing. Uncap sprayer and flush the tank to desired level. Add sprayer and agitate once again. During application it is desirable to agitate the mixture on occasion to ensure mixing. If the spray mixture is allowed to settle for any period of time, thorough agitation is essential before spraying is resumed.

Liquid Fertilizers: Prior to mixing, small quantities should always be tested using a flame test. Add the required amount of PENDULUM 3.3 EC herbicide to half filled spray tank while agitating then add the fertilizer product. Complete filling spray tank to desired level.

Dry Bulk Fertilizers: PENDULUM 3.3 EC herbicide may be impregnated on dry bulk fertilizers. When applied as directed, PENDULUM 3.3 EC/Dry Bulk Fertilizer mixtures provide weed control equal to that provided by the same rates of PENDULUM 3.3 EC herbicide applied in water.

**SPRAYING INSTRUCTIONS FOR
PENDULUM 3.3 EC HERBICIDE**

Apply with properly calibrated ground equipment in sufficient water per acre to provide uniform spray distribution (at least 40 gallons of water per acre). Low pressure (e.g. 20-40 psi) sprayers are recommended. Maintain continuous agitation during spraying with good mechanical or bypass agitation. Check sprayer routinely to determine proper calibration. Avoid overlaps that will increase rates above those recommended. Avoid application when winds may cause drift.

Avoid unintentional contact of spray solution with driveways, stone, wood or other porous surfaces. Rinse immediately to avoid staining.

TURFGRASSES

APPLICATION RATES FOR WEED CONTROL¹

Turfgrass Species	Weeds Controlled	Rates of Pendulum 3.3 EC Herbicide	Comments
COOL SEASON GRASSES			
Bluegrass, Kentucky Fescue, fine Fescue, tall Ryegrass, perennial	crabgrass foxtail <i>Poa annua</i> barnyardgrass fall panicum oxalis	prostrate spurge purslane knotweed evening primrose hop clover	3.6 to 4.8 pts per acre or 1.3 to 1.8 oz. per 1,000 sq. ft. Initial application prior to weed germination in spring.
	goosegrass		Residential² Turf Uses Only: 3.6 to 4.8 pts per acre or 1.3 to 1.8 oz. per 1,000 sq. ft. Initial application prior to weed germination in spring. Commercial or Other Non-Residential Turf Uses: 3.6 to 7.2 pts per acre or 1.3 to 2.6 oz. per 1,000 sq. ft. Initial application prior to weed germination in spring.
	cudweed <i>Poa annua</i> chickweed	lawn burweed henbit corn speedwell	3.6 to 4.8 pts per acre or 1.3 to 1.8 oz. per 1,000 sq. ft. Apply in late summer or early fall prior to weed germination.
WARM SEASON GRASSES			
Bahiagrass Bermudagrass Buffalograss Centipedegrass Fescue, tall St. Augustinegrass Zynsiagrass	crabgrass foxtail <i>Poa annua</i> barnyardgrass fall panicum oxalis prostrate spurge purslane	knotweed evening primrose hop clover	Residential² Turf Uses Only: 3.6 to 4.8 pts per acre or 1.3 to 1.8 oz. per 1,000 sq. ft. Initial application prior to weed germination in spring. Commercial or Other Non-Residential Turf Uses: 3.6 to 7.2 pts per acre or 1.3 to 2.6 oz. per 1,000 sq. ft. Initial application prior to weed germination in spring.
	goosegrass		3.6 pts per acre or 1.3 oz. per sq. ft. Apply prior to weed germination in spring. Make a second application 6-8 weeks later.
	cudweed <i>Poa annua</i> chickweed	lawn burweed henbit corn speedwell	3.6 to 4.8 pts per acre or 1.3 to 1.8 oz. per 1,000 sq. ft. Apply in late summer or early fall prior to weed germination.

¹DO NOT exceed a maximum of 4.8 pts per acre per application for use on residential turfgrass.

²Residential is defined as turf in any residential situation as well as schools, parks and playgrounds. DO NOT exceed a maximum of 7.2 pts per acre per application for use on commercial or other non-residential turfgrass.

The efficacy of PENDULUM 3.3 EC herbicide will be improved if the application is followed by one-half inch of rainfall or its equivalent in sprinkler irrigation. If PENDULUM 3.3 EC herbicide is not activated by rainfall or irrigation within 30 days, erratic weed control may result.

To prevent establishment of weeds along the edges of lawns it may be necessary to overlap the spray three to six inches onto sidewalks or driveways, etc. to ensure effective application rates in these especially vulnerable sites. Where temporary discoloration of pavement is to be avoided, rinse immediately to avoid staining.

TURFGRASS TANK MIXES

PENDULUM 3.3 EC herbicide can be mixed with postemergence herbicides to control emerged weeds in turfgrasses. For annual grass control, applications can be made with Accalm Extra[®] or MSMA to control emerged weeds. Broadleaf weeds can be controlled using Trimec[®], Three-Way[®], 2,4-D, and other similar products.

Before tank mixing a sample jar test is recommended to assure compatibility of herbicides.

Refer to manufacturers' labels for specific use directions, precautions, and limitations before tank mixing with PENDULUM 3.3 EC herbicide and follow those that are most restrictive.

TURFGRASS PRECAUTIONS

Use on well established turfgrass with a dense and uniform stand. On newly planted areas, application should not be made until the turfgrass has rooted and has been mowed at least four times. On turf that has been thinned or damaged due to winter injury, excessive moisture, etc., allow for turf recovery prior to making an application. Applications made to overseeded warm-season turfgrasses may cause thinning or injury of the overseeded species.

Do not use on greens or injury may occur.

Delay reseeding or winter overseeding of treated turfgrass for at least three (3) months following the last PENDULUM 3.3 EC herbicide application. Delay springing turfgrass for five (5) months after application.

INDUSTRIAL (UNIMPROVED) TURF

Industrial, or unimproved turf areas often have a different spectrum of weeds to be controlled than those found in fine turf as described elsewhere in this label. PENDULUM 3.3 EC herbicide will control annual grasses and broadleaf weeds mentioned in that section of this label as well as the following weeds that might germinate in established grasses in rights-of-way, roadsides, construction sites, parks, substations, lots, or similar areas:

Crowfootgrass, Itchgrass, Johnsongrass (from seed), Junglerice, Lovegrass, Browntop Panicum, Texas Panicum, Field Sandbur, Signalgrass, Mexican Sprangletop, Red Sprangletop, Witchgrass, Woolly Cupgrass, Carpetweed, Fiddleneck, Filaree, Kochia, Lambsquarters, Pigweed, Puncturevine, Florida Pusley, London Rocket, Shepherdspurse, Pennsylvania Smartweed, Annual Spurge, and Velvetleaf.

Apply before weeds germinate. A postemergence herbicide such as 2,4-D, MSMA, or similar products may be tank mixed to control established weeds. Apply according to label instructions for the respective products and follow the most restrictive wording.

ORNAMENTALS

RECOMMENDED SPECIES

PENDULUM 3.3 EC herbicide sprays are safe around and over the top of the established plants listed below. However, not all varieties or strains of the plants listed have been tested. Unintentional consequences such as crop injury may result because of certain environmental or growing conditions, manner of use or application. Therefore, before treating a large number of plants, spray a few plants and observe for plant damage prior to full scale application.

DO NOT APPLY PENDULUM 3.3 EC herbicide in greenhouses, shadehouses or other enclosed structures.

Refer to APPLICATION RATE TABLE for rates.

TREES

Common Name	Scientific Name
Alder, European black	<i>Alnus glutinosa</i>
Apple	<i>Malus</i> spp.
Arborvitae, American	<i>Thuja occidentalis</i>
Arbutus	<i>Arbutus</i> spp.
Ash, Red	<i>Fraxinus pennsylvanica</i>
Ash, White	<i>Fraxinus americana</i>
Aspen, Bigtooth	<i>Populus grandidentata</i>
Aspen, Quaking	<i>Populus tremuloides</i>
Basswood	<i>Tilia</i> spp.
Birch, European Weeping	<i>Betula pendula</i>
Birch, River	<i>Betula nigra</i>
Buckeye, Red	<i>Aesculus pavia</i>
Cedar, White	<i>Thuja occidentalis</i>
Chamaecyparis, Boulevard	<i>Chamaecyparis pisifera</i>
Cherry, Black	<i>Prunus serotina</i>
Cherry, Choke	<i>Prunus virginiana</i>
Cherry, Kwanzan	<i>Prunus serrulata</i>
Cherry, Nanking	<i>Prunus tomentosa</i>
Cottonwood	<i>Populus deltoides</i>
Crabapple	<i>Malus</i> spp.
Crape myrtle	<i>Lagerstroemia indica</i>

TREES

Common Name	Scientific Name
Cryptomeria, Japanese Cedar	<i>Cryptomeria japonica</i>
Cypress, Bald	<i>Taxodium distichum</i>
Cypress, Japanese	<i>Caragana japonica</i>
Dogwood, Flowering	<i>Cornus florida</i>
Dogwood, Korean	<i>Cornus kousa</i>
Dogwood, Silky	<i>Cornus amomum</i>
Dogwood, Shrub	<i>Cornus</i> spp.
Elm	<i>Ulmus japonica</i>
Fir, Balsam	<i>Abies balsamea</i>
Fir, Douglas	<i>Pseudotsuga menziesii</i>
Fir, Fraser	<i>Abies fraseri</i>
Fir, White	<i>Abies concolor</i>
Franklinia	<i>Franklinia</i> spp.
Ginkgo	<i>Ginkgo biloba</i>
Gum, Black	<i>Nyssa sylvatica</i>
Gum, Sour	<i>Nyssa sylvatica</i>
Haw, Black	<i>Viburnum prunifolium</i>
Hawthorn	<i>Crataegus</i> spp.
Hemlock, Canada	<i>Tsuga canadensis</i>
Hemlock, Eastern	<i>Tsuga canadensis</i>
Holly, American	<i>Ilex opaca</i>
Honeylocust	<i>Gleditsia triacanthos</i>
Lilac, Common	<i>Syringa vulgaris</i>
Lilac, Japanese Tree	<i>Syringa reticulata</i>
Linden	<i>Tilia</i> spp.
Magnolia, Saucer	<i>Magnolia soulangiana</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Magnolia, Star	<i>Magnolia stellata</i>
Maidenhair Tree	<i>Ginkgo biloba</i>
Maple, Norway	<i>Acer platanoides</i>
Maple, Japanese	<i>Acer palmatum</i>
Maple, Red	<i>Acer rubrum</i>
Maple, Sugar	<i>Acer saccharum</i>
Nannyberry, Rusty	<i>Viburnum rufidulum</i>
Oak, Chinquapin	<i>Quercus muehlenbergii</i>
Oak, Live	<i>Quercus virginiana</i>
Oak, Pin	<i>Quercus palustris</i>
Oak, Red	<i>Quercus rubra</i>
Oak, Swamp chestnut	<i>Quercus michauxii</i>
Oak, Water	<i>Quercus nigra</i>
Oak, White	<i>Quercus alba</i>
Oak, Willow	<i>Quercus phellos</i>
Olive	<i>Olea europaea</i>
Palm, Date	<i>Phoenix</i> spp.
Palm, Fan	<i>Washingtonia</i> spp.
Palm, Pindo	<i>Butia</i> spp.
Palm, Washington	<i>Washingtonia</i> spp.
Peach	<i>Prunus persica</i>
Pear, Bradford	<i>Pyrus calleryana</i> 'Bradford'
Pecan	<i>Carya illinoensis</i>
Pine, Austrian	<i>Pinus nigra</i>
Pine, Italian Stone	<i>Pinus pinea</i>
Pine, Loblolly	<i>Pinus taeda</i>
Pine, Monterey	<i>Pinus radiata</i>
Pine, Red	<i>Pinus resinosa</i>
Pine, Scotch	<i>Pinus sylvestris</i>
Pine, Slash	<i>Pinus elliotii</i>
Pine, Virginia	<i>Pinus virginiana</i>
Pine, White	<i>Pinus strobus</i>
Plum, Purple Leaf	<i>Prunus cerasifera</i>
Poplar, Black	<i>Populus nigra</i>
Redcedar, Eastern	<i>Juniperus virginiana</i>
Redcedar, Western	<i>Thuja plicata</i>

TREES

Common Name	Scientific Name
Red Ironbark	<i>Eucalyptus sideroxylon</i> 'Rosea'
Redwood, Dawn	<i>Metasequoia glyptostroboides</i>
Sequoia, Giant	<i>Sequoiadendron giganteum</i>
Serviceberry	<i>Amelanchier laevis</i>
Sourwood	<i>Oxydendrum arboreum</i>
Spruce, Colorado Blue	<i>Picea pungens</i>
Spruce, Dwarf Alberta	<i>Picea glauca</i> 'Albertiana'
Spruce, Norway	<i>Picea abies</i>
Spruce, White	<i>Picea glauca</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore	<i>Platanus occidentalis</i>
Trachycarpus	<i>Trachycarpus</i> spp.
Tulip tree	<i>Liriodendron tulipifera</i>
Walnut, Black	<i>Juglans nigra</i>
Willow, Weeping	<i>Salix babylonica</i>
Yellowwood	<i>Cladrastis lutea</i>

SHRUBS

Common Name	Scientific Name
Abelia, Glossy	<i>Abelia grandiflora</i>
Aucuba, Gold	<i>Aucuba japonica</i>
Azalea	<i>Rhododendron</i> spp.
Bamboo, Heavenly	<i>Nandina domestica</i>
Barberry	<i>Berberis gladiolifolia</i>
Barberry, Japanese	<i>Berberis thunbergii</i>
Blue Indigo Bush	<i>Dalea gregii</i>
Bottlebrush, Lemon	<i>Callistemon citrinus</i>
Boxwood, Common	<i>Buxus sempervirens</i>
Boxwood, Japanese	<i>Buxus microphylla</i>
Camellia	<i>Camellia japonica</i>
Cape Jasmine	<i>Gardenia jasminoides</i>
Cordylone	<i>Cordylone</i> spp.
Correa	<i>Correa</i> spp.
Cotoneaster	<i>Cotoneaster apiculatus</i>
Cotoneaster, Bearberry	<i>Cotoneaster dammeri</i>
Cotoneaster, Rock	<i>Cotoneaster horizontalis</i>
Cypress, Italian	<i>Cupressus sempervirens</i>
Cypress, Leyland	<i>Cupressocyparis leylandii</i>
Deutzia, Slender	<i>Deutzia gracilis</i>
Dogwood, Red Twig	<i>Cornus sericea</i>
Elaeagnus	<i>Elaeagnus ebbingei</i>
Escallonia	<i>Escallonia fradesii</i>
Euonymus	<i>Euonymus fortunei</i>
Euonymus, Golden	<i>Euonymus japonica</i>
Euonymus, Winged	<i>Euonymus alata</i>
Firethorn	<i>Pyracantha coccinea</i>
Forsythia, Border	<i>Forsythia intermedia</i>
Fragrant Olive	<i>Osmanthus fragrans</i>
Fuschia, California	<i>Zauschneria californica</i>
Gardenia	<i>Gardenia jasminoides</i>
Hawthorne, Indian	<i>Raphiolepis indica</i>
Hibiscus	<i>Hibiscus syriacus</i>
Holly, Chinese	<i>Ilex cornuta</i>
Holly, Japanese	<i>Ilex crenata</i>
Holly, Fosters	<i>Ilex attenuata</i> 'Fosteri'
Holly, Savannah	<i>Ilex attenuata</i>
Holly, Yaupon	<i>Ilex vomitoria</i>
Honeysuckle, Bush	<i>Diervilla lonicera</i>
Juniper	<i>Juniperus</i> spp.
Juniper, Chinese	<i>Juniperus chinensis</i> v. pfitzer
Juniper, Shore	<i>Juniperus conferta</i>
Juniper, Trailing	<i>Juniperus horizontalis</i>
Laurel, Cherry	<i>Prunus laurocerasus</i>

SHRUBS

Common Name	Scientific Name
Large Mountain	<i>Kalmia latifolia</i>
Laurel, Otto Luysen	<i>Prunus laurocerasus</i>
Laurel, Japanese	<i>Prunus sibirica</i>
Leucothoe	<i>Viburnum tinus</i>
Lavender, English	<i>Lavandula angustifolia</i>
Leucothoe	<i>Leucothoe fontanesiana</i>
Leucothoe, Coast	<i>Leucothoe glauca</i>
Loose, Cit leaf	<i>Synedra locustalis</i>
Lotus of the Nile	<i>Agapanthus africanus</i>
Mahonia	<i>Mahonia aquifolium</i>
Mock Orange	<i>Pittosporum tobira</i>
Myrtle, Compact	<i>Myrtus communis</i>
Myrtle, Wax	<i>Myrica cerifera</i>
Nandina	<i>Nandina domestica</i>
Oleander	<i>Nerium oleander</i>
Oregon Grape	<i>Mahonia aquifolium</i>
Osmanthus	<i>Osmanthus fragrans</i>
Palm, European Fan	<i>Chamaerops humilis</i>
Palm, Mediterranean Fan	<i>Chamaerops</i> spp.
Phlox, Prickly	<i>Leptodactylon californicum</i>
Photinia, Fraser	<i>Photinia X Fraseri</i>
Pieris, Japanese	<i>Pieris japonica</i>
Pine, Mugo	<i>Pinus mugo</i>
Plum, Natal	<i>Carissa grandiflora</i>
Privet, California	<i>Ligustrum ovalifolium</i>
Privet, Glossy	<i>Ligustrum lucidum</i>
Privet, Variegated	<i>Ligustrum sinensis</i>
Privet, Waxleaf	<i>Ligustrum japonicum</i>
Pyracantha	<i>Pyracantha coccinea</i>
Quince, Flowering	<i>Chaenomeles japonica</i>
Ranger, Texas	<i>Leucophyllum frutescens</i>
Redroot	<i>Ceanothus</i> spp.
Rhododendron	<i>Rhododendron</i> spp.
Robira	<i>Pittosporum tobira</i>
Spice Plant	<i>Illicium parviflorum</i>
Spiraea	<i>Spiraea vanhouttei</i>
Spiraea, Anthony Waterer	<i>Spiraea X bumalda</i>
Spiraea, Japanese	<i>Spiraea japonica</i>
Sweet Bay	<i>Laurus nobilis</i>
Trumpet Bush	<i>Tecoma stans</i>
Verbena, Lemon	<i>Aloysia triphylla</i>
Viburnum	<i>Viburnum suspensum</i>
Vitex	<i>Vitex</i> spp.
Weigela	<i>Weigela florida</i>
Wild Lilac	<i>Ceanothus</i> spp.
Xylosma	<i>Xylosma congestum</i>
Yellowbells	<i>Tecoma stans</i>
Yew*	<i>Taxus media</i>
Yew, Japanese*	<i>Taxus cuspidata</i>
Yew, Southern	<i>Podocarpus mactophyllus</i>
Yucca, Adam's	<i>Yucca filamentosa</i>
Yucca, Weeping	<i>Yucca pendula</i>

*Applications should not be made during spring growth or injury to terminals may occur.

GROUND COVERS

Common Name	Scientific Name
Ajuga	<i>Ajuga reptans</i>
Capeweed	<i>Arctotheca calendula</i>
Cinquefoil, Spring	<i>Potentilla verna</i>
Daisy, Trailing African	<i>Osteospermum fruticosum</i>
Gazania	<i>Gazania splendens</i>
Iceplant, Large Leaf	<i>Carpobrotus edulis</i>
Ivy, English	<i>Hedera helix</i>

GROUND COVERS

Common Name	Scientific Name
Ivy, Geranium	<i>Polygonum pellatum</i>
Jasmine, Asiatic	<i>Trachelospermum asiaticum</i>
Jasmine, Primrose	<i>Jasminum mesnyi</i>
Mondo grass	<i>Ophiopogon japonica</i>
Myoporum	<i>Myoporum parvifolium</i>
Pachysandra	<i>Pachysandra terminalis</i>
Potentilla	<i>Potentilla fruticosa</i>
Rose Of Sharon	<i>Hibiscus ciliatum</i>
Wintercreeper	<i>Eucynimus fortunei</i>

PERENNIALS

Common Name	Scientific Name
Bleeding Heart	<i>Dicentra spectabilis</i>
Calla lily	<i>Zantedeschia aethiopica</i>
Canna, common garden	<i>Canna generalis</i> 'Lucifer'
Chincherinchee	<i>Ornithogalum thyrsoides</i>
Crinum Lily	<i>Crinum</i> spp.
Fern, Asparagus	<i>Asparagus officinalis</i>
Fern, Leatherleaf	<i>Rumohra adiantiformis</i>
Freesia	<i>Freesia x hybrida</i>
Heather, Dwarf	<i>Calluna vulgaris</i>
Hosta	<i>Hosta</i> spp.
Lily	<i>Lilium</i> spp.
Liriope, Creeping	<i>Liriope spicata</i>
Liriope, Variegated	<i>Liriope muscari</i>
Montbretia	<i>Crocasmia crocosmiiflora</i>
Orchid, Peacock	<i>Acidanthera bicolor</i>
Peony, Chinese	<i>Paeonia lactiflora</i>
Wisteria	<i>Wisteria</i> spp.
Zephyr Lily	<i>Zephyranthes</i> spp.

ORNAMENTAL GRASSES

Common Name	Scientific Name
Beach Grass	<i>Ammophila breviflora</i>
Fescue, Blue	<i>Festuca ovina</i>
Fescue, Sheep	<i>Festuca ovina</i>
Fountain Grass	<i>Pennisetum setaceum</i>
Pampas Grass	<i>Cortaderia selloana</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>
Reed, Giant	<i>Arundo</i> spp.
Ribbon Grass	<i>Phalaris arundinacea</i>
Tufted Hair Grass	<i>Deschampsia caespitosa</i>

PENDULUM 3.3 EC herbicide may be used on plant species not listed on this label. The suitability for such uses should be determined by treating a small number of such plants at the recommended rate. Treated plants should be evaluated 1-2 months following treatment for possible injury. THE USER ASSUMES RESPONSIBILITY FOR ANY CROP DAMAGE OR OTHER LIABILITY. Do not treat plants grown for food or feed. Do not use treated plants for food or feed.

ORNAMENTAL RESTRICTIONS

- Apply PENDULUM 3.3 EC herbicide to established plantings.
- DO NOT make applications to grafted (or budded) liners at any time.
- DO NOT make over-the-top applications to liners or transplants using PENDULUM 3.3 EC herbicide.
- DO NOT apply PENDULUM 3.3 EC herbicide to liners or transplants during bud break or at time of first flush of new growth.
- Direct sprays to soil when making applications to established liners or transplants. DO NOT allow spray to cover or penetrate foliage and/or buds or injury is likely to occur.
- DELAY applying PENDULUM 3.3 EC herbicide to seedbeds, transplant beds, or liners until plants have become well rooted. Care must be taken that soil or planting mixes has settled firmly following transplanting and that there are no cracks that would allow direct contact of PENDULUM 3.3 EC herbicide with roots. When established rootstock an application of PENDULUM 3.3 EC can be made prior to budding/grafting the plants.
- Plant only those desirable plant species listed on this label into soil treated the previous season with PENDULUM 3.3 EC herbicide or injury may occur.
- For container grown ornamentals, delay first application of this product to bareroot liners 2-4 weeks after transplanting.

- DO NOT APPLY PENDULUM 3.3 EC herbicide in greenhouses, shadehouses, or other enclosed structures.

It is recommended that treated plants be evaluated for 1-2 months prior to making application to a large number of plants. THE USER ASSUMES RESPONSIBILITY FOR ANY CROP DAMAGE OR OTHER LIABILITY.

ORNAMENTAL TANK MIXES

Emergent weeds on ornamentals can be controlled using tank mixes containing Roundup PRO, Finale, Ornament, Gallery, Pirrocept, and other similar products. Do not apply sprays containing Roundup PRO or Finale over the top of ornamental plants.

Before tank mixing a simple jar test is recommended to assure compatibility of herbicides.

Refer to manufacturers' labels for specific use directions, precautions, and limitations before tank mixing with PENDULUM 3.3 EC herbicide and follow those that are most restrictive.

LANDSCAPE AND GROUND MAINTENANCE

PENDULUM 3.3 EC herbicide can be incorporated into landscape and grounds maintenance programs to provide extended preemergence control of most annual grasses and certain broadleaf weeds. Areas to be treated, such as mulch beds, parking areas and roadsides, fencelines and borders, around statutory or monuments, and similar areas, should be free of emerged weeds before application. To remove emerged weeds either cultivate or tank mix PENDULUM 3.3 EC with a postemergence product labeled for such use.

Refer to APPLICATION RATE TABLE for rates. Avoid unintentional contact of spray solution with stone, wood, or other porous surfaces as staining may occur. Rinse immediately to avoid staining.

NON-BEARING FRUIT AND NUT CROPS AND VINEYARDS

PENDULUM 3.3 EC herbicide may be applied for preemergence control of most annual grasses and certain broadleaf weeds on the following non-bearing crops:

Almond	Citrus	Olive	Pistachio
Apple	Fig	Peach	Plum
Apricot	Grape	Pear	Prune
Cherry	Nectarine	Pecan	Walnut, English

Refer to APPLICATION RATE TABLE for rates.

Apply the spray directly to the ground below the trees or vines. Care must be taken that soil or planting mixes have settled firmly following transplanting and that there are no cracks that would allow direct contact of PENDULUM 3.3 EC herbicide and roots. Directed sprays where soil and media surfaces are uniformly covered will result in best weed control and plant tolerance. For newly transplanted and one year old grapevines, apply only when they are dormant. Do not apply if buds have started to swell. PENDULUM 3.3 EC herbicide may be used where the roots of a fruit, vine, nut, or ornamental plant encroach into a treatable area.

NON-CROPLAND AREAS INCLUDING TREE PLANTATIONS

PENDULUM 3.3 EC herbicide is recommended for grounds maintenance in noncropland areas; preemergence control of the weed species listed in and around established tree plantations (including Christmas trees); pulpwood and fiber farms; in and around established ornamentals planted in noncropland areas such as highway rights-of-way, and utility substations. PENDULUM 3.3 EC herbicide may be used for hardwood and conifer regeneration on conservation reserve program land or similar areas.

Refer to APPLICATION RATE TABLE for rates.

PENDULUM 3.3 EC herbicide may be applied at planting or to established trees. When making an application at planting, it is important that slit closure be achieved to prevent PENDULUM 3.3 EC from directly contacting the tree roots or being washed into the root zone via the open slit or root stunting may occur.

For postemergence control of weeds, tank-mix combinations of PENDULUM 3.3 EC herbicide plus Roundup PRO, Finale, or other labeled herbicides are recommended. Refer to approved labeling for species recommendations. Recommended rates for the tank-mix compounds should be determined from the product labels of both PENDULUM 3.3 EC herbicide and partner herbicides prior to use. Precaution must be exercised to prevent combination sprays from direct contact with desirable foliage or injury may result. PENDULUM plus diuron or simazine combinations will broaden weed control spectrum, however, use of combinations may restrict PENDULUM 3.3 EC herbicide usage in sensitive areas. Refer to manufacturers' labels for specific use directions, precautions, and limitations before use and follow those that are most restrictive.

TOTAL VEGETATIVE CONTROL

PENDULUM 3.3 EC may be tank mixed with ARSENAL[®], PLATEAU[®], Roundup PRO, Karmex[®], Finale, Oust[®], diuron, or other products to provide bare ground, or total vegetative control. PENDULUM 3.3 EC can be used to provide greater plant selectivity in areas where such action may be desired. Such sites might have roots of landscape vegetation, ornamentals, or desirable trees encroaching into the treated zone. Refer to tank mix partner labels regarding effects on desirable plants. DO NOT tank mix with ARSENAL in California.

Applications may be made to existing weeds controlled by the partner herbicide. Recommended rates should be determined from the product label's prior to use. Follow the most restrictive label instructions.

For Kochia. Combinations of PENDULUM 3.3 EC herbicide with ARSENAL or diuron are recommended if control has been a problem for other herbicides.

APPLICATION RATE TABLE

For preemergence control of the weed species listed using broadcast spray equipment apply PENDULUM 3.3 EC herbicide at the following rates:

Length of Control	Quarts required to treat 1 acre	Ounces required to treat 1000 sq. ft.
Short Term (2-4 months)	2.4 quarts	1.8 oz.
Long Term (6-8 months)	4.8 quarts	3.6 oz.

Hand-held Spray Equipment: Use the table above to determine the amount of PENDULUM 3.3 EC to be applied per 1000 square feet. The amount of water used for the application is not critical but should be sufficient for thorough coverage without runoff. Calibration of backpack or other hand-held equipment will vary with each operator. Determine the amount of water needed to treat 1000 square feet before mixing the spray solution. Follow mixing instructions discussed elsewhere on this label.

The efficacy of PENDULUM 3.3 EC herbicide will improve if the application is followed by one-half inch of rainfall or its equivalent in sprinkler irrigation. If PENDULUM 3.3 EC herbicide is not activated by rainfall or irrigation within 30 days, erratic weed control may result.

PENDULUM 3.3 EC herbicide will not control established weeds.

If weeds should develop prior to activation of herbicide, shallow cultivate to destroy existing weeds or where practical, remove by hand. When cultivating for any reason, it should be shallow. PENDULUM 3.3 EC herbicide may be used in conjunction with herbicides registered for postemergence use (i.e. Roundup PRO or Finale) for the control of established weeds. Do not apply sprays containing Roundup PRO or Finale over the top of desirable plants. A PENDULUM 3.3 EC herbicide treatment may be followed by any registered herbicide to control weeds not listed on the PENDULUM 3.3 EC herbicide label.

WEED SPECIES CONTROLLED

PENDULUM 3.3 EC herbicide is recommended for preemergence control of the weed species listed. Applications can be made around and over the top of the ornamentals and to the sites listed on this label.

GRASSES CONTROLLED	
Common Name	Scientific Name
Barnyardgrass	<i>Echinochloa crus-galli</i>
Bluegrass, Annual	<i>Poa annua</i>
Crabgrass	<i>Digitaria</i> spp.
Crowfootgrass	<i>Dactyloctenium aegyptium</i>
Foxtail, Giant	<i>Setaria faberi</i>
Foxtail, Green	<i>Setaria viridis</i>
Foxtail, Yellow	<i>Setaria glauca</i>
Goosegrass	<i>Eleusine indica</i>
Itchgrass	<i>Rottboellia exaltata</i>
Johnsongrass (from seed)	<i>Sorghum halepense</i>
Junglerice	<i>Echinochloa colona</i>
Lovegrass (from seed)	<i>Eragrostis</i> spp.

GRASSES CONTROLLED	
Common Name	Scientific Name
Panicum, Browntop	<i>Panicum fasciculatum</i>
Panicum, Fall	<i>Panicum dichotomiflorum</i>
Panicum, True	<i>Panicum capense</i>
Panicum, Tule	<i>Panicum ssp.</i>
Syntherisma	<i>Brachiaria polyphylla</i>
Spangletop, Mexican	<i>Leptochloa villosa</i>
Spangletop, Red	<i>Leptochloa villosa</i>
Witchgrass	<i>Panicum capillare</i>
Woolly Cupgrass	<i>Eriochloa villosa</i>

BROADLEAF WEEDS CONTROLLED	
Common Name	Scientific Name
Burweed, Lawn	<i>Soliva pterospenna</i>
Carpenterweed	<i>Mollugo verticillata</i>
Chickweed, Common	<i>Stellaria media</i>
Chickweed, Mouseear	<i>Cerastium vulgatum</i>
Clover, Hop	<i>Trifolium procumbens</i>
Cudweed	<i>Gnaphalium</i> spp.
Eveningprimrose	<i>Oenothera biennis</i>
Fiddleneck	<i>Amisackia intermedia</i>
Filaree	<i>Erodium</i> spp.
Henbit	<i>Lamium amplexicaule</i>
Knotweed, prostrate	<i>Polygonum aviculare</i>
Kochia	<i>Kochia scoparia</i>
Lambsquarters	<i>Chenopodium album</i>
Pigweed	<i>Amaranthus</i> spp.
Puncturevine	<i>Tribulus terrestris</i>
Purslane	<i>Portulaca oleracea</i>
Pustey, Florida	<i>Richardia scabra</i>
Rocket, London	<i>Sisymbrium irio</i>
Shepherdspurse	<i>Capsella bursa pastoris</i>
Smartweed, Pennsylvania	<i>Polygonum pensylvanicum</i>
Speedwell, Corn	<i>Veronica arvensis</i>
Spurge, Annual	<i>Euphorbia</i> spp.
Spurge, Prostrate	<i>Euphorbia humistrata</i>
Woodsorrel, Yellow	<i>Oxalis stricta</i>
Velvetleaf (Buttonweed)	<i>Abutilon theophrasti</i>

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BASF Corporation
 26 Davis Drive
 Research Triangle Park, NC 27709



The Chemical Company

July 15, 2004

Mr. Jim Tompkins (PM #25)
Registration Division (7505C)
Office of Pesticide Programs
U.S. Environmental Protection Agency
1801 South Bell Street
Arlington, VA 22202

Subject: **Pendulum[®] 3.3 EC herbicide, EPA Reg. No. 241-341**
Submission of Final Printed Label

Dear Mr. Tompkins:

Please find enclosed EPA form 8570-1 for Notification and three copies of final printed labeling for Pendulum[®] 3.3 EC herbicide, EPA Reg. No. 241-341. In reviewing the label for a new printing, several typos were found and corrected:

1. Page 3, under the chemical resistant glove section for Non-WPS mixers and loaders, all WPS Users and under the Agricultural Use Requirements, we changed the glove thickness for viton to be > or equal to 14 mils to be consistent with EPA's PPE recommendations for glove thickness,
2. Page 4, under the application rates for cool season grasses, a hyphen was left out between 5 and 8. The label reads "Apply a repeat application ... after 58 weeks..." when it should read "Apply a repeat application ... after 5 - 8 weeks ...",
3. and page 4, under the application for warm season grasses for control of cudweed, *Poa annua*, chickweed, etc., the label reads "2.6 to 4.8 pts per acre" when it should read "3.6 to 4.8 pts per acre" as indicated in the rest of the table.

Although these corrections are considered non-notification corrections, since there were several, I am submitting a notification in case some of the states have questions. If you have any questions, please do not hesitate to call me at (919) 547-2830. Thank you.

Sincerely,
BASF Corporation
Agricultural Products

A handwritten signature in cursive script that reads "Rodney C. Akers".

Rodney C. Akers, Ph.D.
Registration Scientist