

2217-488

06-12-2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

James Kuntsman  
PBI Gordon Corporation  
1217 West 12<sup>th</sup> Street  
Kansas City, Missouri 64101

JUN 12 2009

Subject: EPA Reg. 2217-488 / Trimec 873 Herbicide Label Amendment Rebuttal

Dear Mr. Kuntsman:

The labeling referred to above is acceptable. Products shipped after 12 months from the date of this letter or the next printing of the label whichever occurs first, must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA. This label supercedes all previous accepted labels. If you have any questions please call Erik Kraft at 703-308-9358 or email at Kraft.Erik@epa.gov.

Sincerely,

*Joanne J. Miller*

Joanne Miller  
Product Manager 23  
Herbicide Branch  
Registration Division (7505P)

JUN 12 2009

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ACCEPTED

JUN 12 2009  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

2217-488

# TRIMEC® 873 HERBICIDE

## EPA Reg. No. 2217-488

### ACTIVE INGREDIENT:

Dimethylamine salt of 2,4-dichlorophenoxyacetic acid .....	29.94%
Dimethylamine salt of (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid .....	10.48%
Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) .....	1.97%
INERT INGREDIENTS: .....	57.61%
TOTAL .....	100.00%

### THIS PRODUCT CONTAINS:

- 2.33 lb 2,4-dichlorophenoxyacetic acid equivalent per gallon or 24.87%
- 0.81 lb (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 8.66%
- 0.15 lb 3,6-dichloro-o-anisic acid equivalent per gallon or 1.64%

Isomer Specific by AOAC Methods.

TRIMEC® is a registered trademark of PBI/GORDON CORPORATION

**KEEP OUT OF REACH OF CHILDREN**

## DANGER

**STOP! READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.**

## 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. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Corrosive. Causes irreversible eye damage. Harmful if swallowed. Harmful if absorbed through skin. Do not get in eyes, on skin, or on clothing.

### Personal Protective Equipment

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

All mixers, loaders, applicators and other handlers must wear:

- protective eyewear,
- long-sleeved shirt and long pants,
- shoes and socks, plus
- chemical-resistant gloves (except for applicators using ground boom equipment) and
- chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.



### User Safety Requirements

Follow manufacturer's 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 and other absorbent material that have been drenched or heavily contaminated with the 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. If pesticide gets on skin, wash immediately with soap and water.
- Users should 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.

### First Aid

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

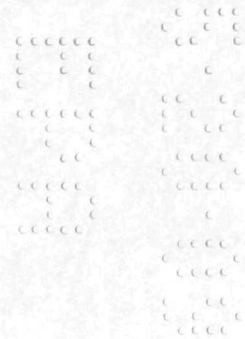
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-877-800-5556 for emergency medical treatment advice.

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.

### Environmental Hazards

This pesticide ~~may be~~ is toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.



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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.

### **General Precautions and Restrictions:**

- Do not enter or allow people (or pets) to enter the treated area until sprays have dried.
- 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.

### **SITES**

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

This product is intended to be applied by lawn care operators and landscape personnel for use in ornamental lawns and turf established in institutional, ornamental, and residential/domestic sites. Institutional sites are defined as turf areas around properties or facilities providing a service to public or private organizations including, but not limited to, hospitals, nursing homes, schools, museums, libraries, sport facilities, golf courses, and office buildings. Ornamental sites include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings. Finally, residential/domestic sites are defined as areas associated with the household or home life including, but not limited to apartment complexes, condominiums, and patient care areas of nursing homes, mental institutions, hospitals, or convalescent homes.

### **APPLICATION SCHEDULES**

Apply this product to emerged broadleaf weeds that are actively growing. Sequential or follow-up applications may be required for dense infestations of perennial and biennial weeds. If required, the treatment interval between the first and second application should be 30 days.

### **APPLICATION RATES**

Dosage rates and spray volumes ~~recommendations~~ of this product are presented in Table 1.

Generally, the lower application rates within the specified range will provide satisfactory control of sensitive weed species. The higher application rates within the specified range will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds beyond the appropriate growth stages.

<b>TABLE 1. Use RATES RECOMMENDATIONS FOR ORNAMENTAL TURFGRASS</b>				
<b>Species</b>	<b>Amount of Product</b>		<b>Spray Volume</b>	
	<b>Pints/Acre</b>	<b>fl.oz./1000 sq.ft.</b>	<b>Gallons/Acre</b>	<b>Gallons/1000 sq.ft.</b>
<b>Cool Season Turf</b>				
Kentucky Bluegrass, Perennial Ryegrass, Tall Fescue, Fine leaf Fescues, Hard Fescues, Sheeps Fescue, Red Fescue, (Chewings Fescue, Slender Creeping Fescue, Spreading Fescue)	3.0 to 4.0	1.10 to 1.47	20 to 175	0.5 to 4.0
Creeping Bentgrass	1.5 to 2.0	0.55 to 0.73	40 to 175	1.0 to 4.0
<b>Warm Season Turf</b>				
Common Bermudagrass Hybrid Bermudagrass Zoysiagrass	3.0 to 4.0	1.10 to 1.47	20 to 175	0.5 to 4.0

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Limitations on broadcast applications to ornamental turfgrass.				
Use Site	Maximum Rate per Application	Maximum Number of Applications per Year	Minimum Interval Between Applications	Maximum seasonal rate
Ornamental turfgrass	4.0 pints/A (1.17 lb 2,4-D ae/A) (0.41lb MCP-P ae/A) (0.08 lb dicamba ae/A)	2	30 Days	8.0 pints/A (2.33 lb 2,4-D ae/A) (0.81 lb MCP-P ae/A) (0.15 lb dicamba ae/A)
ae = Acid Equivalent. Do not exceed the maximum seasonal rate of 8.0 pints (2.33 lb 2,4-D ae), 0.81lb. MCP-P ae and 0.15 lb dicamba ae) per acre per season, <del>excluding spot treatments.</del>				

**Limitations on spot treatments for ornamental turfgrass:**

Spot treatment is defined as a treatment area no greater than 1,000 sq.ft. per acre. The maximum application rate is 1.47 fl.oz. per 1,000 sq.ft. per application (0.41 lb MCP-P acid equivalent per acre). The maximum number of spot treatments is limited to 2 per year with a minimum of 30 days between applications.

**USE PRECAUTIONS:**

- Do not apply this product through any type of irrigation system.
- Do not use this product on or near desirable plants, including contact of spray on exposed root systems or adventitious shoots within the drip line of desirable trees and shrubs, since injury may result.
- Do not spray on St Augustinegrass, centipedegrass, carpetgrass, dichondra, nor on lawns or turf where desirable clovers are present.
- Do not exceed specified dosages for any area.
- Do not apply to newly seeded grasses until well established.
- Do not broadcast apply when air temperatures exceed 85°F; some injury may be expected with spot treatments when air temperatures exceed 85°F.
- Seed can be sown 3 to 4 weeks after application at recommended rates.
- After using this product, clean sprayer with Gordon's Spray Tank Cleaner and water, and rinse thoroughly before applying other pesticides.

**Spray Drift Management**

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of ground application can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

**Droplet Size**

Use only Medium or coarser spray nozzles according to ASAE (S 572) definition of standard nozzles or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

**Wind Speed**

Do not apply at wind speeds greater than 10 mph. Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind.

**Temperature Inversions**

If applying at wind speeds less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

**Susceptible Plants**

Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption. Susceptible crops

include, but are not limited to, cotton, okra, flowers, grapes (in growing stage), fruit trees (foliage), soybeans (vegetative stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that might not be visible may injure susceptible broadleaf plants.

**Other State and Local Requirements**

Applicators must follow all state and local pesticide drift requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed.

**Equipment**

All ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates. Do not apply with a nozzle height greater than 4 feet above the crop canopy.

<b>WEEDS CONTROLLED:</b> This product controls a wide spectrum of weed species including the following:			
Bedstraw	Ground ivy	Peppergrass	Shepherdspurse
Black medic	Healall	Pigweed	Speedwell
Buckhorn	Henbit	Plantain	Spurge
Burdock	Knotweed	Poison ivy	Wild carrot
Chicory	Lambsquarters	Poison oak	Wild garlic
Chickweed	Lespedeza	Purslane	Wild lettuce
Clover	Mallow	Ragweed	Wild onion
Dandelion	Morningglory	Sheep sorrel	Yarrow
Dock			

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Keep from freezing.

**PESTICIDE DISPOSAL:** Pesticide wastes are acutely hazardous. 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:** ~~FOR METAL CONTAINERS~~ Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or by other procedures approved by state and local authorities. ~~FOR PLASTIC CONTAINERS~~ Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities by burning. If burned stay out of smoke.

**[For Plastic Containers – Nonrefillable with capacities equal to or less than 5 gallons:]**

**CONTAINER HANDLING:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, 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.

Triple rinse [or pressure 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.

[Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing

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nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.]

**[For Plastic Containers – Nonrefillable with capacities greater than 5 gallons:]**

**CONTAINER HANDLING:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, 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.

Triple rinse [or pressure rinse] container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

[Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.]

**[For Refillable Containers:]**

**CONTAINER HANDLING:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Container cleaning: Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

"Use of this product in certain portions of California, Oregon, and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition, et. al. v. EP, CO1-0132C, (W.D. WA). For further information, please refer to <http://www.epa.gov/espp/>".

## **LIMITED WARRANTY AND DISCLAIMER**

**IMPORTANT:** Read this LIMITED WARRANTY AND DISCLAIMER before buying or using this product. By opening and using this product, buyer and all users agree to accept the terms of this LIMITED WARRANTY AND DISCLAIMER in their entirety and without exception. If the terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full.

It is impossible to eliminate all risks inherently associated with use of this product. Damage to the treated article, ineffectiveness, or other unintended consequences can result from use of the product under abnormal conditions such as weather, presence of other materials, or the manner of use or application, etc. Such factors and conditions are beyond the control of the manufacturer, and **BY PURCHASING AND USING THIS PRODUCT THE BUYER AND ALL USERS OF THIS PRODUCT AGREE TO ACCEPT ALL SUCH RISKS.** Buyer and all users further agree to assume all risks of loss or damage from the use of the product in any manner that is not explicitly set forth in or that is inconsistent with label instructions, warnings and cautions.

The manufacturer warrants only that this product conforms to the chemical description given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use, subject to the inherent risks described below. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY EXPRESSLY DISCLAIMED.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW THE EXCLUSIVE REMEDY OF BUYER AND ALL USERS OF THIS PRODUCT, AND THE EXCLUSIVE LIABILITY OF THE MANUFACTURER, FOR ANY AND ALL LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.** The Manufacturer must be promptly notified in writing of any claims, whether based in contract, tort, negligence, strict liability, or otherwise, to be eligible to receive either remedy stated above.

The terms of this LIMITED WARRANTY AND DISCLAIMER cannot be varied by any written or verbal statements or agreements at the point of sale or elsewhere. No employee or agent of the manufacturer or seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

## **APPENDIX**

### **1. Statements which may appear on different label components depending on packaging configuration.**

- See next panel for additional Precautionary Statements and First Aid
- Net Contents: \_\_\_\_\_
- EPA Est. No. \_\_\_\_\_

## **DOCUMENT CONTROL INFORMATION**

**1. Unique Label Identifier:** 002217-00488.20090518.amend-proposed.doc

**2. Reason for Issue:** Response to EPA comments, PRN 2007-4

