

2217-644

7/8/2005

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

JUL - 8 2005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

James L. Kunstman
PBI/Gordon Corporation
Post Office Box 014090
Kansas City, Missouri 64101

Dear Dr. Kunstman:

Subject: Maximum Use Rates (forestry and non-cropland sites) for products containing 2,4- D
Gordon's Brush Killer 801
EPA Registration Number 2217-644
Application Submission dated May 5, 2005

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended, is acceptable provided the following changes are made:

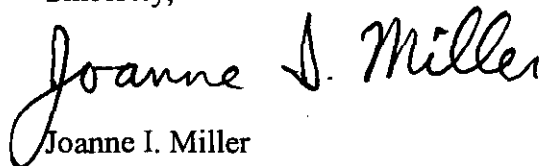
1. You must change the maximum application rate of the non-crop sites. Within the Task Force letter (for non-crop use) it states "the maximum application rate to non-crop sites is the lower of (A.) the existing labeled rates or (B.) 2 pounds 2,4-D acid equivalent." On your new label, you have 2.2 gallons of the product, and you need to keep the current upper application rate limit of 2 gallons.

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supercedes all labels previously accepted for this product. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment. If you have any questions, please contact Tracy White by phone at (703) 308-0042 or via email at white.tracy@epa.gov.

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Policy and Criteria Notice 2163.1 states that the Agency will not conduct a detailed review of such liability disclaimers or purported buyer agreement to assume to assume risk; the approval of labels with such statements should not be construed as a decision by the Agency that the language is misleading and that language is not misleading and that the label language might eventually have to change.

Sincerely,

A handwritten signature in cursive script that reads "Joanne I. Miller". The signature is written in black ink and is positioned above the typed name.

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

Enclosure

3 7 8

GORDON'S BRUSH KILLER 823

Controls Ash, Aspen, Brambles, Kudzu, Oak, Willows
and other species of brush and weeds.

- KEEP FROM FREEZING -

ACTIVE INGREDIENTS:

Dimethylamine salt of (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid ..	12.35%
Dimethylamine salt of 2,4-dichlorophenoxyacetic acid	23.12%
Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid).....	6.18%
INERT INGREDIENTS:.....	<u>58.35%</u>
TOTAL	100.00%

THIS PRODUCT CONTAINS:

0.95 lbs. (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 10.20%

1.79 lbs. 2,4-Dichlorophenoxyacetic acid equivalent per gallon or 19.18%.

0.48 lb. 3,6-dichloro-o-anisic acid equivalent per gallon or 5.13%.

Isomer Specific by AOAC Methods

CONTAINS SINGLE ISOMER FORM OF MECOPROP-p

ACCEPTED
with COMMENTS
In EPA Letter Dated:
JUL - 8 2005

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

KEEP OUT OF REACH OF CHILDREN

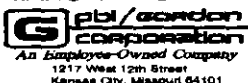
D A N G E R

2217-644

See rear panel for First Aid and additional Precautionary Statements.

NET CONTENTS 2½ U.S. GALLONS

823/ APxxxxxx
EPA REG NO 2217-644
EPA EST NO 2217-KS-1
MANUFACTURED BY:



Telephone: 1-800-821-7925

4 7 8



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

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

DANGER: Corrosive. Causes eye damage and skin irritation. Do not get in eyes, on skin or on clothing. Harmful or fatal if swallowed.

When mixing, loading or applying this product or repairing or cleaning equipment used with this product, wear eye protection (face shield, goggles or safety glasses), chemical resistant gloves, long-sleeved shirt, long pants, socks and shoes. It is recommended that safety glasses include front, brow and temple protection. For aerial applicators in an enclosed cockpit 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.

Engineering Control Statements:

Containers over 1 gallon and less than 5 gallons in capacity: Persons engaged in open pouring of this product must also wear coveralls or a chemical resistant apron.

Containers of 5 gallons or more in capacity: A 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.

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:	<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 person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the 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 treatment advice.

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 product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and nontarget plants. For terrestrial uses, 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 contaminate water when disposing of equipment washwater. When cleaning equipment, do not pour the washwater on the ground; spray or drain over a large area away from wells and other water sources. Do not apply when weather conditions favor drift from target area.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D and MCPP-p have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D and MCPP-p pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems 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.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not reenter or permit workers to reenter treated area until sprays have dried or dusts have settled.

STORAGE & DISPOSAL

STORAGE: Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing.

PESTICIDE DISPOSAL: Do not contaminate water, food, or feed by storage or 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: For 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.

ROADSIDES, DRAINAGE DITCH BANKS, RIGHTS-OF-WAY & OTHER SIMILAR NONCROP AREAS:

~~To effectively control brush, all leaves, stems and suckers should be thoroughly wet to the ground. Apply Gordon's Brush Killer 823 when plants come into full leaf (spring) until plants begin to go dormant. Best results are obtained when brush and weeds are young and actively growing. Do not cut brush or weeds until the herbicide has translocated throughout the plant.~~

DIRECTIONS, RESTRICTIONS AND LIMITATIONS FOR USE IN NON-CROPLAND

Broadcast applications to annual and perennial weeds: Apply to emerged weeds. For best results, treat when weeds are young and actively growing.

The maximum application rate to general noncropland sites is 1.1 gallons of product per acre per application per site.

When multiple applications of up to 2.0 lbs. acid equivalent per acre are utilized to reach the maximum seasonal use rate, do not make a repeat application within 30 days of the previous application.

Minimum spray volume: Use 2 or more gallons of spray solution per acre.

Number of applications: Limited to 2 applications per year.

Broadcast applications to woody plants: Apply to trees and brush when foliage is fully expanded and plants are actively growing.

Up to 2.2 gallons of product per acre (4.0 lbs. acid equivalent per acre) may be applied in a single application to rights-of-way, including electrical power lines, communication lines, pipelines, highways and railroads that intersect wooded areas or stands of trees, brush and woody plants.

The maximum noncropland application rate for tree, brush and woody plant control is 2.2 gallons of product per acre per application per site.

Target species	Application schedule	Maximum application rate, Gallons of product per acre	Maximum application rate, Pounds of acid equivalent per acre per application	Maximum number of applications per year	Minimum days between applications	Minimum spray volume, gallons per acre
Annual and perennial weeds	Broadcast	1.1 gal/A	2.0 #/A	2	30 days	2
Woody plants	Broadcast and high volume foliar	2.2 gal/A	4.0 #/A	1	NA	See Tables 1-2.

High volume foliar applications (100-400 gallons per acre):

Apply 0.55 -2.2 gallons of product per acre with adequate water or apply a 0.55-2.2% vol/vol spray solution as a full cover spray with high volume equipment. Use the lower spray concentrations in the range for susceptible species and use the higher spray concentrations within the range for hard-to-control species, for mature plants during the late summer or under adverse environmental conditions (e.g. drought).

Spray broadleaf weeds, woody plants or mixed brush uniformly and thoroughly by wetting all leaves, stems, bark and root collars. The total volume of spray solution required for adequate coverage of solid stands of mixed brush can range from 100-400 gallons of spray solution per treated acre. The spray preparation chart for applications on a spray-to-wet basis is shown below in Table 1.

Table 1. Instructions for preparing 100-400 gallons of spray solution at 0.55-2.2% spray concentration with water for high volume foliar applications.

Spray solution per acre, Gallons	Amount of Product Needed for Spray Concentration of:			
	0.55%	0.74%	1.1 %	2.2%
100	0.55 gal.	0.73 gal.	1.1 gal.	2.2 gal.
200	1.10 gal.	1.48 gal.	2.2 gal.	----
300	1.66 gal.	2.2 gal.	----	----
400	2.2 gal.	----	----	----

Equal measures: 1gallon = 4 quarts= 8 pints= 128 fl. oz.

The maximum seasonal application rate for trees, brush and woody plant control is 2.2 gallons of product per acre per application per site.

For Backpack Sprayers, Knapsack Sprayers, And Hand-pressurized Pump Sprayers

Table 2. Instructions for preparing 1-3 gallons of spray solution at 0.55 -2.2% spray concentration with water for high volume foliar applications.

Gallons Of Water	Amount Of Product Needed for Spray Concentration of :			
	0.55 %	0.74 %	1.1 %	2.2 %
1	4 teaspoons	2 tablespoons	3 tablespoons	6 tablespoons
2	3 tablespoons	4 tablespoons	6 tablespoons	12 tablespoons
3	4 tablespoons	6 tablespoons	4 fl. oz.	8 fl. oz.

Equal measures: 1 fl. oz. = 2 Tablespoons (Tbs.) = 6 Teaspoons (tsp.)

HIGH VOLUME:

Use Gordon's Brush Killer 823 at the rate of 1/2 to 2 gallons in water to make 100 to 300 gallons of spray per acre. The amount of water used must allow for full wetting of plants. For small broadleaf weeds, use the lower rate. Heavy dense stands of brush require the high rate with high water volume.

LOW VOLUME GROUND OR AERIAL FOLIAGE SPRAY:

Use Gordon's Brush Killer 823 at the rate of 1/2 to 2 gallons in water to make 15 to 25 gallons of spray per acre. Use enough water to insure uniform wetting of plants.

NOTE: Avoid spray drift to cotton, soybeans, tomatoes, tobacco, grapes, fruit trees, flowers or garden crops and all other hormone herbicide-sensitive desirable plants. Do not apply near sensitive plants since small quantities of wind-drifted herbicides may cause severe injury.

Do not apply this product through any type of irrigation system.

Do not apply herbicide when wind speed is sufficient to cause drift. Do not apply herbicide when an air temperature inversion exists. An air inversion may be detected by creating a smoke column and observing a layering effect. Do not apply when temperatures exceed 90°F and humidity is high.

To aid in avoiding spray drift, use coarse sprays and low pressure. Do not use nozzles which produce fine spray droplets under high pressure. The use of thickening agents or anti-drift additives and drift-reducing equipment is of value in preventing spray drift. Care should be taken not to make applications where runoff could contaminate bodies of water or spray drift could carry the chemical to food crops or grazing lands where cattle, sheep, goats, swine or poultry would be exposed.

BRUSH AND WEEDS CONTROLLED:

Gordon's Brush Killer 823 is especially effective against brush such as ash, birches, brambles, kudzu, multiflora rose and willows. In addition to these, it kills many species of brush and broadleaf weeds, some of which are listed below.

BRUSH		
Ash	Dogwood	Poplar
Aspen	Elms	Shortleaf pine
Birches	Gooseberry	Sumac
Brambles	Honeylocust	Wild plum
Cedar	Multiflora rose	Willows
Cherry	Oak	
WEEDS		
Bedstraw	Kudzu	Poison oak
Burdock	Morningglory	Thistle
Chicory	Poison ivy	Trumpet vine
Dock		

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LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

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 EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions, or to use of the product under abnormal conditions such as drought, excessive rainfall, tornadoes, hurricanes, etc. These factors are beyond the control of the manufacturer or the seller. Any damages arising from a breach of the manufacturer's warranty shall be limited to direct damages, and shall not include indirect or consequential damages such as loss of profits or values, except as otherwise provided by law.

The terms of this Limited Warranty and Disclaimer cannot be varied by any written or verbal statements or agreements. No employee or agent of the seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.