

1381-98

8/9/2001

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 9 2001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Steve E. Rogosheske
Agriliance, LLC
P.O. Box 64089
St. Paul, MN 55164-0089

Dear Mr. Rogosheske:

Subject: Revised Labeling
MCPE Phenoxy Herbicide
EPA Registration No. 1381-98
Your Submission Dated July 25, 2001

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you:

1. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:
 - a. Delete "Wash thoroughly with soap and water after handling" in the Hazards to Humans section.
 - b. Delete the section referring to transfer of this product in containers of 5 gallons or more. These statements are required for only products containing 2,4-D. Retain the last sentence of this section beginning with "If the mechanical system...."
 - c. In the Environmental Hazards Section delete "For terrestrial uses,". Refer to PR Notice 93-8.
 - d. Add the heading "Note to Physician" before "Contains petroleum distillates. Vomiting may cause aspiration hazard."
2. Submit one (1) copy of your final printed labeling before you release the product for shipment.

A stamped copy of the labeling is enclosed for your records.

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If you have any questions concerning this letter, please contact Mr. James Stone at 703-305-7391.

Sincerely yours,



J Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505C)

Enclosure

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

AUG 9 2001

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
1381-98



MCPE

Phenoxy Herbicide

For Wheat, Barley, Oats and Rye

ACTIVE INGREDIENT:

2-methyl-4-chlorophenoxyacetic acid isooctyl (2-ethylhexyl) ester* 68.7%

INERT INGREDIENTS: 31.3%

Total..... 100.0%

* Equivalent to 44.1% of 2-methyl-4-chlorophenoxyacetic acid or no less than 3.7 lbs. of MCPA acid per gallon at 68° F. Isomer specific by AOAC Method No. 6.A18-22 (13th ed.). Product contains petroleum distillates

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 some one to read it to you in detail.)

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

WARNING

Harmful if swallowed, inhaled or absorbed through skin. Causes skin irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling.

FIRST AID

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor.
IF IN EYES: Hold eyelids 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. Call a poison control center or doctor for treatment advice.
IF ON SKIN: 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 INHALED: 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 treatment advice.

Contains petroleum distillate – vomiting may cause aspiration hazard.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. For additional information in case of emergency call toll free – 1-800-228-5635.

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 neoprene, nitrile rubber, barrier laminate, or viton.
- Shoes plus socks.
- Protective eye wear.

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

EPA REG. No. 1381-98

EPA Est. No.

NET CONTENTS _____ GALS.

Distributed by
Agriliance, LLC
P.O. Box 64089, St. Paul MN 55164-0089

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Engineering Controls Statement:

(STATEMENT TO BE ADDED WHEN CONTAINER SIZE IS 5 GALLONS OR MORE)

Do not pour product from this container. A mechanical system (pump and probe or spigot) must be used in 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) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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

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

This product is toxic to aquatic invertebrates. Drift or runoff 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 mean high water mark. Do not contaminate water when disposing of equipment wash waters or rinsate.

Most cases of groundwater contamination involving phenoxy herbicide such as MCPA have been associated with mixing/loading and disposal sites. Caution should be exercised when handling MCPA pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing and transferring this pesticide will reduce the probability of spills. Placement of mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

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, forest, 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 statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements of this box apply only to those 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 neoprene or nitrile rubber or barrier laminate or viton.
- Shoes plus socks.
- Protective eyewear.

NON-AGRICULTURAL 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.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried.

STORAGE AND DISPOSAL

STORAGE: Store in a secure area, in original container only, away from fertilizers, food, or feed. Do not contaminate water, food, or feed by storage or disposal.

PESTICIDE DISPOSAL: Pesticide waste are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of 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: Metal containers: Triple rinse (or equivalent). 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. Plastic containers: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

This product is recommended for controlling the following as well as many other plants susceptible to MCPA.

ANNUAL AND BIENNIAL WEEDS

Annual sowthistle, Beggerticks, ** Chervil, Cocklebur, Fanweed (pennycress), * Goatsbeard, * Hempnettle, Lambsquarter, * Marshelder, Miner's lettuce, Mustards (except blue), Pepperweed (field), Poison hemlock, *Puncturevine, Pigweed, * Purslane, Ragweed, ** Russian thistle, * Shepardspurse, Stinkweed, Sunflower, Wild radish.

PERENNIAL WEEDS

Buttercup, * Canada thistle, Dandelion, Dragonhead mint, Stinging nettle, Perennial sowthistle, Plantains, Vetch, *Whitetop (Hoary cress), * Yellow rocket (Wintercress).

* Use the higher rate for control. Repeat treatments may be necessary.

** Regrowth may occur after repeat treatment.

USE PRECAUTIONS

Unless otherwise noted under individual **DIRECTIONS** section, for aerial application, apply the recommended amount in a minimum of 2 gallons of water per acre. For ground application, apply the recommended amount in a minimum of 10 gallons of water per acre. Use more water for both methods when adverse growing conditions are present. **DO NOT** apply with high spray pressures, hollow cone or other nozzle types that produce small spray droplets which may drift. Avoid spray drift by making applications when conditions such as wind, air stability and temperature inversions are not a factor. The use of a suitable drift control agent at the proper rate will aid in the reduction of spray drift. Do not apply this product through any type of irrigation system.

MIXING INSTRUCTIONS

WATER BASED SPRAY – Fill the equipment half full of water, agitate while adding this product, then add the rest of the water.

Wash spray equipment thoroughly with **PROTANK™** cleaner after using this product. When cleaning, do not pour washwater on the ground: spray or drain over a large area away from wells or other water sources.

Consult local agricultural experiment station or extension service weed specialists for use recommendations in your area.

Note: When stored at temperatures below freezing, it may be necessary to warm contents to 70° F and mix thoroughly before using.

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WHEAT, BARLEY, OATS, AND RYE

WEEDS	AMOUNT OF MCPE PER ACRE	DIRECTIONS
Annual weeds Annual and biennial weeds Perennial weeds	1/2 pint 1 to 1-1/2 pints * 3 pints *	Apply when weeds are small. Apply after crop has reached the 3 to 5 leaf stage up to early boot stage (Zadoks 1 ₃ to 4 ₀). For less susceptible weeds, use the 3 pint rate after the crop has tillered and up to early boot stage (Zadoks 2 ₅ to 4 ₀). Do not spray from boot stage to dough stage (Zadoks 4 ₀ to 8 ₀).
* The higher rate may cause grain injury. Any legumes present may be killed.		
RESTRICTIONS AND LIMITATIONS FOR SMALL GRAINS Do not forage or graze treated areas for 7 days after application.		

PASTURES, RANGELAND, CONSERVATION RESERVE PROGRAMS AND SET-ASIDE ACRES

WEEDS	AMOUNT OF MCPE PER ACRE	DIRECTIONS
Established grasses * Annual and biennial weeds Canada thistle and Whitetop (Hoary cress)	1 to 3 pints 3 pints	Apply to established grasses before the head comes into boot stage and on seedling grasses after the grass has at least 5 leaves (tillered). Use higher rate for Whitetop, Canada thistle, and other less susceptible weeds. Spray perennial in early bud to full bloom stage and during active regrowth in the fall.
* Do not use on alfalfa, clover, other legumes or newly seeded areas.		
RESTRICTIONS AND LIMITATIONS FOR PASTURES, RANGELAND, CONSERVATION RESERVE PROGRAMS AND SET-ASIDE ACRES Do not forage or graze treated areas for 7 days after application.		

GRASSES GROWN FOR SEED

Do not use on alfalfa, clover, other legumes or newly seeded areas.

WEEDS	AMOUNT OF MCPE PER ACRE	DIRECTIONS
Annual and perennial weeds	1 to 2 pints **	Apply to established grasses before the head comes into boot. Do not spray in boot stage. Apply to seedling grasses after grass has at least 5 leaves. Use the higher rate where weed stands are heavy
** Repeat treatment may be needed for less susceptible weeds. In some cases, Bent, Buffalo, Carpet and St. Augustine grasses may be injured by this treatment.		
RESTRICTIONS AND LIMITATIONS FOR SEED GRASSES Do not forage or graze treated areas for 7 days after application.		

NON-CROP AREAS

Fence Rows, Roadsides, Rights-of-Way and Other Non-Crop Areas

WEEDS	AMOUNT OF MCPE PER ACRE	DIRECTIONS
Extensive areas	3/4 gallon	Apply in a minimum of 2 gallons of water per acre by air and 20 to 100 gallons of water by ground. Spray when weeds are in bud to early bloom and again during active Fall regrowth.
Spot treatment - Canada thistle, Whitetop (Hoary cress) and buttercup	1/2 pint	Apply in 3 to 4 gallons of water. Spray to thoroughly wet weeds.
RESTRICTIONS AND LIMITATIONS FOR NON-CROP AREAS Do not forage or graze treated areas for 7 days after application.		

Notice of Warranty

Seller warrants that the product conforms to its chemical description and is reasonably fit for the purposes stated on the label when used in accordance with directions under normal conditions of use. SELLER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, NOR IS ANY REPRESENTATIVE OF SELLER AUTHORIZED TO MAKE ANY SUCH WARRANTY OR MODIFY THESE TERMS. This warranty does not extend to the storage, handling or use of this product contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to Seller, and Buyer assumes the risk of any such storage, handling or use. Seller shall not be responsible for incidental or consequential damages, if any, resulting from a breach of warranty.

In case of emergency involving this product or for user safety information on this product, contact Agrilience, LLC via CHEMTREC at 1-800-424-9300.