

432-941

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

APR 24 2009

Mr. Richard M. Gorrell
Manager, Registrations
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, N.C. 27709

Re: Notification to add Seashore Paspalum Turfgrass and Bermudagrass Suppression along
with a revised Warranty Statement
EPA Reg No.: 432-941
Date of Submission: February 3, 2009

Dear Mr. Gorrell:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated, February 3, 2009, for the product, Prograss Herbicide. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

2011



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-941	2. EPA Product Manager Ms. Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Prograss Herbicide	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Drive Research Triangle Park, NC 27709 <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: NOTIFICATION EPA Reg. No. _____ APR 24 2009 Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" 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.)

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. 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 PR Notice 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 of FIFRA.

- Notification to add bermudagrass suppression in Seashore Paspalum and to revise the Warranty Statement as per EPA Guideline Document (10-17-06)

Section - III

1. Material This Product Will Be Packaged In:					
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	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 1 gallon		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled			<input type="checkbox"/> Other _____ encased in plastic glued to jug; fold out/accordion		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Richard M. Gorrell	Title Manager, Registrations	Telephone No. (Include Area Code) (919) 549-2423	
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 <i>Richard M. Gorrell</i>	3. Title Manager, Registrations		
4. Typed Name Richard M. Gorrell	5. Date February 3, 2009		

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Bayer Environmental Science

February 3, 2009

EPA09RMG0203PrograssNotifPaspalumWarranty
Fedex

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

RE: Prograss Herbicide (432-941): Notification to Add Seashore Paspalum turfgrass and bermudagrass Suppression along with a Revised Warranty Statement

Dear Ms. Arrington:

Bayer Environmental Science (BES) is notifying the Agency of the addition of bermudagrass suppression in Seashore Paspalum turfgrass. Presently, there are no selective means of controlling bermudagrass in Seashore Paspalum turfgrass. Also, the Warranty Statement was revised according to the EPA Warranty Statement Guideline published on October 17, 2006.

Bayer Environmental
Science
2 T.W. Alexander Drive
RTP, NC 27709
Phone : 919.549.2000

The following information is included with this letter:

- EPA Application Form 8570-1
- 4 copies of the Prograss Herbicide label (one on electronic disc)

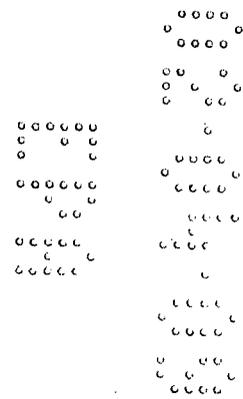
If you have any questions please contact me at (919) 549-2423 or email me at mike.gorrell@bayercropscience.com.

Sincerely,

Richard M. Gorrell

Incl.

Cc: Karen Shearer
Ben Cicora
Don Myers



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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER**

Corrosive. Causes irreversible eye damage. Do not get in eyes or on clothing. Harmful if absorbed through skin. Avoid contact with skin.

Personal Protective Equipment

Applicators and other handlers must wear:

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

- Long-sleeve shirt & long pants
- Chemical-resistant gloves such as barrier laminate or VITON®.
- Shoes plus socks
- Protective eyewear

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROLS STATEMENT

When handlers use closed systems, enclosed cabs, or aircraft 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

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.

Environmental Hazards

For terrestrial uses, do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwaters.

Physical or Chemical Hazards

Do not use, pour, spill, or store near heat or open flames.

STORAGE AND DISPOSAL

STORAGE: Store in a cool place above 34°F.

PESTICIDE DISPOSAL: Do not contaminate water, food, or feed by storage or disposal. Pesticide wastes are acutely hazardous. 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: Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling, if available or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities.

GENERAL INFORMATION

PROGRASS® Herbicide is an emulsifiable formulation containing 1.5 pounds active ingredient per U.S. gallon for use on established perennial ryegrass, Kentucky bluegrass, creeping bentgrass, turf-type tall fescue, St. Augustine grass, and dormant Bermudagrass for the control and/or suppression of specific annual grasses and broadleaf weeds. It may also be used, as directed, after overseeding specific grasses.

PROGRASS® Herbicide is intended for professional use only on the ornamental turf of sites such as golf courses, sod farms, parks, cemeteries, lawns of commercial establishments and homeowner lawns (see Use Precautions below).

PROGRASS® Herbicide has both preemergent and early (two-leaf stage) postemergent activity; it is used most effectively in programs emphasizing both approaches.

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WEED SPECIES CONTROLLED

PREEMERGENCE

Annual Grasses

- Annual bluegrass.....*Poa annua*
- Large crabgrass.....*Digitaria sanguinalis*
- Smooth crabgrass.....*Digitaria ischaemum*
- Barnyardgrass.....*Echinochloa crus-galli*
- Green foxtail.....*Setaria viridis*
- Yellow foxtail.....*Setaria glauca*
- Canarygrass.....*Phalaris canariensis*

Annual Broadleaves

- Burclover.....*Medicago sp.*
- Common chickweed.....*Stellaria media*
- Common purslane.....*Portulaca oleracea*
- Redroot pigweed.....*Amaranthus retroflexus*

PROGRASS® Herbicide will also reduce competition from:

- Yellow nutsedge.....*Cyperus esculentus*
- Purple nutsedge.....*Cyperus rotundus*

POSTEMERGENCE

Annual Grasses

- Annual bluegrass.....*Poa annua*

Annual Broadleaves

- Common chickweed.....*Stellaria media*
- White clover.....*Trifolium repens*

PREEMERGENCE/EARLY POSTEMERGENCE

Annual Grasses

- Smooth crabgrass.....*Digitaria ischaemum*
- Large crabgrass.....*Digitaria sanguinalis*

USE PRECAUTIONS

- PROGRASS® Herbicide should be used only for recommended purposes and at the recommended rates (DO NOT OVERAPPLY).
- Avoid spray overlap or turf injury may occur.
- Use of a spray colorant or indicator in the spray tank is recommended so that spray pattern overlapping can be avoided.
- Do not apply with flood jet nozzles and hand-held sprayers, since treatments may not be uniform.
- Do not apply this product through any type of irrigation system.
- PROGRASS® Herbicide application is most effective on healthy, vigorously growing turf.
- PROGRASS® Herbicide may be applied to homeowner lawns by licensed or certified applicators. PROGRASS® Herbicide is not intended for use by home-owners.
- Overseeding is recommended in conjunction with PROGRASS® Herbicide applications to achieve conversion to desired turfgrass species and to avoid stand thinning due to annual bluegrass loss.
- When overseeding, use the rate of PROGRASS® Herbicide recommended for the overseeded species. In mixed stands of established turfgrasses, use the rate recommended for the least tolerant species.
- Do not apply PROGRASS® Herbicide within 8 weeks following the application of a Plant Growth Regulator. A PROGRASS® Herbicide program may be initiated on creeping bentgrass 3 weeks after a single application of PRIMO® has been applied.
- PROGRASS® Herbicide application is recommended for golf course fairways, roughs, and tees but at fairway-height only. Do not apply to putting greens.
- Do not apply PROGRASS® Herbicide to zoysiagrass and hard or fine fescue; serious injury may result.

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DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not graze livestock on treated turf. Do not feed treated grass clippings to livestock. Read entire Use Precautions, Directions for Use, and Disclaimer of Warranties 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 in your State 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 and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

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

PPE 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 or VITON®
- Shoes plus socks
- Protective eyewear

NONAGRICULTURAL 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. Keep unprotected persons out of treated area until sprays have dried.

SPRAY EQUIPMENT, APPLICATION, AND PRECAUTIONS

Apply PROGRASS® Herbicide using standard, low pressure (20 to 50 psi) spray equipment. Spray equipment should be carefully calibrated before use and checked frequently during application. Addition of a spray indicator may improve treatment uniformity. The tank and line should be cleaned and rinsed before and after using PROGRASS® Herbicide.

VARIETAL TOLERANCE

The following turfgrass cultivars have shown tolerance to PROGRASS® Herbicide; however, all species and varieties have not been tested. PROGRASS® Herbicide has been used safely on the following turfgrass cultivars, but its use is not strictly limited to these. Before large scale use of PROGRASS® Herbicide on other cultivars, a tolerance test on a small area is recommended.

PERENNIAL RYEGRASS—Acclaim, Blazer, Dasker, Derby, Elka, Fiesta, Goalie, Hunter, Linn, Loretta, Manhattan II, Palmer, Pennfine, Regal, Yorktown.

KENTUCKY BLUEGRASS—Adelphi, American, Aspen, Asset, Challenger, Classic, Emundi, Huntsville, Georgetown, Glade, Haga, Julia, Liberty, Merit, Midnight, Monopoly, Mystic, Parade, Rugby, Sydsport, Touchdown.

DO NOT APPLY to the following cultivars: Northstar, Explorer, Limousine, RAN I and Total Eclipse.

CREEPING BENTGRASS—Carmen, Cobra, Highland, Lopez, Mariner, National, Penncross, Providence, Putter, Southshore, SR1020, and Viper have shown good to excellent tolerance to PROGRASS® Herbicide. Injury has been noted on Emerald, Penneagle, and Pennlinks occasionally. PROGRASS® Herbicide may cause serious injury to Cohansey, Colonial, South German varieties, Egmont, Bardot, Tracenta, Allure, Astoria, and SR 7100.

TURF-TYPE TALL FESCUE—America, Arid, Mustang.

ST. AUGUSTINE GRASS—Raleigh.

DORMANT BERMUDAGRASS—Tifgreen, Tidwarf, Common Bermudagrass is more susceptible to PROGRASS® Herbicide injury than hybrid Bermudagrass.

GENERAL RECOMMENDATIONS

Fall applications to turfgrass sites to control annual bluegrass are most effective if application is initiated during the period of maximum weed germination and ended as close to the first killing freeze as possible. Spring applications may be made during the period of maximum weed germination. Consult the university extension service or weed science specialist for these dates in your locality. Spring applications are most effective following fall applications.

SEE CHART FOR USE RATES AND TIMINGS. READ TEXT BELOW FOR SPECIFIC RECOMMENDATIONS FOR EACH TYPE OF GRASS.

Cool Season Turfgrasses

I. Perennial Ryegrass

Application to perennial ryegrass is recommended in fall and/or spring during the primary period of annual bluegrass germination, and up to 30 days after annual bluegrass emergence. Annual bluegrass is easiest to control when young and newly emerged. Spring applications should be used in conjunction with fall applications. Consult Extension Service or University weed specialists for date(s) annual bluegrass germinates in your area.

When overseeding with perennial ryegrass, apply PROGRASS® Herbicide to the seeded area 1 to 2 weeks after emergence of the ryegrass seedlings, when the seedlings are approximately 1" tall or after the first cutting. For overseeding, the soil should be prepared according to recommended practice. Remove or thoroughly work thatch, as it can reduce the effectiveness of the PROGRASS® Herbicide treatment. Delay application of straw or other mulch until after PROGRASS® Herbicide application. Application to overseeded perennial ryegrass in the fall or spring will also reduce competition from selected broadleaf weeds and crabgrass.

II. Kentucky Bluegrass

Apply PROGRASS® Herbicide to bluegrass not less than 8 weeks after emergence. Bluegrass overseeded with ryegrass may be treated one to two weeks after ryegrass emergence.

Do not reseed with Kentucky bluegrass until 6 weeks after the last PROGRASS® Herbicide application. For fall application programs of PROGRASS® Herbicide, alternatives are to seed dormant bluegrass in the late fall or to delay reseeding until the spring. Kentucky bluegrass sod quality during the spring may be reduced following fall applications of PROGRASS® Herbicide.

III. Creeping Bentgrass

PROGRASS® Herbicide may be applied safely to bentgrass cut at fairway height. PROGRASS® Herbicide use should be avoided in poorly drained and/or heavily shaded turf areas which are more prone to herbicide injury. Tank mixing with soluble or controlled release nitrogen at 0.1 to 0.25 lb N per 1,000 square feet with PROGRASS® Herbicide may improve creeping bentgrass turf tolerance and improve creeping bentgrass conversion.

A spring application of PROGRASS® Herbicide following fall applications is useful in further reducing populations of annual bluegrass. Apply PROGRASS® Herbicide in the spring after creeping bentgrass has resumed active growth and has achieved full green-up. Do not apply PROGRASS® Herbicide to renovated or overseeded bentgrass fairway turf less than three (3) to four (4) weeks after seedling emergence.

Do not overseed with creeping bentgrass until three (3) to four (4) weeks after the last PROGRASS® Herbicide application.

IV. Turf-Type Tall Fescue

Apply PROGRASS® Herbicide to turf-type tall fescue in the fall. If overseeding with turf-type tall fescue, PROGRASS® Herbicide application and the seeding may be simultaneous.

Warm Season Turfgrasses

I. St. Augustine grass (Established Turf)

Apply PROGRASS® Herbicide to St. Augustine grass in the spring and early summer to suppress Bermudagrass and Bermudagrass seedhead formation or control annual bluegrass. Best results are achieved when multiple applications are made. PROGRASS® Herbicide suppresses the development of actively growing Bermudagrass in established St. Augustine Sod. Begin PROGRASS® Herbicide applications when Bermudagrass first breaks dormancy in the spring. Application timing is critical to achieve optimum results and will vary depending on location and temperature. A second application of PROGRASS® Herbicide should be made 21-28 days after the first application. For optimum suppression, a third application may be necessary 21-28 days after the second application. Temporary stunting and minor discoloration of St. Augustine grass may occur after application. To improve suppression, PROGRASS® Herbicide may be tank-mixed with Atrazine in each application (Atrazine at up to 2 lb ai/A for first application and 0.75 lb - 1 lb ai/Atrazine for second or third application). DO NOT treat St. Augustine grass that has not been established for six months. DO NOT treat St. Augustine grass that is under stress or injury may occur. If the St. Augustine grass shows signs of severe yellowing or stunting, discontinue applications.

II. Overseeded Dormant Bermudagrass

Apply PROGRASS® Herbicide to overseeded Bermudagrass in late fall, one to two weeks after emergence of overseeded perennial ryegrass to control annual bluegrass. Treatment to turf that is not fully dormant may cause early injury and/or delayed spring green-up. Applications of 0.67 to 0.75 gallons of PROGRASS® Herbicide per acre have shown acceptable control of annual bluegrass with minimum injury to non-dormant (or pre-dormant) Bermudagrass when applied in late November or early December. Lower rates have shown lesser annual bluegrass control and higher rates have shown more Bermudagrass injury when the Bermudagrass is not fully dormant. The onset of dormancy will vary according to location and yearly weather. One or two supplemental applications at 21 to 28 day intervals may be required to maintain control through the winter months. DO NOT APPLY more than two applications of PROGRASS® Herbicide when treating non-dormant Bermudagrass. The final PROGRASS® Herbicide application should be made to Bermudagrass no later than February 1st or 4 weeks prior to breaking of winter dormancy. Late applications (within 4 weeks of breaking dormancy) to turf that will be breaking dormancy may temporarily delay resumption of active growth (spring green-up) of Bermudagrass in the spring. The breaking of winter dormancy will vary according to location and yearly weather. Application of PROGRASS®

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Herbicide to Bermudagrass that is stressed due to shade, poorly drained soils, and high traffic may result in increased turf injury. Avoid use of PROGRASS® Herbicide or use lower rates under these conditions. Care should be taken to keep the PROGRASS® Herbicide in the overseeded areas during the applications (particularly when making applications to non-dormant Bermudagrass) so that the ryegrass will mask any early injury or late transition in the spring. Higher seeding rate may also be helpful to minimize a thin stand appearance since annual bluegrass will be removed. Common Bermudagrass in fairways or roughs may be more susceptible to herbicide injury than hybrid Bermudagrass.

RECOMMENDED RATES AND TIMINGS ¹								
Turf Type	Main Target Pests	Start	# Apps	Application INT (Days)	Use Rate ²		Overseeding Safety Interval ³ (Weeks After Treatment)	Application Safety Interval ⁵ (Weeks After Emergence)
					Gal/Acre	Oz/ 1,000 Sq Ft		
Ryegrass	Annual Bluegrass	Fall Spring ⁴	2-3 1-2	21 - 28 21 - 28	2/3-1 1/3	2-4	1-2	1-2
Kentucky Bluegrass	Annual Bluegrass	Fall	2 - 3	21 - 28	1/2	1 1/2	6	8
Creeping Bentgrass	Annual Bluegrass	Fall Spring ⁴	2-3 1-2	21 - 28 21 - 28	1/2 1/2	1 1/2 1 1/2	4	4
Turf-Type Tall Fescue	Annual Bluegrass	Fall	2 - 3	21 - 28	1/2-1	2-4	0	2-3
St. Augustine grass (Est. Turf)	Bermudagrass Suppression	Spring	2 - 3	21 - 28	1-2	3-6	N/A	N/A
Seashore Paspalum	Bermudagrass Suppression	Spring	Multiple ⁶	14	1/3	1	6	N/A
Overseeded (ryegrass) Bermudagrass:								
Dormant Bermudagrass	Annual Bluegrass	Fall	2 - 3	21 - 28	1/2-1 1/3	1 1/2-4	N/A	N/A
Nondormant Bermudagrass	Annual Bluegrass	Fall	2	21 - 28	2/3-3/4	2-2 1/4	N/A	N/A

¹ Refer to label text for further instructions regarding each grass species.
² Apply recommended rate of PROGRASS® Herbicide in 20 to 60 gallons of water per acre or 1 to 3 gallons of water per 1,000 sq ft.
³ Interval applies to overseeding specific grass on same type of grass after last PROGRASS® Herbicide treatment.
⁴ Use spring application after previous fall treatments only.
⁵ Refers to interval in which PROGRASS® Herbicide may be safely applied to specific grass following seed emergence.
⁶ Multiple applications not to exceed 9 lbs ai/A/year. Do not apply to turf when foliage is wet or dew is present. Multiple applications are necessary for maximum suppression. The maximum and effective use rate is 1 fl oz of product/1,000 sq ft.
 N/A - Not applicable.

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IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks 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 the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

TRADEMARK INFORMATION

Chipco and Prograss are registered trademarks of Bayer.
Backed By Bayer is a trademark of Bayer.

NOTIFICATION

APR 24 2009



Bayer Environmental Science

Bayer Environmental Science
A Business Group of Bayer CropScience LP
2 T. W. Alexander Drive
Research Triangle Park, NC 27709
PROGRASS HERBICIDE (MASTER) 12-27-01, Notif 01-28-09PRN2007-4, Notif 01/29/09