

2217-794

12/18/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCE

James L. Kunstman, Ph.D.
Director of Regulatory Services
PBI/Gordon Corporation
P.O. Box 014090
Kansas City, Missouri 64101

DEC 18 2009

Subject: Notification(s) for Label Revisions under PRN 2008-1 and 2007-4

Dear Dr. Kunstman:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2008-1 and 2007-4 dated October 30, 2009 for:

EPA Registration 2217-794

Gordon's Granular 33 ½

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 2008-1 and 2007-4 and finds that the label changes requested fall within the scope of PRN 2008-1 and 2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identify the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

- Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number <p style="text-align: center;">2217- 794</p>	2. EPA Product Manager <p style="text-align: center;">Ms. Joanne I. Miller</p>	3. Proposed Classification <p style="text-align: center;"><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted</p>
4. Company/Product (Name) <p style="text-align: center;">Gordon's Granular 33½</p>	PM# <p style="text-align: center;">Product Manager—Team 23</p>	
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 _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4, and PR Notice 2008-1.

Please refer to cover letter for details and certification statements.

e-mail to jkunstman@pbigordon.com FAX: 816-421-2731

Section - III

1. Material This Product Will Be Packaged In:					
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" 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 checked="" 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 <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container <p style="text-align: center;">15, 16, 17, 18, 20, 30, 35, 40, 45, 50 pound bags</p>		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name <p style="text-align: center;">James L. Kunstman, Ph.D.</p>	Title <p style="text-align: center;">Director of Regulatory Services</p>	Telephone No. (Include Area Code) <p style="text-align: center;">816-460-6292</p>	
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.			6. Date Application Received <p style="text-align: center;">(Stamped)</p>
2. Signature 	3. Title <p style="text-align: center;">Director of Regulatory Services</p>		
4. Typed Name <p style="text-align: center;">James L. Kunstman, Ph.D.</p>	5. Date <p style="text-align: center;">October 30, 2009</p>		



1217 WEST 12TH STREET • P.O. BOX 014090
KANSAS CITY, MISSOURI 64101-0090
816-421-4070 • 1-800-821-7925
FAX: 816-474-0462

October 30, 2009

Amended

Document Processing Desk (PRN)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501
Attn: Ms. Joanne I. Miller, (PM-23)

Dear Ms. Miller:

Subject: Response to Pesticide Registration Notice (PRN) 2007-4, Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal: Standards for Pesticide Containers and Containment". Gordon's Granular 33½ (EPA Reg. No. 2217-794)

I. Labeling notification per Pesticide Registration Notice (PRN) 2007-4:

1. We ask to revise the disposal instructions and to adopt the exact language of Pesticide Registration Notice (PRN) 2007-4, Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal: Standards for Pesticide Containers and Containment." One (1) copy of the annotated labeling is enclosed for your review. Please refer to page 3 of the draft labeling.
2. **Certification:** This notification is consistent with the guidance of PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to the EPA. I further understand that if this amended labeling is not consistent with the terms of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Section 12 and 14 of FIFRA.

II. Labeling notification for Pesticide Registration Notice (PRN) 2008-1

1. We ask to revise the environmental hazards section of the labeling and to adopt the exact language of Pesticide Registration Notice (PRN) 2008-1, Environmental Hazard Labeling Statements on Outdoor Residential Use. Please refer to page 2 of the draft labeling.

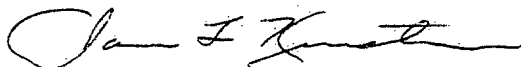
2. **Certification:** This notification is consistent with the guidance of PR Notice 2008-1 and the requirements of EPA's regulations at 40 CFR 156.10, 156.80, and 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to the EPA. I further understand that if this notification is not consistent with the guidance of PRN 2008-1 and the requirements of 40 CFR 156.10, 40 CFR 156.80, and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Section 12 and 14 of FIFRA.

III. Enclosures

1. Application for Pesticide Amendment (EPA Form 8570-1)
2. One (1) copy of the draft labeling

If you have any questions, please call me at 816-460-6292 or contact me at klunstman@pbigordon.com.

Sincerely,



James L. Kunstman, Ph.D.

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GORDON'S GRANULAR 33½ 24-4-8

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

Controls Dandelion, Chickweed, Knotweed, Plantain,
Henbit, and other broadleaf weeds.

ACTIVE INGREDIENTS:	
2,4-dichlorophenoxyacetic acid.....	0.76%
(+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid.....	0.17%
Dicamba: 3,6-dichloro-o-anisic acid	0.07%
INERT	<u>99.00%</u>
INGREDIENTS.....	
TOTAL	100.00%

THIS PRODUCT CONTAINS:
 15.2 lbs. 2,4-dichlorophenoxyacetic acid equivalent per ton
 3.4 lbs. (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid equivalent per ton
 1.4 lbs. 3,6-dichloro-o-anisic acid equivalent per ton
 Contains the single isomer form of Mecoprop-p.
 Isomer Specific by AOAC Methods.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel for Precautionary Statements.

NET WEIGHT ___ POUNDS

AP103009
 EPA REG. NO. 2217-794
 EPA EST. NO. 2217-KS-X
 MANUFACTURED BY:

An Employee-Owned Company
 1217 West 12th Street
 Kansas City, Missouri 64101
 Telephone 800-821-7925



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

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if swallowed. Do not inhale dust. Do not allow contact with skin, eyes, or clothing. When using this product, wear long-sleeved shirt, long pants, socks and shoes.

After using this product, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water.

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 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 a 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 by 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. For additional information in case of emergency, call toll free 1-877-800-5556.</p>	

ENVIRONMENTAL HAZARDS:

Drift or runoff may adversely affect nontarget plants. 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 MCP-p have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D and MCP-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.

ENVIRONMENTAL HAZARDS (alternate per PRN 2008-1)

Drift or runoff may adversely affect nontarget plants. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

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.

For use on ornamental lawns and turf established in institutional, ornamental, and residential sites. Grass seed crops and sod farm uses are excluded. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment area until spray has dried or dust has settled.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container and keep any bags containing unused product in a locked storage area inaccessible to children and domestic animals.

PESTICIDE DISPOSAL AND CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency or www.website.com for disposal instructions. Never place unused product down any indoor or outdoor drain.

WHERE TO USE:

Gordon's Granular 33½ is a Trimec® herbicide containing fertilizer, 2,4-D, mecoprop-p, and dicamba. This granular weed and feed provides plant nutrients and controls a broad spectrum of broadleaf weeds in turfgrass. Supplemental nitrogen, phosphorus, and potash should be applied according to soil tests or State Extension Service recommendations.

Gordon's Granular 33½ is intended to be applied by noncommercial users, lawn care operators, and landscape personnel. Cool season grasses established in institutional, ornamental, and residential sites may be treated.

Institutional sites are defined as turf areas around properties or facilities providing a service to public or private organizations; for example areas around hospitals, nursing homes, schools, museums, libraries, sport facilities (including golf courses), and office buildings may be treated. Ornamental sites include turfgrass established around residences, parks, streets, retail outlets, cemeteries, and institutional buildings. Finally, residential sites are defined as areas associated with the household or home life including, but not limited to apartment complexes, condominiums, and patient care areas of nursing homes, mental institutions, hospitals, or convalescent homes.

Gordon's Granular 33½ may be applied to newly seeded cool season turfgrass. Applications are recommended only after the third mowing or after the grass seedlings have tillered and have developed an adequate secondary root system.

A uniform broadcast distribution of product on the treated area is essential. Do not exceed the specific application rate for any area and use care in the application of this product within the drip-line of trees, shrubs, and other ornamentals.

Do not use this product on dichondra, carpetgrass, St. Augustinegrass, closely-mowed bentgrass putting greens, or turf containing desirable clovers.

WEEDS CONTROLLED:

Dandelion, chickweed, plantain, and clover are controlled effectively with Gordon's Granular 33½. A partial list of susceptible weeds is shown below:

Bedstraw	Dock	Pigweed
Black medic	Ground ivy	Plantain
Buckhorn	Healall	Purslane
Burdock	Henbit	Ragweed
Chicory	Knotweed	Sheep sorrel
Chickweed	Lambsquarters	Shepherdspurse
Clover	Morningglory	Speedwell
Dandelion	Peppergrass	Thistle

HOW MUCH TO APPLY:

Apply 140.5 to 158.4 pounds (lbs.) of Gordon's Granular 33½ per acre of established turfgrass. Or the equivalent application rate is 3.23 to 3.64 pounds of product per 1,000 square feet (sq.ft.) of turfgrass.

The maximum application rate to turf is 1.2 pounds 2,4-D acid equivalent per acre per application per site. The maximum number of broadcast applications per treatment site is 2 per year.

Sequential or follow-up applications may be required for dense infestations of perennial and biennial weeds. Also, adverse environmental conditions prior or after application may reduce the effectiveness. If required, the treatment interval between the first and second applications should be approximately 30 days.

Drop spreaders, rotary spreaders, and other granular equipment should be calibrated for accurate and uniform applications of this product. Calibrate the equipment by applying the product over a measured or known area and adjust the equipment according to the recommendations of the equipment manufacturer. Refer to the rate table for the appropriate bag sizes and the area to be treated.

Note to Supplemental Registrants: Select the appropriate bag size and present only the information provided for that bag size on your product labeling.

Bag Size, Lbs.	Desired Rate Per Acre, Lbs.	Desired Rate Per 1,000 Sq. Ft., Lbs.	Treated Area For This Bag Size	
			Acres	Sq. Ft.
15	140.5	3.23	-----	4,600
	150.2	3.45	-----	4,300
	158.4	3.64	-----	4,100
16	140.5	3.23	-----	5,000
	150.2	3.45	-----	4,600
	158.4	3.64	-----	4,400
17	140.5	3.23	-----	5,300
	150.2	3.45	-----	4,900
	158.4	3.64	-----	4,700
18	140.5	3.23	-----	5,600
	150.2	3.45	-----	5,200
	158.4	3.64	-----	4,900
20	140.5	3.23	-----	6,200
	150.2	3.45	-----	5,800
	158.4	3.64	-----	5,500

Bag Size, Lbs.	Desired Rate Per Acre, Lbs.	Desired Rate Per 1,000 Sq. Ft., Lbs.	Treated Area For This Bag Size	
			Acres	Sq. Ft.
30	140.5	3.23	0.21	9,300
	150.2	3.45	0.20	8,700
	158.4	3.64	0.19	8,200
40	140.5	3.23	0.28	12,400
	150.2	3.45	0.27	11,600
	158.4	3.64	0.25	11,000
45	140.5	3.23	0.32	13,900
	150.2	3.45	0.30	13,000
	158.4	3.64	0.28	12,400
50	140.5	3.23	0.36	15,500
	150.2	3.45	0.33	14,500
	158.4	3.64	0.31	13,700

Optional: Equipment settings of drop spreaders, rotary spreaders, and other granular applicators may be presented on the container labels as requested by supplemental registrants.

APPLICATION SUGGESTIONS:

1. Spring and fall applications are recommended for the best control. However, Gordon's Granular 33½ can be applied any time broadleaf weeds are present and actively growing.
2. Mow the turfgrass 2 to 3 days before application.
3. Water the turfgrass thoroughly (>½ inch) at least 1 to 2 days before application.
4. Schedule applications in the morning when dew is present. Or sprinkle or irrigate lightly (<¼ inch) before application to provide maximum control.
5. Rainfall or irrigation within 24 hours after application may reduce the effectiveness. Do not irrigate or water the turfgrass within 24 hours after application.

24-4-8 GUARANTEED ANALYSIS	
Total Nitrogen (N).....	24%
Water Insoluble Nitrogen (N).....	5%
Total Nitrogen (N).....	24%
Water Insoluble Nitrogen (N).....	5%
Available Phosphate (P ₂ O ₅).....	4%
Soluble Potash (K ₂ O).....	8%

Labeling Requirements:

- All fertilizer products distributed in Washington at a minimum, must have the following labeling statement: *"This product has been registered with the Washington State Department of Agriculture. When applied as directed, this fertilizer meets the Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. You have the right to receive specific information about Washington standards from the distributor of this product."*
- After July 1, 1999, the label must also state: *"Information received by the Washington State Department of Agriculture regarding the components in this product is available on the internet at <http://www.wa.gov/agr/>."*

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. 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.

APPENDIX

I. Approved Fertilizer Grades: Fertilizer grades with nutrient contents expressed as the percentages of N, P₂O₅, and K₂O including the following:

19-3-6	24-4-8	26-3-3	27-3-6	31-3-8
19-6-8	25-3-3	26-3-6	27-4-6	32-4-8
21-0-18	25-4-8	26-4-4	28-0-4	
22-3-3	25-5-5	26-4-6	30-3-3	

The fertilizer grade guaranteed analyses may contain macronutrients and micronutrients. The nutrient contents expressed will vary among states, and the analyses will differ between supplemental registrations.

The guaranteed analysis of a 26-4-4 fertilizer grade is presented as follows:

GUARANTEED ANALYSIS	
Total nitrogen (N).....	26%
1.9% ammoniacal nitrogen	
24.1% urea nitrogen	
Available phosphate (P ₂ O ₅).....	4%
.....	
Soluble potash (K ₂ O)	4%
Sulfur (S) (free)	2%
Derived from: ammoniated phosphate, polymer-encapsulated sulfur-coated urea, urea, and muriate of potash.	
Chlorine not more than	4%
*Contains 4.0% slowly available nitrogen from polymer- encapsulated sulfur-coated urea.	

II. Previously approved retail container package sizes include: 15, 16, 17, 18, 20, 30, 40, 45, or 50 pounds.

III. Advertising Claims: Advertising claims presented on the container (bag) that may or may not be used by supplemental registrants:

- ◆ _____ pounds covers up to _____ square feet of turf.
- ◆ Provides a controlled release nitrogen feeding from Poly-S® Technology.
- ◆ Small particle formulation for excellent weed control.

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IV. SPREADER SETTINGS: Equipment settings may vary and may be presented on the container labeling of supplemental registrations. Illustrations or pictograms of spreader patterns may also be displayed. The supplemental registrant may choose to use the following suggested spreader setting presentation:

SUGGESTED SPREADER SETTINGS				
<i>These suggested spreader settings are not intended to replace calibration. Please calibrate your spreader before applying product.</i>				
40 lbs. covers 12,400 sq. ft. (0.28 acre) with 0.678 lbs. N/1,000 sq. ft. at the LOW RATE				
40 lbs. covers 11,000 sq. ft. (0.25 acre) with 0.764 lbs. N/1,000 sq. ft. at the HIGH RATE				
SPREADER	GROUND SPEED	WIDTH OF COVERAGE	SPREADER SETTINGS	
			LOW RATE 3.23 Lbs. per 1,000 Sq.Ft.	HIGH RATE 3.64 Lbs. per 1,000 Sq.Ft.
Andersons AccuPro 1000, AccuPro/SR-2000 (Cone 6)	3 mph	10	K	K 1/4
Scotts Rotaries R-8, R-8A (Cone 6)	3 mph	10	J	J 1/2
Andersons SS-2 Drop	3 mph	overlap wheels	4	4 1/4
Lely W Pattern	4.5 mph	18	3 III-B	3 1/2 III-B
Vicon (03 Series)	4.5 mph	28	23	25