

2217-773

9/19/2014

1/10



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

James L. Kuntsman, Ph.D.
PBI/Gordon Corporation
1217 W. 12th Street
P.O. Box 014090
Kansas City, Missouri 64101

SEP 19 2014

Subject: Notification; Per PR-Notice 98-10
Trimec 959 Broadleaf Herbicide
EPA Reg. No. 2217-773
Date Submitted: September 17, 2014

Dear Dr. Kuntsman:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated September 17, 2014 for the product referenced above. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Kable Bo Davis at (703) 306-0415 or davis.kable@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Montague".

Kathryn Montague *for*
Product Manager 23
Herbicide Branch
Registration Division (7505P)



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 2217-773	2. EPA Product Manager Kathryn V. Montague	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Trimec® 959 Broadleaf Herbicide	PM# Product Manager—Team 23	
5. Name and Address of Applicant (Include ZIP Code) PBI/Gordon Corporation Post Office Box 014090 Kansas City, Missouri 64101 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name SEP 19 2014	

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____

Resubmission in response to Agency letter dated _____ "Me Too" Application.

Notification - Explain below. Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.) e-mail to jkunstman@pbigordon.com FAX: 816-421-2731
Labeling notification per PRN 98-10: Notifications, Non-notifications and Minor Formulation Amendments. Section(s) II.N
Trimec® 959 Broadleaf Herbicide (EPA Reg. No. 2217-773).

- We ask to adjust the maximum application temperature to 90°F as seen on page 4 of the enclosed draft label.
- Also, we are updating terminology on page 1 from "INERT" to "OTHER" INGREDIENTS to make the language consistent with our other product labels, and correcting a typographical error also on page 1.

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container
1 gallon and 2.5 gallons for child resistant packaging

5. Location of Label Directions
 On Label
 On Labeling accompanying product

6. Manner in Which Label is Affixed to Product
 Lithograph Other
 Paper glued
 Stenciled

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name James L. Kunstman, Ph.D.	Title VP, Regulatory Services	Telephone No. (Include Area Code) 816-460-6292
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Certification
 I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

2. Signature

3. Title
VP, Regulatory Services

4. Typed Name
James L. Kunstman, Ph.D.

5. Date
September 17, 2014

6. Date Application Received (Stamped)

TRIMEC® 959 BROADLEAF HERBICIDE

EPA Reg. No. 2217-773

USE THIS PRODUCT ONLY IN ACCORDANCE WITH ITS LABELING AND WITH THE WORKER PROTECTION STANDARD 40 CFR PART 170.

ACTIVE INGREDIENTS:

MCPA, dimethylamine salt	38.68%
MCPP-p, dimethylamine salt	8.16%
Dicamba, dimethylamine salt	3.81%
OTHER INGREDIENTS:	<u>49.35%</u>
TOTAL	100.00%

THIS PRODUCT CONTAINS:

- 2.97 lb 2-methyl-4-chlorophenoxyacetic acid equivalent per gallon or 31.59%.
- 0.63 lb (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid equivalent per gallon or 6.74%.
- 0.29 lb 3,6-dichloro-o-anisic acid equivalent per gallon or 3.16%.

TRIMEC® is a registered trademark of PBI/GORDON CORPORATION.

NOTIFICATION

SEP 19 2014

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO

Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle. (If you do not understand the label, find some one to explain it to you in detail.)

KEEP FROM FREEZING

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. Do not get in eyes or on clothing. Avoid contact with skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Personal Protective Equipment (PPE)

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

Mixers, loaders, applicators and other handlers must wear*:

- Protective eyewear (goggles, face shield, or safety glasses)
- Long-sleeved shirt and long pants.
- Chemical-resistant gloves such as barrier laminate
- Shoes plus socks.



* Applicators may choose not to wear protective eyewear with dilution rates greater (higher) than 4:1 or greater (higher) than 4 parts of water to 1 part of product.

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety 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 materials that have been drenched or heavily contaminated with this 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. • 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: Probable mucosal damage may contraindicate the use of gastric lavage.</p>	

Environmental Hazards

This pesticide 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. Do not contaminate water when disposing of equipment washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

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.

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 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-sleeve shirt and short pants
- Chemical resistant footwear plus socks
- Chemical-resistant gloves made of any waterproof 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.

Reentry Statement: Do not enter or allow others to enter the treated area until sprays have dried.

GENERAL INFORMATION:

Trimec® 959 Broadleaf Herbicide provides selective broadleaf control in warm season and cool season turfgrass. Established turf of warm season grasses include, but are not limited to, bermudagrass, bahiagrass, and zoysiagrass. Established turf of cool season grasses include, but are not limited to, Kentucky bluegrass, perennial ryegrass, tall fescue, and turf-type tall fescues. Do not apply this product on carpetgrass, dichondra or established turf containing desirable clovers.

USE PRECAUTIONS - OBSERVE CAREFULLY.

1. Do not pour spray solutions near these plants.
2. Do not spray on carpetgrass, dichondra nor on lawns or turf where desirable clovers are present.
3. Use only lawn type sprayers.
4. Avoid application to exposed active feeder roots of shallow-rooted trees such as poplar species and sensitive ornamentals. Do not exceed specified dosages for any area.

5. 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.
6. Do not spray bermudagrass or zoysiagrass while emerging from dormancy, unless injury can be tolerated.
7. Applications to newly seeded lawns may cause injury. Delay application until well established or after two or three mowings.
8. Do not broadcast apply when air temperatures exceed 90°F; some injury may be expected with spot treatments when air temperatures exceed 90°F.
9. Seed can be sown 3 to 4 weeks after application.
10. Do not contaminate domestic or irrigation waters.
11. Some injury can be expected to turf when used on centipedegrass or St. Augustinegrass; only spot spray weeds on these types of grasses. Clover will be damaged if sprayed.
12. After using this product, clean sprayer with soap or detergent and water, and rinse thoroughly before applying other pesticides.
13. Failure to observe the above precautions may result in injury to desirable plants.
14. Do not apply this product through any type of irrigation system.

ORNAMENTAL LAWNS, ORNAMENTAL TURFGRASS, GOLF COURSES AND SOD FARMS - As Broadcast Treatments:

Apply 3.0 to 4.0 pints of product per acre per application with spray volumes of 20 to 240 gallons per acre. Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. Avoid applying during long excessively dry or hot periods unless adequate irrigation is available. Do not apply to newly seeded turf until well-established or after the second or third mowing. Grass seed can be sown 3 to 4 weeks after application at the recommended rates.

Limitations on broadcast treatments for turfgrass on all use sites:

The maximum application rate is 4.0 pints of product per acre per application (1.49 lb MCPA ae, 0.32 lb MCPP-p ae, and 0.15 lb dicamba 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 8.0 pints of product per acre per year (2.97 lb MCPA ae, 0.63 lb MCPP-p ae, and 0.29 lb dicamba ae per acre per year), excluding spot treatments.

Limitations on spot treatments for all use sites:

Spot treatment is defined as a treatment area no greater than 1,000 sq.ft. per acre. The maximum application rate is 1.5 fl.oz. per 1,000 sq.ft. per application (0.32 lb MCPP-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.

BENTGRASS TURF:

In closely-mowed bentgrass (putting and bowling greens) apply at a maximum rate of 1 fluid ounce of product per 1,500 square feet, preferably in May or mid-August through September. Slight turf yellowing will disappear after about one week.

NOTE: Care should be taken to avoid overdosing bentgrass or injury may result. High spray volumes (i.e., 1 fluid ounce of product in 5 gallons of water per 1,500 square feet) will aid in obtaining uniform coverage. If hand-operated sprayers are used, it is preferable to use a single nozzle sprayer rather than a multiple nozzle boom. Sweeping movements with a multiple nozzle boom will result in heavy local over-application and subsequent turf discoloration or injury.

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Wind Speed

Apply only when the wind speed is 2 to 10 mph at the application site. Do not apply at wind speeds greater than 10 mph.

Temperature Inversions

If applying at wind speeds less than 3 mph, the applicator must determine if 1) conditions of temperature inversion exist, or 2) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

Additional requirements for ground boom application:

Do not apply with a nozzle height greater than 4 feet above the crop canopy.

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

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 inaccessible to children or pets. Keep from freezing. To prevent cross-contamination, do not store near herbicides, fertilizers, insecticides, fungicides or seeds.

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:

[A. NONREFILLABLE CONTAINERS]:

Do not reuse or refill this container. Offer for recycling if available.

Container cleaning: Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

[For plastic container sizes less than 0.79 gal (3.0 liters or 3.2 quarts):] Triple rinse (or equivalent). Offer for recycling if available 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.

[Triple rinse instructions for nonrefillable containers with sizes greater than 0.79 gal (3.0 liters or 3.2 quarts) and less than 5 gallons:] 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.

[Triple rinse instructions for nonrefillable containers with sizes greater than 5 gallons and including 15, 30 and 55 gallons:] Triple rinse as follows: Empty 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 instructions for nonrefillable containers with sizes greater than 1 gallon and including 2.5, 5, 15, 30 and 55 gallons.] 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.

[B. REFILLABLE CONTAINERS. (Small volume returnable containers less than 55 gallons and minibulks ranging from 55 to 295 gallons dedicated to the same herbicide class)]

Refill this container with pesticide only. Do not reuse this container for any other purpose.

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

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 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

