\$epa	United States Environmental Protection Agency Washington, DC 20460		~	Registratio Amendme Other		ntifier Number
	Application for	Pesticide - Sec	tion			
554-83		2. EPA Product Manager Joanne Miller			3. Proposed Classification	
4. Company/Product (Name AGSCO 400 Herbicities		РМ# 23				
		6. Expedited Re (b)(i), my product to: EPA Reg. No	is sin	nilar or identical	in composition	and labeling
Check if it	na is a <b>new address</b>	Product Name	·····			
	Se	ction - II				
Amendment - Explain below.         Resubmission in resconse to Agency letter dated		Final printed labels in repsonse to Agency letter dated "Me Too" Application. Other - Explain below.			NOTIF	CATION
					FEB 12 2004	

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

Notification per PR Notice 11, 10 to sevise the warranty statement.

			Section -				
1. Material This Product 194	Elle Packaged In:						
Child-Resistant Packaging Yes No	Unit Packaging Yes No		Wuter Scluble F	Packaging	2. Type o	f Conteine Metal Plastic Glass	r
* Certification must be submitted	if "Yes" Unit Packaging wgt.	No, per container	lf "Yes" Package wgt	No. per container		_ Paper _ Other (	Specify)
3. Location of Net Contents	Inform <mark>ation</mark> Container	4. Size(s) Ra	teil Container		5. Location of La	bel Directi	ons
6. Manner in Which Label is	Affixed to Product	Lithog Paper Stenc	raph glued iled	Other	· · · · · · · · · · · · · · · · · · ·		- <u>-</u>
			Section - I	V			
1. Contact Point (Complete	items directly below I	for identificatio	on of individual to b	e contected,	if necessery, to p	rocess this	s application.)
		· · · · ·			Telephor 562-562	ne No. Include Area Code) -5995	
	rments I have made on by knowlingity faise or taw.		all attachments th				6. Dute /.pplication Received (Stamped)
2. Signature	Elker		3. Title EPA Regulatory A	gent			
4. Typed Name Alice Walker, Ph.D.			5. Date Jar	າuary 14,	2004		
EPA Sorm 9579-1 (Rev. C	editions are	obsolete.		yyhi M	to - EPA File Copy	/ (original	Yellow - Applicant Cesy



# AGSCO 400 HERBICIDE

### A LOW VOLATILE FORMULATION

ACTIVE INGREDIENT:	
2-ethylhexyl ester of 2,4-dichlorophenoxyacetic acid*	
INERT INGREDIENTS:	
TOTAL	

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

## KEEP OUT OF REACH OF CHILDREN

# WARNING/AVISO

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.)

	FIRST AID			
If swallowed	Immediately call a poison control center or doctor.			
	• Do not induce vomiting unless told to do so by a poison control center or			
	doctor.			
	Do not give any liquid to the person.			
	<ul> <li>Do not give anything by mouth to an unconscious person.</li> </ul>			
If on skin or	Take off contaminated clothing.			
clothing	• Rinse skin immediately with plenty of water for 15-20 minutes.			
	Call a poison control center or doctor for treatment advice.			
If in eyes	• 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.			
Have the prod	uct container or label with you when calling a poison control center or doctor,			
or going for tr	eatment. NOTE TO PHYSICIAN: Contains petroleum distillate. Nothiting			
may cause aspi	iration pneumonia.			
	See side panel for additional precautionary statements.			

EPA Reg. No. 554-83

Manufactured For: AGSCO, INC. Grand Forks, ND EPA Est. No. 228-IL-1 Net Contents 2 1/2 Gallons

#### PRECAUTIONARY STATEMENTS WARNING HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if a callowed, absorbed through skin or inhaled. Avoid contact with skin, eyes or clothing. Causes skin britation. Avoid breathing spray mist.

#### 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 evewear, 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 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, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) 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. If the mechanical system is 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 nontarget plants. 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 Protectior. 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.

#### 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.

#### CORN:

Use with recommended amounts of water to make "per acre" applications. Use lower rates of product for easily killed weeds, on inbreds, and when corn is growing rapidly. Do not cultivate for about 2 weeks after treatment while corn is brittle.

**Preplant:** 1 to 2 pints. To control emerged broadleaf weed seedlings or existing cover crops prior to planting corn, apply 7 to 14 days before planting. Do not use on light, sandy soil, or where soil moisture is inadequate for normal weed growth. Use high rate for control of less susceptible weeds or cover crops such as alfalfa.

**Preemergent** (average conditions): 2 to 4 pints. Apply product to emerged weeds from 3 to 5 days after planting but before corn emerges. Do not use on very light, sandy soils. Use the higher rates on heavy soils. Plant corn as deep as practical. Product will not control weeds that have not emerged.

**Emergent**: 1 pint. Apply in 5 to 30 gallons of water per acre ground application, 1 to 5 gallons of water by air, just as corn plants are breaking ground.

**Postemergent:** 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. Postemergence 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.

GRASSES IN CONSERVATION RESERVE PROGRAM AREAS: To control annual broadleaf weeds, apply when weeds are actively growing. Use 1/2 to 1 pint per acre when weeds are small;

use higher rates on older weeds. Excessive injury may result if applied to young grasses with fewer than 6 leaves or prior to grasses being well established. To control biennial and perennial broadleaf weeds in established grasses, apply at a rate of 2 to 4 pints per acre. Apply to actively growing weeds. Treat when biennial weeds are in the seedling to rosette stage and before flower stalks become apparent. Treat perennial weeds in the bud to bloom stage. NOTE: Use at least 2 gallons of water per acre by air and 5 gallons of water per acre by ground. Do not harvest or graze treated Conservation Reserve Program areas. Do not apply to grasses in the boot to dough stage if grass seed production is desired.

**ESTABLISHED PASTURES AND RANGELAND:** The rates of application for pastures and rangelands are per acre per application per site. Use 1 to 4 pints of product in sufficient water to give good coverage to one acre depending on type of weeds and stage of growth. Use only on established stands of perennial grasses. Do not use on bentgrass, alfalfa, clover or other legumes. Do not use on newly seeded areas until grass is well established. Do not use from early boot to milk stage when grass seed production is desired.

When using on Pastures and Rangeland Grasses, there is a (1) 7-day pregrazing interval for dairy cattle; (2) 30-day preharvest interval for grass cut for hay; and (3) 3-day preslaughter interval for meat animals.

**Bitterweed**, Broomweed, Croton, Docks, Kochia, Marshelder, Musk Thistle and Other Broadleaf Weeds: Use 4 to 4.2 pints of this product in 1 to 30 gallons of water per acre. If weeds are young and growing actively, 2 pints per acre will provide control of some species. Deep-rooted perennial weeds may require repeated treatments in the same year or in subsequent years.

**Weed Control** in Newly Sprigged Coastal Bermudagrass: Apply 2 to 4 pints of this product in 20 to 100 gallons of water per acre preemergence and/or postemergence.

Wild Garlic and Wild Onion Control: Apply 4 to 4.2 pints of product per acre making three applications. Fall-Spring-Fall or Spring-Fall-Spring, starting in the late Fall or early Spring.

**RED POT**ATOES: 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.

**CROP RESIDUE MANAGEMENT SYSTEMS IN SOYBEANS (PREPLANT ONLY):** AGSCO 400 Herbicide is an herbicide that provides control of many emerged susceptible annual and perennial broadleaf weeds. It may be applied prior to planting soybeans to provide foliar burndown control of susceptible annual and perennial broadleaf weeds and certain broadleaf cover crops such as those listed on this label. This product should only be applied preplant to soybeans in situations such as reduced tillage production systems, where emerged weeds are present. Apply only according to the application instructions given below. Do not use any tillage operations between application of AGSCO 400 Herbicide and planting soybeans.

**MIXING INSTRUCTIONS:** Compatible crop oil concentrates, agricultural surfactants and fluid fertilizers approved for use on growing crops may increase the herbicidal effectiveness of 2,4-D on certain weeds and may be added to the spray tank. Read and follow all directions on this label and on all labels of adjuvants or fertilizers mixed with this product.

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APPLICATION PROCEDURES: Apply using air or ground equipment in sufficient gallonage to obtain adequate coverage of weeds. Use 2 or more gallons of water per acre in aerial equipment and 10 or more gallons of water per acre in ground equipment.

#### APPLICATION TIMING AND USE RATES:

2,4-D Formulation Used	Maximum Rate (per acre)	When to Apply (Days prior to planting soybeans)
AGSCO 400 Herbicide	1 pint (0.5 lb. a.e./acre) 2 pints (1.0 lb. a.e./acre)	NOT LESS THAN 7 DAYS NOT LESS THAN 30 DAYS

WEEDS CONTROLLED: Alfalfa\*, Bindweed\*, Bittercress-smallflowered, Bullnettle, Buttercupsmallflowered, Carolina geranium, Cinquefoil-common and rough, Clover-red\*, Cocklebur-common, Dandelion\*, Eveningprimrose-cutleaf, Garlic-wild\*, Horseweed or marestail, Ironweed, Lambsquarters-common, Lettuce-prickly, Morningglory-annual, Mousetail, Mustard-wild, Onionwild\*, Pennycress-field, Peppergrass\*, Purslane-common, Ragweed-common, Ragweed-giant, Shepherdspurse, Smartweed-Pennsylvania\*, Sowthistle-annual, Speedwell, Thistle-Canada\*, Thistlebull, Velvetleaf, Vetch-hairy\*, and Virginia copperleaf.

\*These species are only partially controlled.

For best weed control at time of treatment, weeds should be small, actively growing and free of stress caused by extremes in climatic conditions, diseases, or insect damage. The response of individual weed species to AGSCO 400 Herbicide is variable. Consult your local county or State Agricultural Extension Service or crop consultant for advice.

**APPLICATION RESTRICTIONS AND PRECAUTIONS: Important Notice -** Unacceptable injury to soybean planted fields treated with this product may occur. Whether or not soybean injury occurs and the extent of the injury will depend on weather (temperature and rainfall) from herbicide applications until soybean emergence and agronomic factors such as the amount of weed vegetation and previous crop residue present. Injury is more likely under cool rainy conditions and where there is less weed vegetation and crop residue present.

Do not use on low organic sandy soil (< 1.0%).

Apply a maximum of one application per growing season regardless of the treatment rate. Livestock Grazing Restriction: Do not feed hay, forage or fodder. Restrict livestock from grazing treated fields. Livestock should be restricted from feeding/grazing of treated cover crops. In fields treated with AGSCO 400 Herbicide, plant soybean seed as deep as practical or at least 1.0 inch deep. Adjust the planter, if necessary, to ensure that planted seed is completely covered. Do not apply prior to planting soybeans, if you are not prepared to accept the results of soybean injury, including possible loss of stand and yield.

Do not replant fields treated with AGSCO 400 Herbicide in the same growing season with crops other than those labeled for 2,4-D use.

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. Preharvest Treatment - Apply 1 to 2 pints per acre when grains are in the hard dough stage to control large weeds that may interfere with harvest. Best results will be obtained when soil moisture is sufficient to cause succulent weed growth. Do not permit dairy animals or meat animals being finished for staughter to forage treated grain fields within two weeks after treatment. Do not feed treated straw to livestock.

WEED CONTROL IN FALLOW LAND AND CROP STUBBLE: Apply 1 to 2 pints per acre for control of annual and biennial broadleaf weeds. Use the higher rate on older drought stressed plants or hard-to-kill species. Apply 2 to 6 pints per acre for control of perennial broadleaf weeds or 4 to 6 pints for control of wild onion and wild garlic. Spray weeds in the bud to bloom stage or in good vegetative growth. Do not plant treated fallow land for three months or until chemical has disappeared from soil.

WOODY PLANT CONTROL IN NON-CROP AREAS: In areas such as highway rights-of-way and fencerows, 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.

**SPOT TREATMENT:** To control broadleaf weeds in small non-cropland areas with a hand sprayer, use 1/4 pint in 3 gallons of water and spray to thoroughly wet all weed foliage. Keep spray mixture agitated to prevent separation.

#### LIMITATION OF WARRANTY AND LIABILITY

NOTE: Read the entire Directions for use and this Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the unopened product container at once. By buying or using this product, user or buyer accepts the following conditions of this Limitation of Warranty and Liability.

It is impossible to eliminate all risks associated with the use of this product. Those risks include, but are not limited to, weather conditions, soil conditions, moisture, seed and plant variations, herbicide and insecticide stress, farming techniques and practices, manner of use or application, application to or contact with unintended or improper vegetation, the presence of materials or products other than those set forth in the Directions in or on the soil, crop or treated vegetation, and conditions beyond the control of this Company. These risks can affect the effectiveness of the product and could cause injuries from the product's use. BY USING THIS PRODUCT YOU AGREE TO ASSUME RESPONSIBILITY FOR THESE RISKS AND ANY LOSS CAUSED AS A RESULT.

This Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose set forth in the directions and instructions for use label booklet ("Directions"), subject to the inherent risks described above, when used in strict accordance with the Directions. NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS MADE AND THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, WHICH EXTEND BEYOND THE FACE HEREOF. This warranty is also subject to the conditions and limitations stated herein.

THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE RECOVERY OF THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THE PRODUCT INVOLVED, OR, AT THE ELECTION OF THIS COMPANY OR, ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY, OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY. IN NO EVENT SHALL THIS COMPANY OR

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# ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Buyer and all users must promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise from the use of the product or be barred from any remedy. NOTICE MUST BE GIVEN WITHIN THIRTY (30) DAYS AFTER FIRST PLANTING OR APPLICATION OF PRODUCT TO THE TREATED AREA, WHICHEVER OCCURS LATER.

This LIMITATION OF WARRANTY AND LIABILITY may not be varied or amended by any verbal or written agreement. No employee or sales agent of the seller or this Company is authorized to vary or exceed the terms of the limitations stated herein.

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Alice Walker, Ph.D. REGULATORY CONSULTING • 481 COUNTRY CLUB DRIVE • SENATOBIA, MS 38668

January 14, 2004

Document Processing Desk (Notif) Office of Pesticide Programs (7504C) U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave., NW Washington, D.C. 20460

Re: AGSCO 400 Herbicide (EPA Reg. No. 554-83)

Attn: Joyce Edwards

This correspondence will constitute notification from AGSCO, INC. to file a new disclaimer for subject registration. It is my understanding that EPA has deemed changes in the warranty statement eligible for submission by Notification as long as the changes do not disclaim the performance or safety of the product.

To this end, please find enclosed one copy of new labeling along with the appropriate application form.

I believe 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 section 12 and 14 of FIFRA.

Thank you for adding this notification to the registration record for this product.

Sincerely,

in Walker

Alice Walker, Ph.D. Regulatory Agent for AGSCO, INC.

/aw Enclosures cc: Mr. Orval Swenson



Phone 662-562-5995 • Fax 662-560-5391 Email alicewalker@epaconsulting.net