

PM 23 554-83

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

JAN 14 1994

Alice Walker
AGSCO INC.
P.O. Box 458
Grandforks, ND 58201

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Subject: Label Amendment Submission of 07/06/93 in Response to PR Notice 93-7
EPA Reg. No. 554-83
AGSCO 400 HERBICIDE

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is accepted. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the Worker Protection Standard (WPS) labeling requirements of 40 CFR part 156, subpart K, described in PR Notices 93-7 and 93-11. Any other labeling changes submitted in connection with this amendment application but not directly related to compliance with the WPS have not been reviewed or accepted by the Agency. If you wish to make such changes, you must submit a separate amendment application proposing them. If your product is currently suspended, the acceptance of this labeling amendment does not affect the suspension in any way.

WHAT YOU NEED TO DO NEXT:

Send to EPA one (1) copy of the final printed labeling:

- **BEFORE** selling or distributing any product bearing the final printed labeling
- AND
- **WITHIN** one year from date of this acceptance.



Recycled/Recyclable
Printed with Soy-Care Ink
contains at least 50% recycled fiber

29-8

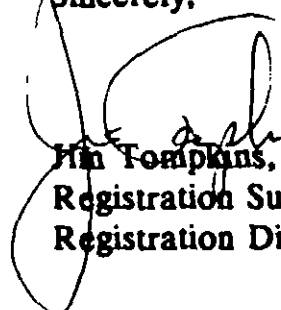
Submit the final printed labeling via the U.S. Postal Service to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs (7505C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460-0001

Hand or courier deliveries of final printed labeling may be made to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202

Sincerely,



Jim Tompkins, Deputy Chief
Registration Support Branch
Registration Division (7505W)

Attachment

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ACCEPTED
with COMMENTS
in EPA Letter Dated

JAN 14 1994

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
554-83

AGSCO

400 HERBICIDE

A LOW VOLATILE FORMULATION

ACTIVE INGREDIENT:

Isooctyl ester of 2,4-Dichlorophenoxyacetic acid* 71.26%

INERT INGREDIENTS:..... 28.74%

TOTAL..... 100.00%

*2,4-Dichlorophenoxyacetic acid equivalent 46.6%. Contains 4 pounds acid equivalent per gallon.

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

~~PRECAUCION AL USUARIO: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.~~

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.)

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Do not induce vomiting. If vomiting occurs spontaneously, keep airway clear. Do not induce vomiting or give anything by mouth to an unconscious person. Consult physician.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

IF IN EYES: Flush with plenty of water. Get medical attention if irritation persists.

EPA Reg. No. 554-83

EPA Est. No. 554-ND-1

Manufactured By:

Net Contents

AGSCO, INC.
Grand Forks, ND

2 1/2 Gallons

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PRECAUTIONARY STATEMENTS

WARNING

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, absorbed through skin or inhaled. Avoid contact with skin, eyes or clothing. Causes skin irritation. Avoid breathing spray mist. ~~Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The area being treated must be vacated by unprotected persons.~~

~~When mixing, loading, or applying this product or repairing or cleaning equipment used with this product, wear eye protection (face shield or safety glasses), chemical-resistant gloves (nitrile), long sleeved shirt, long pants, socks, and shoes. For aerial applicators in enclosed cockpits and applicators applying this product from a tractor that has a completely enclosed cab, eye protection is not required.~~

~~Wash hands, face, and arms with soap and water as soon as possible after mixing, loading, or applying this product. Wash hands, face, and arms with soap and water before eating, smoking, or drinking. Wash hands and arms before using toilet. After work, remove all clothing and shower using soap and water. Do not reuse clothing worn during the previous day's mixing and loading or application of this product without cleaning first. Clothing must be kept and washed separately from other household laundry. Remove saturated clothing as soon as possible and shower.~~

~~If this container contains over 1 gallon and less than 5 gallons, persons engaged in open pouring of this product must also wear coveralls or a chemical-resistant apron.~~

PERSONAL PROTECTIVE EQUIPMENT

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

Applicators and other handlers must wear long-sleeved shirt and long pants, chemical-resistant gloves, such as barrier laminate, nitrile rubber, neoprene rubber, or viton, shoes plus socks, protective eyewear, and chemical-resistant apron when cleaning equipment, mixing, or loading.

If this container contains over 1 gallon and less than 5 gallons, mixers and loaders who do not use a closed mechanical system (probe and pump) to transfer the contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

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. After each day of use, clothing or PPE must not be reused until it has been cleaned.

ENGINEERING CONTROLS STATEMENTS

If this container contains 5 gallons or more in capacity, a closed mechanical system (probe and pump) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal. The mechanical system must be used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)]. The handler PPE requirements may be reduced or modified as specified in the WPS.

When handlers use 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

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

NONAQUATIC USES: This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and non target plants. For terrestrial uses, do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high mark. Do not contaminate water when disposing of equipment washwaters. This product is toxic to fish. Excessive amounts of this product in soil may temporarily inhibit seed germination or plant growth. Do not apply when weather conditions favor drift from target area as this product may injure cotton, beans, other vegetables, certain legumes and ornamentals.

GROUNDWATER CONTAMINATION: Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of groundwater supplies. Use of closed system for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

PHYSICAL OR CHEMICAL HAZARDS

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

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. 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 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, nitrile rubber, neoprene rubber, or viton, shoes plus socks, and protective eyewear.

~~AGRICULTURAL USE REQUIREMENTS~~

~~Do not enter or allow entry into treated areas during the restricted entry interval (REI) of 24 hours. Because certain states may require more restrictive reentry intervals for various crops treated with this product, consult your State Department of Agriculture for further information.~~

~~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, wear: eye protection (face shield or safety glasses), chemical resistant gloves (nitrile), long sleeved shirt, long pants, socks, and shoes.~~

STORAGE AND DISPOSAL

DO NOT CONTAMINATE WATER, FOOD OR FEED BY STORAGE OR DISPOSAL.

STORAGE

Do not store near fertilizer, other pesticides or seeds. Store at a temperature above 0 degrees Fahrenheit. If allowed to freeze, remix before use.

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DISPOSAL

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law and may contaminate groundwater. 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) and dispose of in an approved landfill. Do not burn. Consult Federal, State, or local authorities for approved alternate procedures. Do not reuse empty container. If this is an "OUT-N-BACK" returnable container, it must be returned to AGSCO, Inc.

USE PRECAUTIONS

Avoid use of small diameter spray nozzles. Avoid spray drifts onto susceptible plants such as vegetables, flowers, tomatoes, beans, sugarbeets, sunflowers and other legumes. Coarse sprays are less likely to drift. Do not spray at all in the vicinity near susceptible plants to prevent any vapor drift. Local conditions may affect the use of herbicides. State agricultural authorities in many states issue recommendations to fit local conditions. Be sure that the use of this product conforms to all applicable conditions.

Use of this product controls the following weeds: **Mustard, Frenchweed, Arrowhead, Cocklebur, Dandelion, Gumweed, Marsh Elder, Hedge Bindweed, Pigweed, Ragweed, Wild Buckwheat, Plantain, and other broadleaf weeds.**

WHEAT, BARLEY, RYE: Use 1/2 to 1 pint of this herbicide per acre in enough spray volume to provide uniform coverage of weeds, usually 5 to 20 gallons per acre by ground equipment and 3 to 5 gallons by aircraft. Make application only between stooling and joint stages. Do not permit dairy animals or meat animals being finished for slaughter to forage treated grain fields within two weeks after treatment. Do not feed treated straw to livestock.

CORN: Use 1/2 to 1 pint of herbicide per acre in 5 gallons of water. Make application following emergence of majority weeds but before weeds have damaged the corn. Post emergence application of this herbicide should be made after emergence but before tasseling. Do not apply from tasseling to dough stage. Use drop nozzles when corn is over 8 inches high. Strains and varieties of corn vary in their tolerance to 2,4-D and particular care should be exercised in using ester formulations. Do not forage or feed corn fodder for seven days following application.

RED POTATOES: Use 1/8 pint of this herbicide per acre in 5-25 gallons of water by ground or aerial application. To intensify red color and improve skin appearance, apply when potatoes are in pre-bud stage (7-10 inches high); second application 10-14 days later.

WOODY PLANT CONTROL IN NON-CROP AREAS: In areas such as highway rights-of-way and fence rows, use 1 1/2 to 3 pints of this herbicide per acre in 5 gallons of water by ground applicator. In the control of plants such as willow and poison oak, it is necessary to have thorough coverage. Certain weeds and woody plants will form new growth after treatment and repeat applications may be necessary.

WARRANTY LIMITATIONS, DISCLAIMER AND LIMITATION OF REMEDY

AGSCO, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose stated on the label when used in strict accordance with the directions therein under normal growing conditions. This is the only warranty made on this product. The manufacturer neither makes nor intends, nor does it authorize any agent or representative to make any other warranties, express or implied, and expressly excludes all implied warranties of merchantability or fitness for a particular purpose. Buyer or user's exclusive remedy and manufacturer's or seller's exclusive liability for any and all claims, losses, damage, or injuries resulting from the use or handling of this product, whether or not based on contract, negligence, strict liability in tort or otherwise shall be limited to one of the following, at the election of the seller:

(1) Refund of the purchase price paid by the buyer or user for the product bought and used with respect to the claim for which damages are sought, or

(2) Replacement of the amount of product used incident to the crop for which damages are sought.

The seller will not be liable for consequential or incidental damages or losses resulting from the use or handling of this product. The terms of this limited warranty and remedy cannot be varied by any written or verbal statements or agreements. No employee or sales agent of the seller is authorized to vary or exceed the terms of the limitations stated above.