

2217-739

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 12th Street
Kansas City, Missouri 64101

JUN 12 2009

Subject: EPA Reg. 2217-739 / DM 896 Response to Agency Letter 11-25-08

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,

A handwritten signature in cursive script that reads "Joanne J. Miller".

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

JUN 12 2009

ACCEPTED

JUN 12 2009

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

2217-739

DM 896

EPA Reg. No. 2217-739

ACTIVE INGREDIENT:

Dimethylamine salt of 2,4-dichlorophenoxyacetic acid	24.6%
Dimethylamine salt of (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid	12.9%
INERT INGREDIENTS:	62.5%
TOTAL	100.0%

THIS PRODUCT CONTAINS:

1.88 lb 2,4-dichlorophenoxyacetic acid equivalent per gallon or 20.4%
 0.99 lb (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 10.7%
 Isomer Specific by AOAC Methods.

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. Harmful if swallowed, or if absorbed through the skin. Do not get in eyes, on skin or clothing. Harmful if inhaled. Avoid contact with skin. Avoid breathing spray mist or vapor. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Personal Protective Equipment (PPE)

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	
<ul style="list-style-type: none"> • 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	
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 or on clothing:	<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.
<p>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.</p>	
<p>NOTE TO PHYSICIAN: Possible mucosal damage may contraindicate the use of gastric lavage.</p>	

Environmental Hazards

This pesticide may be 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.

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.
- For use on residential and other ornamental turf sites excluding sod farms.

~~FOR USE ON RESIDENTIAL AND OTHER TURF SITES EXCLUDING SOD FARMS.~~

USE PRECAUTIONS:

Do not apply this product through any type of irrigation system. Do not use on warm season grasses, such as St. Augustinegrass, centipedegrass, dichondra, or on lawns and turf where desirable clovers are present. Do not exceed specified dosages for any area. 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.

INSTRUCTIONS:

DM 896 is a selective herbicide for the control of broadleaf weeds in bluegrass, fescue, bermudagrass, and bentgrass turf. Do not use this product on closely-mowed bentgrass or bermudagrass as on golf greens or tees. Weeds are best controlled when they are young and actively growing.

WEEDS CONTROLLED:

Susceptible - dandelion, clover, common chickweed, mouseear chickweed, plantain, pigweed, ragweed and lambsquarters.

Moderately Susceptible - knotweed, black medic, English daisy, dock, purslane, oxalis, mallow.

APPLICATION RATE:

For established turf, apply 1 to 1.25 fluid ounces for 1,000 square feet (2 2/3 pints to 3 1/3 pints per acre) in 1 to 2 gallons of water per 1,000 square feet (40 to 80 gallons per acre). Use higher rates when hard-to-kill weeds are present. Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. Avoid applying during periods when turf is under stress from drought or extreme heat. Do not water for 24 hours after application. Do not apply to newly seeded turf until after the second or third mowing.

Other Use Precautions:

- 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.

Limitations on broadcast treatments for ornamental turfgrass:

The maximum application rate is 3.33 pints of product per acre per application (0.78 lb 2,4-D ae and 0.41 lb MCP-P ae per acre per application). The maximum number of broadcast applications is limited to 2 per year with a minimum of 30 days between applications. The maximum seasonal rate is 6.67 pints of product per acre (1.58 lb 2,4-D ae and 0.83 lb MCP-P ae per acre).

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 1.25 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.

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.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container in a locked storage area. Keep from freezing.

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: ~~For Metal Containers – Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill. 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 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.

LIMITED WARRANTY AND DISCLAIMER

FOR USE ONLY AS DIRECTED.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY 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, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. If these terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full. 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.

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. _____

2. Advertising claims that may be presented on container labeling, advertisements, brochures, and other marketing/sales promotional materials:

- Turf Herbicide
- For the control of broadleaf weeds in bluegrass, fescue, bermudagrass, and bentgrass turf.

DOCUMENT CONTROL INFORMATION

- 1. Unique Label Identifier:** 002217-00739.20090527.amend-proposed.doc
- 2. Reason for Issue:** Respond to EPA comments, PRN 2007-4