



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

James L. Kuntsman
PBI/Gordon Corporation
1217 West 12th Street
Kansas City, MO 64101

OCT 22 2009

Subject: Response to RED Amendment
Trimec 937 Herbicide
EPA Reg. No. 2217-758
Application Dated September 28, 2009

Dear Dr. Kuntsman:

The Agency has reviewed your response dated September 28, 2009 regarding the maximum application rate for 2,4-DP-p and has determined that the risk mitigation decision in the 2,4-DP-p Reregistration Eligibility Decision (RED) dated August 29, 2007 is correct and must be followed for the above product.

The 2,4-DP-p Use Closure Memo dated November 14, 2006 provided use information for reregistration assessment. The 2,4-DP-p RED explains the risk assessments performed and that risk mitigation measures were taken due to ecological risk concerns to non-target terrestrial exposures to animals and plants, including spray drift.

As outlined in the 2,4-DP-p RED Label Changes Summary Table, application rates must be changed to reflect the following:

Broadcast Treatment

Limited to 2 applications per year
Maximum of 0.75 lb ae 2,4-DP-p per acre per application
Minimum of 30 days between applications

Spot Treatment

Limited to 2 applications per year
Maximum of 2.0 lbs ae 2,4-DP-p per acre per application
Minimum of 30 days between applications

“Broadcast application is prohibited at this use rate.”

“Spot treatment is defined as a treatment area no greater than 1,000 ft² per acre.”

As outlined in the 2,4-D RED Label Changes Summary Table, application rates must be changed to reflect the following for Noncrop Areas:

Postemergence (annual and perennial weeds):

Limited to 2 applications per year.
Maximum of 2.0 lbs ae/acre per application.
Minimum of 30 days between applications.

Postemergence (woody plants):

Limited to 1 application per year.
Maximum of 4.0 lbs ae/acre per year.

Therefore, based on the amount of acid equivalent for this product, the most restrictive application rates for this product are summarized as follows:

Broadcast Application (All weed types):

Maximum of 0.8 gal (0.75 lb ae 2,4-DP-p and 1.5 lb ae 2,4-D) of product per acre per application.
Limited to 2 applications per year.
Minimum of 30 days between applications.

Spot Application (annual/perennial weeds):

Maximum of 1.0 gal (0.94 lb ae 2,4-DP-p and 1.89 lb ae 2,4-D) of product per acre per application.
Limited to 2 applications per year.
Minimum of 30 days between applications.

Spot Application (woody plants):

Maximum of 2.0 gal (1.88 lb ae 2,4-DP-p and 3.78 lb ae 2,4-D) of product per acre per application.
Limited to 1 application per year.

Revise the label accordingly and resubmit for review.

Sincerely,

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

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ACCEPTED
with COMMENTS
In EPA Letter Dated:

OCT 22 2009

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

TRIMEC® 937 HERBICIDE

EPA Reg. No. 2217-758

2217-758

ACTIVE INGREDIENT:

2,4-D, 2-ethylhexyl ester	32.45%
2,4-DP-p, 2-ethylhexyl ester	15.90%
Dicamba	5.38%
OTHER INGREDIENTS:	46.27%
TOTAL	100.00%

THIS PRODUCT CONTAINS:

- 1.89 lb 2,4-dichlorophenoxyacetic acid equivalent per gallon or 21.54%
- 0.94 lb (+)-R-2-(2,4-dichlorophenoxy)propionic acid equivalent per gallon or 10.77%
- 0.47 lb 3,6-dichloro-o-anisic acid equivalent per gallon or 5.38%

Isomer Specific by AOAC Method

Contains petroleum distillates

TRIMEC® is a registered trademark of PBI/GORDON CORPORATION

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.)

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

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING: Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin. Harmful if inhaled. Avoid breathing spray mist.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, nitrile rubber, neoprene rubber, or viton. If you want more options, follow the instructions for category E 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 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"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give any liquid to the person. • 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: May pose an aspiration pneumonia hazard. Contains petroleum distillates.	

Environmental Hazards

This pesticide 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.

Physical Or Chemical Hazard

Do not use 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 48 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 worn over short-sleeved shirt and short pants,
- chemical-resistant footwear plus socks,
- chemical-resistant gloves made of any water-proof material,
- chemical-resistant headgear for overhead exposure,
- 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 enter or allow people (or pets) to enter the treated area until sprays have dried.

Trimec® 937 Herbicide control perennial broadleaf weeds and undesirable woody plants established in noncropland. It is effective for buckbrush, poison ivy, multiflora rose, and sumac established in the uncultivated areas presented below:

UNCULTIVATED AGRICULTURAL AREAS AND UNCULTIVATED NONAGRICULTURAL AREAS:

A. Noncropland Sites

- Barrier strips
- Farmyards
- Fencerows or fence lines
- Firebreaks
- Highway rights-of-way (principal, interstate, county, private, and unpaved roads): Roadsides, roadside ditches, road shoulders, road embankments, dividers, and medians.
- Industrial sites: Lumberyards, tank farms, fuel or equipment storage areas.
- Municipal, state, and federal lands: Airports and military installations
- Railroad rights-of-way
- Recreation areas: Fairgrounds, golf courses, parks, and areas adjacent to athletic fields.

- Utility rights-of-way: Telephone, pipeline, electrical powerlines, and communication transmission lines

B. Prohibitions for Noncropland Sites.

- Do not apply to any body of water such as lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays). Do not apply to any shorelines (noncropland sites adjacent to the edges of a body of water) for lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays).
- Do not apply to wetlands (swamps, bogs, potholes, or marshes).
- Do not apply to agricultural irrigation water or on agricultural irrigation ditchbanks and canals.
- Do not apply to agricultural drainage water or on agricultural ditchbanks.

INSTRUCTIONS:

To effectively control brush, all leaves, stems and suckers should be thoroughly wetted to the ground. Apply when plants come into full leaf (spring) until plants begin to go dormant. Best results are obtained when brush and broadleaf weeds are young and actively growing. Do not cut brush until the herbicide has translocated throughout the plant causing root death.

USE PRECAUTIONS:

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

SPRAY PREPARATION AND TANK MIXTURES:

Water Spray: Add one-half the required amount of water to the spray tank, then add Trimec® 937 Herbicide slowly with agitation, and complete filling the tank with water. To prevent separation of the emulsion, mix thoroughly and continue agitation while spraying.

Full Oil Spray: Use diesel oil, No. 1 or No. 2 fuel oil, kerosene, mineral oil, or basal oils. Add one-half the required amount of oil to the spray tank, then add Trimec® 937 Herbicide with agitation and complete filling the tank with oil. Mix thoroughly and provide adequate agitation during mixing and spraying.

Tank Mixing with Garlon® 4 Herbicide: Trimec® 937 Herbicide can be mixed with Garlon® 4 Herbicide for use in, roadsides, rights-of-way, railroads, fence rows, industrial sites and other similar noncrop areas. Garlon® 4 Herbicide is a butoxyethylester formulation containing 4.0 pounds per gallon of the active ingredient triclopyr. A mixture of Trimec® 937 Herbicide and Garlon® 4 Herbicide should be used in accordance with the more restrictive of label limitations and precautions. No label dosage rates should be exceeded. This product cannot be mixed with any product containing a label prohibition against such mixing.

Three steps for tank mixing with Garlon® 4 Herbicide are suggested. First, add one-third of the required amount of diesel oil or water to the spray tank. Next, add the Trimec® 937 Herbicide slowly with agitation, then add another one-third of the carrier to the tank. Finally, add slowly the Garlon® 4 Herbicide and the balance of the carrier. Do not mix the chemicals simultaneously and continue the agitation during each step.

DIRECTIONS, RESTRICTIONS AND LIMITATIONS FOR USE IN NON-CROPLAND

Applications to non-cropland areas are not applicable to treatment of commercial timber or other plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.

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 ~~1.0~~ 0.8 gallon of product per acre per application per site.

When multiple applications of up to 2.0 lb 2,4-D acid equivalent 1.6 gallons of product per acre are utilized to reach the maximum seasonal use rate, do not make a repeat application within 30 days of the previous application. Number of applications: Limited to 2 applications per year. Spray volumes greater than 10 gallons per acre are suitable.

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

Up to 2.0 gallons of product per acre (4.0 lb 2,4-D 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. Spray volumes greater than 10 gallons per acre are suitable.

The maximum noncropland application rate for tree, brush and woody plant control is 2.0 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 2,4-D acid equivalent per acre per application	Maximum number of applications per year	Minimum days between applications
Annual and perennial weeds	Broadcast	1.0-0.8 gal/A	2.0 lb/A	2	30 days
Woody plants	Broadcast and high volume foliar	2.0 gal/A	4.0 lb/A	1	NA

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

Apply 0.5 to 2.0 gallons of product per acre with adequate water or apply a 0.5 to 2.0% 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 to 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 to 400 gallons of spray solution at 0.5 to 2.0% spray concentration with water for high volume foliar applications.

Spray solution per acre, Gallons	Amount of Product Needed for Spray Concentration of:			
	0.5%	0.67%	1.0%	2.0%
100 gal	0.5 gal	0.67 gal	1.0 gal	2.0 gal
200 gal	1.0 gal	1.34 gal	2.0 gal	----
300 gal	1.5 gal	2.0 gal	----	----
400 gal	2.0 gal	----	----	----

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

The maximum seasonal application rate for trees, brush and woody plant control is 2.0 gallons of product per acre per application per site.

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

Table 2. Instructions for preparing 1 to 3 gallons of spray solution at 0.5 to 2.0% spray concentration with water for high volume foliar applications.

Gallons of Water	Amount Of Product Needed for Spray Concentration of :			
	0.5%	0.67%	1.0%	2.0%
1	4 teaspoons	5 teaspoons	2.5 tablespoons	5 tablespoons
2	2.5 tablespoons	3.5 tablespoons	5 tablespoons	10 tablespoons
3	2 fl.oz.	2.5 fl.oz.	4 fl.oz.	8 fl.oz.

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

Individual Plant Treatments:

Use only one basal spray, frill or cut surface application per year.

Basal Bark: Apply with low volume backpack sprayer or power equipment. Volume sprayed per acre will depend on method used and number of stems per acre. Use a coarse spray to avoid drift.

High Volume Basal Bark: For high volume applications, apply a coarse spray as a drench treatment to the base of stems and trunks up to a height of 18 to 24 inches. Total coverage of the stems and root collars is essential. Spray until runoff and pooling at the ground line is noticed.

Mix 3.0 to 4.0 gallons of Trimec® 937 Herbicide with 95 to 97 gallons of oil (diesel oil, No. 1 or No. 2 fuel oil, kerosene, or mineral oil). Spray volumes will depend upon the sizes, types, and densities of the species present.

Low Volume Basal Bark: For low volume applications, apply a uniform spray pattern to all sides of the stems and trunks up to a height of 18 to 24 inches. Treat the entire circumference of the tree.

Mix a full oil spray containing 33% Trimec® 937 Herbicide, 10 to 20% surfactant, and 47 to 57% diesel oil. Suggested surfactants include Cide-Kick, Cide-Kick II, or other surfactants/penetrants appropriate for oil soluble herbicides. Substitutes for diesel oil as a diluent include the following basal oils: Androc Oil, Hy-Grade I, Arborchem Basal Oil, JLB Oil Plus, and other blends formulated for basal bark applications.

Cut Surface – Stump: This method can be used at anytime of the year, but is more effective when applied as soon as possible after trees are cut. Spray the entire stump, particularly bark and exposed roots. Complete control requires a thorough drenching. Use this method after original or capital clearing. It is the primary step toward a chemical brush control program on newly cleared highways and rights-of-way. Spray is most effective and economical on tree stumps with diameters larger than 3 to 4 inches.

Mix 0.5 to 1.0 gallon of Trimec® 937 Herbicide with 25 gallons of diesel oil, basal oils, penetrant oils, or mineral oil. Apply to freshly cut tree stumps with a low volume knapsack sprayer using a cone nozzle. Spray thoroughly the cut surfaces, bark, and exposed roots. Treat the entire circumference of the tree. Drench until runoff to the soil surface is noticed.

For painting freshly cut stumps, mix 2 quarts of Trimec® 937 Herbicide with 1.0 gallon of basal oil and thoroughly paint all surfaces of the stump.

Frill Treatment: This treatment is recommended for culling trees with trunk diameters greater than 5 to 6 inches. Make a frill by using an axe to cut overlapping notches in a continuous ring around the trunk near its base. Cut through the bark, but do not remove chips.

Mix 3.0 to 4.0 gallons of Trimec® 937 Herbicide in 100 gallons of diesel oil or mineral oil and treat freshly cut frills anytime of the year. Spray or pour the spray mixture into the frills without runoff.

BRUSH CONTROLLED:			
Ash	Buckbrush	Honey locust	Shortleaf pine
Aspen	Cedar	Honeysuckle	Spruce
Birch	Cherry	Kudzu	Sumac
Blackberry	Cottonwood	Maple	Sycamore
Black cherry	Dogwood	Multiflora rose	Trumpet creeper
Black locust	Elm	Oak	Wild plum
Brambles	Gooseberry	Pine	Willow

BROADLEAF WEEDS			
Aster, white heath & white prairie	Dock	Matchweed	Shepherdspurse
Bedstraw	Dogfennel	Mouseear chickweed	Spotted spurge
Beggarweed, creeping	English daisy	Mustard	Spurge
Bindweed	False dandelion (*spotted catsear & common catsear)	Nettle	Sunflower
Black medic	Field bindweed	Oxalis (*yellow woodsorrel & creeping woodsorrel)	Thistle
Broadleaf plantain	(*morningglory & creeping jenny)	Parsley-piert	Velvetleaf (*pie marker, Indian mallow)
Buckhorn plantain	Field oxeye-daisy (*creeping oxeye)	Pennsylvania smartweed (*smartweed)	Veronica (*corn speedwell)
Bull thistle	Filaree, whitestem & redstem	Pennywort (*dollarweed)	Virginia buttonweed
Burclover	Florida pusley	Pepperweed	White clover (*Dutch clover, honeysuckle clover, white trefoil & purplewort)
Burdock, common	Ground ivy	Pigweed	Wild carrot
Buttercup, creeping	Groundsel	Pineappleweed	Wild garlic
Carpetweed	Hawkweed	Plantain	Wild geranium
Chickweed, common	Healall	Poison ivy	Wild lettuce
Chicory	Henbit	Poison oak	Wild mustard
Cinquefoil	Jimsonweed	Prostrate knotweed (*knotweed)	Wild onion
Clover	Kochia	Puncturevine	Wild strawberry
Cocklebur	Lambsquarters	Purslane	Wild violet
Compassplant	Lawn burweed	Ragweed	Yarrow
Curly dock	Lespedeza, common	Red sorrel (*sheep sorrel)	Yellow rocket
Dandelion	Mallow, common		
Dayflower			
Deadnettle			
*Synonyms			

For Use on Residential and Ornamental Turfgrass Sites and Sod Farms (Cool-Season Grasses Other Than Bentgrass):

USE PRECAUTIONS:

Do not use on carpetgrass, dichondra, St. Augustinegrass, bentgrass, nor on lawns or turf where desirable clovers are present. Use only lawn type sprayers. Do not exceed specified dosages for any area. Do not apply to newly seeded grasses until well established. Do not spray when air temperatures exceed 85°F. Seed can be sown 3 to 4 weeks after application.

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.

INSTRUCTIONS:

Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. Avoid spraying during long, excessively dry or hot periods unless adequate irrigation is available. Do not irrigate within 24 hours after application.

Apply 2.0 to 3.0 pints of product in 20 to 260 gallons of water per acre (0.75 to 1.1 fluid ounces of product in 0.5 to 6.0 gallons of water per 1,000 square feet). Use higher rates when using the higher volume of water per acre.

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Limitations on broadcast treatments for ornamental turfgrass and sod farms:

The maximum application rate is 3.0 pints of product per acre per application (0.71 lb 2,4-D ae, 0.35 lb 2,4-DP-p ae, and 0.18 lb dicamba ae per acre per application). For ornamental turfgrass, the maximum number of broadcast applications is limited to 2 per year with a minimum of 30 days between applications. For sod farms, the maximum number of broadcast applications is limited to 2 per year with a minimum of 21 days between applications. The maximum seasonal rate is 6.0 pints of product per acre (1.42 lb 2,4-D ae, 0.71 lb 2,4-DP-p ae, and 0.35 lb dicamba ae per acre per year).

Controlled Droplet Applicator (CDA) - Add 1.5 pints to the Herbi container and fill with water. Spray contents over 33,000 square feet. Avoid overlapping between spray patterns.

Spot treatments - Not recommended for hose end sprayers. Spray during the growing season when weeds are actively growing. On new lawns wait until the grass has hardened off, usually after it has been mowed at least three times. Poor weed control may result if spray is applied during drought or just before rain. Do not water within 24 hours after treatment.

Spray Preparations For Hand Operated Sprayers		
Amount of Product to Use:	Gallons of Water	Area To Treat, Sq.Ft.
1.5 tablespoons (3/4 fl.oz.)	1 gal	1,000 sq.ft.
3 tablespoons (1.5 fl.oz.)	2 gal	2,000 sq.ft.
4.5 tablespoons (2.25 fl.oz.)	3 gal	3,000 sq.ft.

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 0.75 fl.oz. per 1,000 sq.ft. per application (0.24 lb 2,4-DP-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.

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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.

2,4-D esters may volatilize during conditions of low humidity and high temperatures. Do not apply during conditions of low humidity and high temperatures.

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 target site. Aerial applications of this product are prohibited.

STORAGE AND DISPOSAL

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

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

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. 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.

[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.

[OR

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.

[OR

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. EPA*, C01-0132C, (W.D. WA). For further information, please refer to EPA Web Site: <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. _____

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

- A Brush Killer & Broadleaf Weed Herbicide
- For Broadleaf Weed Control In Turf
- One Gallon Covers Up To 4 Acres. - 8 Ounces Covers Up to 11,000 Square Feet
- Controls: ash, aspen, brambles, kudzu, oak, willows, dandelion, chickweed, knotweed, plantain, henbit, spurge and many other species of brush and broadleaf weeds including those listed on this label.

3. Trademark acknowledgements

- Garlon® Herbicide is a registered trademark of Dow AgroSciences, L.L.C.
- Cide-Kick and Cide-Kick II, JLB Oil Plus are products of JLB International Chemical, Inc.
- Arborchem Basal Oil is a product of Arborchem Products Co.
- Hy-Grade I is a product of CWC Chemical, Inc.
- Androc Oil is a product of Androc Products, Inc.

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 002217-00758.20090928.amend-proposed.doc

2. Reason for Issue: respond to EPA comments