

241-418

6/22/2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

June 22, 2009

Mr. Craig D. Kleppe  
Registration Scientist  
BASF Corporation  
26 Davis Drive  
Research Triangle Park, NC 27709

Mr. Kleppe:

RE: ADMINISTRATIVE LETTERS DATED JULY 25, 2009; PENDIMETHALIN SUPPLEMENTAL LABEL AMENDMENT FOR PROWL® H2O HERBICIDE WITH EPA REG. NO. 241-418, AND PROWL HERBICIDE TECHNICAL WITH EPA REG. NO. 241-245

Product With EPA Reg. No. 241-418

Your requested supplemental label amendment for PROWL® H2O herbicide submitted in your email of April 30, 2009, "FOR USE ON ALFALFA GROWN FOR HAY", with EPA Reg. No. 241-418 has been approved with the following comments:

1. Your requested reduced PHI for alfalfa forage at 2.1 quarts of PROWL H2O herbicide is not supported by the established tolerance for alfalfa forage. Your requested reduced PHI for alfalfa hay at 2.1 quarts of PROWL H2O is supported by the established tolerance for alfalfa hay.
2. On page 2 of the April 30, 2009 revised supplemental label "FOR USE ON ALFALFA GROWN FOR HAY", remove the last paragraph, which states "This supplemental label also replaces and supersedes use directions pertaining to alfalfa grown for hay on the Prowl H2O container label". This supplemental label is not approved to replace or supersede language on a Section 3 label.

2095

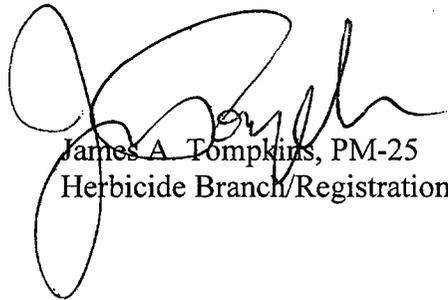
3. Your revised supplemental label "FOR USE ON ALFALFA GROWN FOR FORAGE AND HAY" submitted April 28, 2009 in response to our letter of April 27, 2009 is not approved.

A stamped approved copy of the revised label with comments is enclosed.

Product With EPA Reg. No. 241-245

No action needed. Alfalfa is already approved for this label. According to Telecommunication with Registrant (April 27, 2009), electronic submission required this product as part of submission.

Please contact Phil Errico at 703-305-6663/ [errico.philip@epa.gov](mailto:errico.philip@epa.gov) for further assistance with this matter.



James A. Tompkins, PM-25  
Herbicide Branch/Registration Div. 7505P

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ACCEPTED with COMMENTS In EPA Letter Dated JUN 22 2009



Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No. 241-418



FOR USE ON ALFALFA GROWN FOR HAY

This supplemental label expires on December 31, 2010.

EPA Reg. No. 241-418

<b>Active Ingredient:</b>	
pendimethalin: N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine .....	38.7%
<b>Other Ingredients:</b> .....	61.3%
<b>Total:</b> .....	100.0%

OBSERVE AND FOLLOW ALL APPLICABLE DIRECTIONS, RESTRICTIONS, WORKER PROTECTION STANDARDS, PRECAUTIONARY STATEMENTS, MIXING AND APPLICATION INSTRUCTIONS, AND FOLLOWCROP RESTRICTIONS ON THE Prowl® H2O herbicide MAIN CONTAINER LABEL BEFORE USING.

Directions For Use

It is a violation of federal law to use this product in a manner inconsistent with its labeling. This label and the current EPA-accepted label for Prowl H2O must be in the possession of the user at the time of pesticide application.

Prowl H2O is a selective herbicide for controlling most annual grasses and certain broadleaf weeds as they germinate. For a list of weeds controlled, refer to the Prowl H2O container label (see Table 1). Uniformly apply Prowl H2O with properly calibrated ground equipment in 10 or more gallons of water or 20 or more gallons of liquid fertilizer per acre, or by aircraft in a minimum of 5 gallons of water per acre. Use sprayers equipped with nozzles that provide accurate and uniform application.

Adequate rainfall or irrigation after application prior to weed seedling germination will provide the most effective weed control.

Always perform a mixing test to check the compatibility of Prowl H2O with all potential tank mix partners.

Follow all precautions and restrictions on the labels of all products applied in combination with Prowl H2O. Always follow the most restrictive label.

Endangered Species Protection

If endangered species occur in proximity to the application site, the following mitigation measures are required:

- If applied by ground, leave untreated buffer zone of 200 feet. The product must be applied using a low boom (20 inches above the ground) and ASAE fine to medium/coarse nozzles.
- If applied by air, leave untreated buffer zone of 170 feet. Must use straight-stream nozzles (D-6 or larger); wind can be no more than 8 mph and release height must be 15 feet or less.

To determine whether your county has an endangered species, consult the website <http://www.epa.gov/espp/usa-map.htm>

Endangered Species Bulletins may also be obtained from extension offices or state pesticide agencies. If the bulletin is not available for your specific area, check with the appropriate local state agency to determine if known populations of endangered species occur in the area to be treated.

### Spray Drift

Avoiding spray drift at the application site is the responsibility of the applicator and the grower. The interaction of many equipment- and weather-related factors determines the potential for spray drift. The applicator and grower are responsible for considering all these factors when making decisions. It is the responsibility of the applicator to avoid spray drift onto nontarget areas.

### Application Instructions

**Established Alfalfa.** Apply to established alfalfa grown for hay (defined as alfalfa planted in the fall or spring which has gone through a first cutting/mowing). Apply in a single application or in sequential applications.

Uniformly apply **Prowl<sup>®</sup> H<sub>2</sub>O herbicide** at a broadcast rate of 1.1 to 4.2 quarts per acre prior to weed germination. Applications can be made in the fall after the last mowing/cutting, during winter dormancy, in the spring, or between cuttings. Applications should be made prior to the alfalfa reaching 6 inches in regrowth.

**Seedling Alfalfa.** Apply to seedling alfalfa grown for hay (defined as alfalfa planted in the fall or spring which has **NOT** gone through a cutting/mowing).

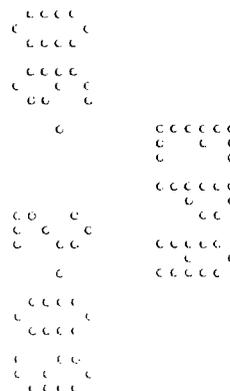
Uniformly apply **Prowl H<sub>2</sub>O** at a broadcast rate of 1.1 to 2.1 pints per acre prior to weed germination. Applications can be made once alfalfa has reached the second trifoliolate stage of growth. Applications should be made prior to alfalfa reaching 6 inches in growth.

### Restrictions and Limitations

- **DO NOT** exceed 4.2 quarts of **Prowl H<sub>2</sub>O** per acre in a single application.
- For multiple applications, **DO NOT** exceed a cumulative total of 4.2 quarts of **Prowl H<sub>2</sub>O** per acre in any one-crop season.
- **DO NOT** harvest alfalfa hay less than **28 days** after applying 2.1 quarts or less of **Prowl H<sub>2</sub>O**.
- **DO NOT** harvest alfalfa hay less than **50 days** after applying more than 2.1 quarts of **Prowl H<sub>2</sub>O**.
- **DO NOT** utilize the **28-day** preharvest interval for alfalfa hay more than once per cropping season.
- **Some stunting and chlorosis of the alfalfa may occur with postemergence applications.**
- **Applications made after the alfalfa exceeds 6 inches in height may result in poor weed control because of possible reduced spray coverage to the soil.**

**For use directions pertaining only to alfalfa grown for hay, this supplemental label replaces and supersedes the supplemental label, NVA 2008-04-195-0160, due to expire on December 31, 2009.**

**This supplemental label also replaces and supersedes use directions pertaining to alfalfa grown for hay on the Prowl H<sub>2</sub>O container label.**



**Conditions of Sale and Warranty**

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the 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 use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.**

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF. 1108

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000241-00418.20090602.NVA 2009-04-195-0117  
Supersedes: NVA 2008-04-195-0160

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