

241-418

01-20-2010

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

**OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES**

January 20, 2010

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

Dr. Kleppe:

RE: ADMINISTRATIVE LETTER OF JULY 8, 2009 AND JULY 15, 2008; PROWL® H₂O HERBICIDE, EPA REG. NO. 241-418, SUPPLEMENTAL LABELS; PENDIMETHALIN TECHNICAL HERBICIDE, EPA REG. NO. 241-245; PESTICIDE TOLERANCE PETITION 8F7396, GRASS FORAGE, FODDER, AND HAY CROP GROUP 17, FORAGE GRASS FORAGE, FODDER, AND HAY CROP GROUP 17, HAY, AND GRASS FORAGE, FODDER, AND HAY CROP GROUP 17, STRAW

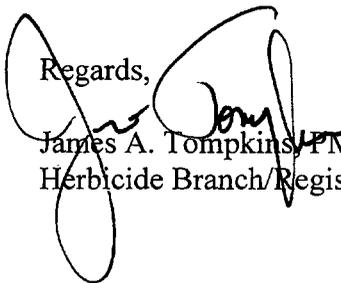
With establishment of the tolerances for, GRASS FORAGE, FODDER, AND HAY CROP GROUP 17, FORAGE; GRASS FORAGE, FODDER, AND HAY CROP GROUP 17, HAY; AND GRASS FORAGE, FODDER, AND HAY CROP GROUP 17, STRAW in PP# 8F7396, your requested product label for Pendimethalin Technical, with EPA Reg. Nos. 241-245, and supplemental labels for the product PROWL®H₂O, with EPA Reg. No. 241-418, PERENNIAL GRASSES GROWN FOR SEED PRODUCTION, and FOR WEED CONTROL IN WINTER DORMANT BERMUDAGRASS PASTURE AND HAY FIELDS, are conditionally approved without comment until January 31, 2015.

The following data are required to be submitted, and reviewed for acceptance as conditions of registration:

- Developmental thyroid toxicity study for adult rats and young rats following pre- and post-natal exposure to pendimethalin,
 - Immunotoxicity and acute and subchronic neurotoxicity studies as part of the revised 158 toxicity data requirements for pendimethalin,
 - Limited rotational field accumulation study,
- and
- Submission of confirmatory residue characterization data for goat kidney.

Distribution of the approved labels constitutes acceptance of these conditions.

For additional assistances in this matter, please contact Phil Errico at 703-305-6663/
errico.philip@epa.gov .

Regards,

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

ACCEPTED
JAN 20 2010
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under 241-418

BASF
The Chemical Company

PROWL^{H₂O}
herbicide

Supplemental Label

FOR WEED CONTROL IN PERENNIAL GRASSES GROWN FOR SEED PRODUCTION

This supplemental label expires on December 31, 2011.

EPA Reg. No. 241-418

Active Ingredient*:

pendimethalin: N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine 38.7%

Other Ingredients: 61.3%

Total: 100.0%

*1 gallon contains 3.8 pounds of pendimethalin formulated as an aqueous capsule suspension.

OBSERVE AND FOLLOW ALL APPLICABLE DIRECTIONS, RESTRICTIONS, WORKER PROTECTION STANDARDS, PRECAUTIONARY STATEMENTS, MIXING AND APPLICATION INSTRUCTIONS AND FOLLOW CROP 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 labeling 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. 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 in 5 or more gallons per acre of water by air. Use sprayers with constant agitation and equipped with nozzles that provide accurate and uniform application.

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

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 an 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

Prowl® H₂O herbicide may be applied by ground or chemigation, or by air.

Apply **Prowl H₂O** prior to target weed germination. Uniformly apply at a broadcast rate of 2.1 to 4.2 quarts of **Prowl H₂O** per acre in a single application. **Prowl H₂O** may also be applied in two split applications, with 1/2 the seasonal application rate applied in the fall or winter followed by the other 1/2 the seasonal application rate applied in the spring. **DO NOT** exceed a cumulative total of 4.2 quarts of **Prowl H₂O** per acre in any one crop season.

In both warm- and cool-season perennial grasses, use the higher application rate of **Prowl H₂O** where more dense infestations of targeted annual grasses, annual broadleaf, or volunteer grass seedlings are anticipated, or when a longer duration of residual weed control is desired. Excess grass straw and crop residue from the previous harvest should be evenly spread or removed by such methods as crew cutting, propane flaming, or open field burning (when local regulations allow) prior to **Prowl H₂O** application, or reduced weed control may result.

Prowl H₂O may be applied in a sequential use program or as a tank mix with other registered herbicides that control emerged weeds.

Prowl H₂O may cause temporary injury to perennial grass stands. Applications made in periods of cold temperatures that temporarily limit normal crop growth or in extended cold temperature periods that initiate winter dormancy in grass crops may result in crop injury. Diseases, extremely cold weather, drought, extensive frost heaving, low or high pH, or salinity may weaken stands and make them more susceptible to herbicidal damage.

Prowl H₂O may be applied in the following perennial grasses grown for seed production:

- **Warm-season perennial grasses**

Apply **Prowl H₂O** to established (defined as planted in the fall or spring which has gone through a first cutting/mowing) warm-season perennial grasses, such as Bermudagrass, switchgrass, and others. Apply **Prowl H₂O** to postharvest grass during the fall or during winter dormancy or after the first seed harvest/cutting. **DO NOT** apply to warm-season perennial grasses after green-up in the spring prior to the first seed harvest/cutting.

- **Cool-season perennial grasses**

Apply **Prowl H₂O** to established (6 or more tillers per plant) cool-season perennial grasses, such as Kentucky bluegrass, tall fescue, orchardgrass, perennial ryegrass, fine fescue, and others. Apply **Prowl H₂O** to postharvest grass during regrowth at the beginning of significant fall rains or in spring prior to germination of targeted weeds.

Chemigation Applications

Prowl H₂O may be applied through sprinkler irrigation systems. Follow all recommendations, special instructions, and precautions in the general section covering **Chemigation** in **Spraying Instructions** of the **Prowl H₂O** container label. Uniform distribution of **Prowl H₂O**-treated irrigation water is the sole responsibility of the applicator and is required to avoid crop injury, lack of herbicide effectiveness, or illegal pesticide residues in the crop.

Tank Mixes

Prowl H₂O may be tank mixed with **Outlook® herbicide** or with other herbicides labeled for use in perennial grasses grown for seed. BASF recommends testing **Prowl H₂O** tank mixes on a small portion of the target crop to determine if damage is likely to occur.

Physical incompatibility, reduced weed control, or crop injury may result from mixing Prowl H₂O with other pesticides, additives, or fertilizers.

Applications of postemergence herbicides may cause crop injury. Consult your local BASF dealer regarding local tank mix options. 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.

Restrictions and Limitations

- **DO NOT** apply if surface water is present in the field.
- **DO NOT** exceed a cumulative total of 4.2 quarts of Prowl[®] H₂O herbicide per acre in any one crop season.
- **Some stunting and chlorosis of the perennial grasses may occur with postemergence applications.**
- **Applications made after the perennial grasses exceed 6 inches in height may result in poor weed control due to possible reduced spray coverage to the soil.**
- **DO NOT** harvest forage from treated fields of both warm-season and cool-season perennial grasses until **45 days** after application.
- **DO NOT** harvest hay from treated fields of both warm-season and cool-season perennial grasses until **60 days** after application.
- From treated fields of both warm- and cool-season perennial grasses, **DO NOT** harvest seed within 90 days after application.
- The grass straw remaining after seed harvest of both warm- and cool-season perennial grasses may be used as livestock bedding, and/or grazed by or fed to livestock. The grower must notify the seed processor that there is no pesticide tolerance on grass seed screenings, therefore it cannot be used in livestock feed.
- See the main label for directions for Rotational Crops. For crops which can be rotated the following year after application of Prowl H₂O, the minimum plant back interval is 270 days after treatment. Follow the most restrictive language for Rotational Crops in this supplemental label and the main product label.

Weeds Controlled

Prowl H₂O applied according to this label, prior to weed germination, will control annual bluegrass, volunteer fescue, and volunteer ryegrass in addition to the weeds listed on the Prowl H₂O container label (see Table 1. **Weeds Controlled**). If weeds have germinated prior to the application of Prowl H₂O, it may be necessary to apply a herbicide labeled for postemergence activity on those weeds. Weed control may be enhanced by using sequential applications of other registered herbicides.

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.

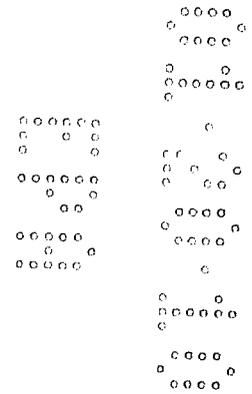
BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

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.

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000241-00418.20080529c.NVA 2008-04-195-0070

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709



ACCEPTED
JAN 20 2010

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



PROWL H₂O
herbicide

Supplemental Label

For weed control in winter dormant Bermudagrass pasture and hay fields

This supplemental label expires on December 31, 2011.

EPA Reg. No. 241-418

Active Ingredient*:

pendimethalin: N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine 38.7%

Other Ingredients: 61.3%

Total: 100.0%

*1 gallon contains 3.8 pounds of pendimethalin formulated as an aqueous capsule suspension.

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. When following the instructions on this supplemental label, the user must have this supplemental label and the entire Prowl H₂O, EPA Reg. No. 241-418, container label in possession at the time of pesticide application.

Prowl H₂O is a selective herbicide for controlling most annual grasses and certain broadleaf weeds as they germinate. 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 in 5 or more gallons per acre of water by air. Use sprayers with constant agitation and equipped with nozzles that provide accurate and uniform application.

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

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 an 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.

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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-related and weather-related factors determines the potential for spray drift. The applicator and the 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

Prowl® H₂O herbicide may be applied by ground or chemigation, or by air.

Prowl H₂O may be applied in fields of Bermudagrass grown for hay production and/or grown in pastures for livestock grazing. **Apply Prowl H₂O only to established Bermudagrass** (defined as planted in the fall or spring which has gone through a first cutting/mowing) **when in winter dormancy.**

Apply **Prowl H₂O** prior to target weed germination. Uniformly apply at a broadcast rate of 1.1 to 4.2 quarts of **Prowl H₂O** per acre in a single application. **Prowl H₂O** may also be applied in two split applications, with 1/2 the seasonal application rate applied at the onset of winter dormancy followed by the other 1/2 the seasonal application rate applied just prior to spring greenup. **DO NOT** exceed a cumulative total of 4.2 quarts of **Prowl H₂O** per acre in any one crop season.

Use the higher application rate of **Prowl H₂O** where more dense infestations of targeted annual grasses and annual broadleaf weeds are anticipated or when a longer duration of residual weed control is desired.

Prowl H₂O may be applied in a sequential use program or as a tank mix with other registered herbicides that control emerged weeds.

Prowl H₂O may cause temporary injury to Bermudagrass stands. Disease, extremely cold weather, drought, extensive frost heaving, low or high pH, or salinity may weaken stands and make the crop more susceptible to herbicidal injury.

Chemigation Applications

Prowl H₂O may be applied through sprinkler irrigation systems. Follow all recommendations, special instructions and precautions in the general section covering **Chemigation in Spraying Instructions** of the **Prowl H₂O** container label. Uniform distribution of **Prowl H₂O**-treated irrigation water is the sole responsibility of the applicator and is required to avoid crop injury, lack of herbicide effectiveness, or illegal pesticide residues in the crop.

Tank Mixes

Prowl H₂O may be tank mixed with other herbicides labeled for use in Bermudagrass fields. BASF recommends testing **Prowl H₂O** tank mixes on a small portion of the target crop to determine if damage is likely to occur.

Physical incompatibility, reduced weed control, or crop injury may result from mixing Prowl H₂O with other pesticides, additives, or fertilizers.

Applications of postemergence herbicides may cause crop injury, such as stunting or chlorosis of Bermudagrass. Consult with your local BASF dealer regarding local tank mix options. Always perform a mixing test to check the compatibility of **Prowl H₂O** with all potential tank mix partners and fertilizers. Follow all precautions and restrictions on the labels of all products applied in combination with **Prowl H₂O**. Always follow the most restrictive label.

Restrictions and Limitations

- **DO NOT** apply **Prowl H₂O** if surface water is present in the field.
- **DO NOT** exceed a cumulative total of 4.2 quarts of **Prowl H₂O** per acre per year.
- **DO NOT** harvest Bermudagrass hay until **60 days** after treatment with **Prowl H₂O**.
- **DO NOT** harvest for forage or allow livestock to graze Bermudagrass until **45 days** after treatment with **Prowl H₂O**.
- Use only on Bermudagrass grazing areas that are controlled/fenced and livestock are excluded for a minimum restriction period of 45 days after treatment with **Prowl H₂O**.
- Use of **Prowl H₂O** on rangeland is prohibited.
- See the main label for directions for Rotational Crops. For crops which can be rotated the following year after application of **Prowl H₂O**, the minimum plant back interval is 270 days after treatment. Follow the most restrictive language for Rotational Crops in this supplemental label and the main product label.

Weeds Controlled

Prowl H₂O applied according to this label, prior to weed germination, will control sandbur in addition to the weeds listed on the **Prowl H₂O** container label (see **Table 1. Weeds Controlled**). If weeds have germinated prior to the application of **Prowl H₂O**, it may be necessary to apply a herbicide labeled for postemergence activity on those weeds. Weed control may be enhanced by using sequential applications of other registered herbicides.

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Conditions of Sale and Warranty

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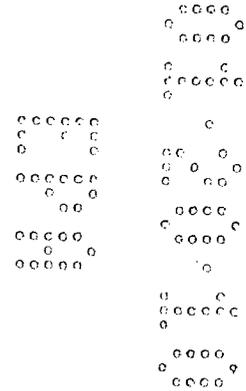
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TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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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000241-00418.20090707b.NVA 2009-04-195-0129

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