

432-1231

09/08/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Richard M. Gorrell
Bayer Environmental Science
2 T. W. Alexander Drive,
Research Triangle, NC 27709

SEP 8 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 18, 2009 for:

EPA Registration 432-1231 Illoxan 3EC Herbicide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

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

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



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1231	2. EPA Product Manager Ms. Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Illoxan 3EC Herbicide	PM#	
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: EPA Reg. No. _____ Product Name _____	

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____ **NOTIFICATION**
 Resubmission in response to Agency letter dated _____ "Me Too" Application. **SEP - 8 2009**
 Notification - Explain below. Other - Explain below.

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

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance of PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. 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 the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and it may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.
 - Container Disposal Statement Revision as per EPA mandate

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 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
 Label Container

4. Size(s) Retail Container
4x1 gallon

5. Location of Label Directions
 on label

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

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
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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.

2. Signature <i>Richard M. Gorrell</i>	3. Title Manager, Registrations	6. Date Application Received (Stamped)
4. Typed Name Richard M. Gorrell	5. Date August 18, 2009	

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Bayer Environmental Science

August 18, 2009

EPA09RMG0818IlloxanNotifContDisp
Fedex

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

RE: Illoxan 3 EC Herbicide (EPA Reg No. 432-1231)
Notification to Add Container Disposal Statement

Dear Ms. Arrington:

Bayer Environmental Science (BES) is notifying the Agency of the addition of a revised container disposal statement for the Illoxan 3 EC Herbicide label. The label language is exactly as prescribed by the Agency in PR Notice 2007-4.

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

The following information is included with this amendment:

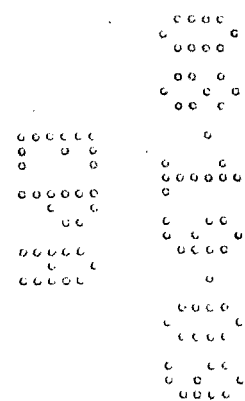
- 8570-1 form
- Revised Label (4 paper copies; one highlighted copy)

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

Sincerely,

Richard M. Gorrell
Manager, Registrations

Cc: Karen Shearer



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RESTRICTED USE PESTICIDE

DUE TO CARCINOGENICITY IN THE LABORATORY MOUSE AND EYE IRRITATION*

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

ILLOXAN® 3 EC HERBICIDE

FOR USE ON GOLF COURSES ONLY (Includes Greens, Tees, Fairways, and Closely Mowed Rough Areas)

For Postemergence Control of Goosegrass (Silver Crabgrass) in Bermudagrass Turf

ACTIVE INGREDIENT:

diclofop-methyl 34.7%**

OTHER INGREDIENTS: **NOTIFICATION** 5.3%

Contains petroleum distillates

* CAS NUMBER 51338-27-3

**Equivalent to 3.0 pounds of active ingredient per gallon.

SEP - 8 2009

EPA Reg No. 432-1231

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN DANGER

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

For **MEDICAL** And **TRANSPORTATION** Emergencies **ONLY** Call 24 Hours A Day 1-800-228-5635

For **PRODUCT USE** Information Call 1-800-331-2867

*The Environmental Protection Agency has concluded that diclofop-methyl, the active ingredient in this product, produced tumors in laboratory mice. This effect was not observed in other species tested. The user must read and follow all precautionary statements on this label. Give particular attention to protective clothing requirements.

FIRST AID

If in Eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on Skin or Clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If Swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have a person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If Inhaled:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.

NOTE TO PHYSICIAN: May pose an Aspiration hazard and contains petroleum distillates. Probable mucosal damage may contraindicate the use of gastric lavage.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Corrosive, causes irreversible eye damage. Do not get in eyes or on clothing. Wear appropriate protective eyewear such as goggles, face shield, or safety glasses. Wash thoroughly with soap and when after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT

The following protective apparel must be worn during all loading and mixing operations and when applied by ground equipment: Coveralls over long-sleeved shirt and long pants, chemical resistant footwear plus socks, chemical resistant apron and gloves (such as barrier laminate, butyl rubber, nitrile rubber, or Viton, and a respirator with an organic-vapor- removing cartridge prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23c) or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an (OV) cartridge or a canister with any N,R,P or HE prefilter.

USER SAFETY REQUIREMENTS

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

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling the product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. 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 runoff, leaching or spray drift. Avoid direct application or drift of spray material to water surfaces. Do not apply within 100 feet of any water body including impounded waters, rivers, streams, lakes, or oceans. Do not contaminate arable land and/or water when disposing of equipment washwaters.

Physical and Chemical Hazards

Combustible - Do not use or store near heat or open flame.

STORAGE AND DISPOSAL

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

Do not use or store near heat or open flame. Do not store below 20°F.

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: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. 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. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

GENERAL INFORMATION

ILLOXAN® 3 EC Herbicide is an emulsifiable concentrate (EC) formulation containing 3 pounds of active ingredient per gallon. ILLOXAN® 3 EC Herbicide will control goosegrass/crowfootgrass/silver crabgrass (*Eleusine indica*) in established bermudagrass (*Cynodon dactylon*) turf.

ILLOXAN® 3 EC Herbicide will not control broadleaf weeds or sedges.

ILLOXAN® 3 EC Herbicide is absorbed primarily through the foliage. Thorough coverage is important. Visual injury on goose-grass is evident approximately 2 to 3 weeks after application (dependent upon environmental conditions).

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 the application. 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. Do not allow workers entry into treated areas until spray is dry. Do not allow this product to drift.

For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

ILLOXAN® 3 EC Herbicide can be applied as a broadcast application to all cultivars of bermudagrass turf. Avoid applications to other turf species as severe turf injury may occur.

APPLICATION INFORMATION

ILLOXAN® 3 EC Herbicide controls goosegrass that has emerged at the time of application. Young actively growing goosegrass plants are more easily controlled than larger plants. Refer to the application rate and time chart for proper application timing and rates. Avoid applications to turfgrass under stress due to lack of moisture, chemical injury, insects, disease, or temperature extremes.

The addition of a nonionic surfactant at 0.25% by volume may improve the control of goosegrass under less than optimum growing conditions.

PRESSURIZED HYDRAULIC SPRAYER APPLICATION

Apply ILLOXAN® 3 EC Herbicide by means of a pressurized hydraulic sprayer using 30 – 60 psi and 0.7 to 1.4 gallons of finished spray per 1000 sq. ft. (30 – 60 gal/A). Thorough spray coverage is essential for optimum results. Flat fan nozzles are recommended.

Applications should be made using a uniform spray pattern with a minimum overlap. Overdosing may result in turf injury.

MOWING INFORMATION

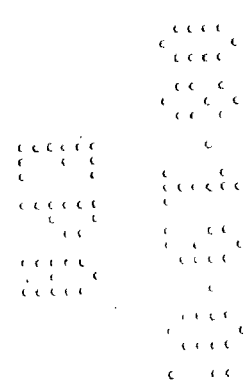
For optimum results, spray ILLOXAN® 3 EC Herbicide when maximum leaf area is present. Avoid mowing treated areas for at least 36 hours to allow time for penetration into the grass weed. ILLOXAN® 3 EC Herbicide is most effective on closely mowed, but not less than 5/16 inch cutting height, goosegrass. The control of goosegrass in higher mowed turf such as in "rough" areas is less effective. The effectiveness of ILLOXAN® 3 EC Herbicide is reduced when grass clippings interfere with thorough spray coverage of the target weed.

TIME OF APPLICATION AND RATE CHART

Grassy Weed	Stage of Growth	fl oz/1000 ft ²	fl oz/A
Goosegrass	1 – 3 leaf	0.75	32.6
	3 – 4 leaf	0.90	39.1
	4 Leaf – 1 Tiller	1.00	43.5

SPECIAL NOTES

1. Avoid application to turfgrass under drought stress or stress from insects, diseases or nematodes.
2. Rainfall or irrigation within 1 hour of application may cause a reduction in grass control, excessive runoff or leaching. Do not apply if rainfall is expected within 1 hour after application or do not irrigate until spray deposit is dry.
3. Do not tank mix ILLOXAN® 3 EC Herbicide with any other pesticide or liquid fertilizer as reduced goosegrass control may occur.
4. Do not overseed treated area for at least 2 months from time of application.
5. Apply ILLOXAN® 3 EC Herbicide only to established (stolons 4 inches in length) bermudagrass turf.
6. DO NOT apply ILLOXAN® 3 EC Herbicide through any type of irrigation system.
7. ILLOXAN® 3 EC Herbicide can be applied as a broadcast and/or spot treatment application. Do not use more than one (1) fluid ounce per 1,000 square feet (43.5 fl.oz./A) per application and not more than a total of 1.5 fluid ounces per 1,000 square feet (65.3 fl. Oz./A) per year.



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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.

NET CONTENTS:

**Bayer Environmental Science
PO BOX 12014 2 T.W. Alexander Drive
Research Triangle Park, NC 27709**

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ILLOXAN (MASTER) 03/22/05, Notification 11/15/07, Notification 08/17/09

