

2217-802

3/12/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

James Kuntsman, Ph.D.
PBI/Gordon Corporation
1217 W. 12th Street
P.O. Box 014090
Kansas City, MO 64101-0090

MAR 12 2013

Subject: Product Name: EH 1135 PGR
EPA Reg. No. 2217-802
Submission date: 2/8/2013
Notification of California Proposition 65 and Revised Warranty Label
Statements
OPP Decision Number: 475417

Dear Dr. Kuntsman:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10. 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 Agency accepts the addition of label statements to comply with California Proposition 65 and to revise warranty information. The label submitted with the application has been stamped "Notification" and will be placed in our records.

Additionally, upon review of records, it was discovered that the alternate brand name, Stronghold Plant Growth Regulator, was not on record with the Agency. This correspondence confirms that the alternate brand name is acceptable, and our records have been updated to reflect this.

If you have any questions concerning this letter, please contact Kaitlin Keller at 703-308-8127 or keller.kaitlin@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Tony Kish".

Tony Kish
Product Manager 22
Fungicides Branch
Registration Division (7504P)



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 2217-802	2. EPA Product Manager Tony Kish	3. Proposed Classification
4. Company/Product (Name) EH-1135 PGR	PM# PM 22	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
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

Amendment - Explain below. Final printed labels in response to Agency letter dated AP062111
 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.)

Notification per Pesticide Registration Notice (PRN) 98-10: Section II(J) and IV(C).

Section II(J) - We propose to update the Warranty Statement as seen on pages 8 and 9 of the proposed labeling.

Section IV(C) - We ask to add a statement to comply with California Prop 65. Please refer to page 9 of the proposed label.

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

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input 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 <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gallon		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

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 Director of Regulatory Services		Telephone No. (Include Area Code) 816-460-6292	
<p align="center">Certification</p> <p><i>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.</i></p>					6. Date Application Received (Stamped)
2. Signature 		3. Title Director of Regulatory Services			
4. Typed Name James L. Kunstman, Ph.D.		5. Date February 8, 2013			



1217 W. 12th STREET · P.O. BOX 014090
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816-421-4070 · 1-800-821-7925
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February 8, 2013

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Attn: Tony Kish, PM (22)

Dear Mr. Kish:

Subject: Labeling notification per PRN 98-10: Notifications Non-notifications and Minor Formulation Amendments.

EH-1135 PGR (EPA Reg. No. 2217-802)

I. Labeling Notification per Pesticide Registration Notice (PRN) 98-10: Sections II (J) and IV (C).

- We propose to update the warranty statement to make it consistent with previously approved statements. Please refer to pages 8 and 9 of the enclosed draft labeling.
- We also ask to add the following statement to comply with California Proposition 65: "Attention: This product contains a chemical known to the state of California to cause cancer." Please refer to page 9 of the enclosed draft labeling.

II. Certification statements:

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 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 terms of PR Notice 98-10 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 the draft labeling with annotations.
3. One (1) copy the draft labeling without notations.

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

Sincerely,

James L. Kunstman, Ph.D.
Director of Regulatory Services

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EH 1135 PGR

NOTIFICATION

MAR 12 2013

EPA Reg. No. 2217-802

ACTIVE INGREDIENT:

Mefluidide, diethanolamine salt	21.45%
Imazethapyr, ammonium salt	4.09%
Imazapyr, ammonium salt	0.15%
OTHER INGREDIENTS	74.31%
TOTAL	100.00%

THIS PRODUCT CONTAINS:

- 1.46 lb acid equivalent of mefluidide (N-[2,4-dimethyl-5-[[[(trifluoromethyl)sulfonyl]amino]phenyl]acetamide) per gallon or 16.02%.
- 0.35 lb acid equivalent of imazethapyr ((±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1-H-imidazol-2-yl]-5-ethyl-3-pyridinecarboxylic acid) per gallon or 3.86%.
- 0.01 lb acid equivalent of imazapyr (2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1-H-imidazol-2-yl]-3-pyridinecarboxylic acid)per gallon or 0.14%.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Causes eye irritation. Harmful if inhaled or if absorbed through the skin. Avoid contact with skin, eyes, or clothing.

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:

- long-sleeved shirt and long pants,
- shoes and socks,
- chemical-resistant gloves

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. • 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 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.
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 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.
<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>	

Environmental Hazards

This product is toxic to plants. Drift and run-off may be hazardous to plants in water adjacent to treated areas. 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 wash waters or rinsate. See Directions for Use for additional precautions and requirements.

This chemical (mefluidide) 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.

DIRECTIONS FOR USE

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

APPLICATION RESTRICTIONS:

- 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.
- Do not enter or allow others to enter treated areas until sprays have dried.
- Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.
- Not for sale, distribution or use in Nassau or Suffolk Counties in New York State.

EH1135 PGR can be incorporated into highway vegetation management programs to eliminate seedhead production and to reduce the mowing requirements. EH1135 PGR may be useful in the following noncropland areas:

- Highway rights-of-way (principal, interstate, state, and county highways), interchange ramps, waysides, service areas, and unpaved roads.
- Municipal, state, and federal lands such as airports, military installations, schools/universities, libraries, and hospitals.
- Commercial/Industrial areas including industrial parks, tank farms, plant sites, storage areas, fencerows, and utility rights-of-way.

EH1135 PGR may be used in established turfgrass maintained under high levels of cultural management. Examples of these sites include improved sections of industrial grounds, athletic fields, cemeteries, parks, golf course roughs, and institutional grounds.

EH1135 PGR inhibits the growth of bahiagrass, tall fescue, smooth bromegrass, orchardgrass, and Kentucky bluegrass. All established stands of these grasses should be at least one year old.

SPRAY EQUIPMENT AND MIXING INSTRUCTIONS

SPRAY EQUIPMENT:

Use conventional power spray equipment with bypass or mechanical agitation and fitted with a spray boom, off-center nozzles, or a spray gun.

It is essential that the spray equipment is properly adjusted and calibrated to assure proper dosage and uniform spray coverage. Follow the spray equipment manufacturer's directions for cleaning, adjusting pressure and selecting appropriate nozzles.

SPRAY VOLUMES:

Spray volumes of 15 to 150 gallons per acre are recommended. Uniform applications are essential. Avoid spray overlaps that will increase the dosage above those recommended.

SURFACTANTS AND SPRAY COLORANTS:

The use of a nonionic surfactant is recommended to increase the extent and consistency of the growth regulation. The suggested surfactant rate is 0.25 to 0.50% vol/vol or 1 to 2 quarts per 100 gallons of spray solution. Temporary, slight discoloration of the turf may increase with the use of a surfactant.

[The use of Gordon's Spray Colorant is recommended to allow the applicator to make uniform applications.]

SPRAY PREPARATION FOR EH1135 PGR ALONE:

1. Pour the required amount of EH1135 PGR into the spray tank containing approximately one-half the required amount of water.
2. When thoroughly mixed, add the measured amount of nonionic surfactant.
3. Add Gordon's Professional Spray Colorant to the spray tank to ensure the uniformity of the application. Refer to instructions for this colorant for the proper concentration.
4. Fill the tank as required with water and spray as recommended.

SPRAY PREPARATION FOR EH1135 PGR TANK MIXTURES:

EH1135 PGR may be applied in combination with one or more of the specified herbicides or plant growth regulators. These tank mixtures must be used according to the most restrictive label limitations and precautions. No label dosage rate should be exceeded. Follow the labeling of each companion product for precautionary statements, directions for use, dosage rates, and application schedules. Tank mixture recommendations are for use only in states where the companion products and application site are registered.

Follow these guidelines and refer to the labeling of the companion product for further instructions.

1. Add one-half to two-thirds of the required amount of water into the spray tank.
2. Add the appropriate amount of the companion product (dispersible granules or dimethylamine salt formulations) into the spray tank with agitation.
3. Pour the appropriate amount of EH1135 PGR into the spray tank.

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4. Continue agitation while adding the remainder of water and add the measured amounts of nonionic surfactant and spray colorant.
5. Continue agitation throughout the spraying operation.

SEEDHEAD SUPPRESSION

The application window or timing is critical for the optimum seedhead control.

Generally the application window for the best results will range from 2 to 3 weeks for the cool season grasses. The beginning of the application window for the cool season grasses occurs in the spring after full green-up with rapid vertical growth. The end of the application window occurs approximately 2 weeks prior to the seedhead appearance or when the seedhead can be felt at the base of the stem. Applications of EH1135 PGR after the optimum window will result in reduced seedhead suppression.

EH1135 PGR must be applied prior to the seedhead appearance at the stem apex. Application of EH1135 PGR after the seedhead emergence will suppress only the later forming seedheads.

Bahiagrass seedheads are produced from late spring until early fall. An application of EH1135 PGR in the spring will provide seedhead inhibition for 6 to 10 weeks and will suppress the vegetative growth for 4 to 5 weeks. Apply EH1135 PGR after full green-up of the bahiagrass with at least two inches of vertical growth (April to May). Applications of EH1135 PGR must be made prior to seedhead (boot) emergence.

EH1135 PGR should be used according to the instructions on this label. Refer to Table 1 for the application rate recommended for established turfgrass in noncropland sites.

VEGETATIVE GROWTH SUPPRESSION

EH1135 PGR will provide growth inhibition for cool season grasses 6 to 8 weeks under favorable growing conditions. Apply EH1135 PGR with a nonionic surfactant after full green-up of turfgrass in the spring. At the time of treatment, turf should have developed the desired appearance, the desired height, and sufficient leaf area for uptake.

Apply 12 to 16 fluid ounces of EH1135 PGR per acre with a nonionic surfactant to actively growing turf for growth suppression up to 8 weeks. Refer to Table 1 for the use rates for tank mixtures applied to low maintenance turf. Refer to Table 2 for the use rates appropriate for turfgrass with intensive management care.

EH1135 PGR will suppress the vegetative height of bahiagrass for 4 to 5 weeks. Tank mixtures of EH1135 PGR and Oust® Herbicide Dispersible Granules will extend the period of growth suppression up to 8 to 10 weeks. Refer to Table 1 for the use rates for bahiagrass.

Limitations on broadcast treatments:

The maximum application rate is 38 fl.oz. of product per acre per application (0.433 lb mefluidide ae, 0.104 lb imazethapyr ae, and 0.003 lb imazapyr ae per acre per application). The maximum seasonal rate is 88 fl.oz. of product per acre (1.000 lb mefluidide ae, 0.240 lb imazethapyr ae, and 0.007 lb imazapyr ae per acre per season).

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Table 1. Use Rates for EH1135 PGR and Tank Mixtures For Established Turfgrasses in Noncropland Sites.

Product Name	Amount of Product	Nonionic Surfactant, % vol/vol	Comments
A. BAHIAGRASS			
EH1135 PGR	28 to 38 fl.oz./acre	0.250	For growth suppression, apply after grasses are at 100 percent green-up with at least two inches of vertical growth. Use the higher dosage rate for more extended periods of foliar growth suppression. For seedhead suppression, apply prior to seedhead (boot) emergence. Do not use this product with Telar® Herbicide Dispersible Granules on bahiagrass turf because severe injury will occur. EH1135 PGR may be used prior to or sequential to all currently registered herbicides EXCEPT there must be a three month interval of grass growth between applications of EH1135 PGR and sulfonylurea and imidazolinone herbicide applications.
EH1135 PGR plus Oust® Herbicide Dispersible Granules	24 to 26 fl.oz/acre plus 1/8 to 1/4 oz./acre	0.250	For growth suppression, apply after grasses are at 100 percent green-up with at least two inches of vertical growth. Use the higher dosage rate for more extended periods of foliar growth suppression. For seedhead suppression, apply prior to seedhead (boot) emergence. EH1135 PGR may be used prior to or sequential to all currently registered herbicides EXCEPT there must be a three month interval of grass growth between applications of EH1135 PGR and sulfonylurea and imidazolinone herbicide applications.
B. TALL FESCUE, KENTUCKY BLUEGRASS, AND MIXED STANDS OF FESCUE/BUEGRASS			
EH1135 PGR	12 to 16 fl.oz./acre	0.250	Apply after grasses are at 100 percent green-up with at least two inches of vertical growth. On finer turfgrass areas where more uniform quality is desired, apply after two mowings. For seedhead suppression, apply prior to the seed stalk elongation and seedhead emergence. EH1135 PGR may be used prior to or sequential to all currently registered herbicides EXCEPT there must be a three month interval of grass growth between applications of EH1135 PGR and sulfonylurea and imidazolinone herbicide applications.
EH1135 PGR plus Telar® Herbicide Dispersible Granules	6 to 8 fl.oz./acre plus 1/8 oz./acre	0.250	Do not apply Telar® Herbicide Dispersible Granules plus EH1135 PGR to turf that is under stress from drought, insects, disease, cold temperatures or poor fertility, as injury may result. Do not apply to turf less than 1 year old. Do not exceed 1/2 ounce Telar® Herbicide Dispersible Granules per acre within a 12 month period.

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Table 1. Use Rates for EH1135 PGR and Tank Mixtures For Established Turfgrasses in Noncropland Sites.

Product Name	Amount of Product	Nonionic Surfactant, % vol/vol	Comments
EH1135 PGR plus Hi-Dep® Broadleaf Herbicide, 3.8# a.e./gal	12 to 16 fl.oz./acre plus 64 fl.oz./acre	0.250	Do not apply this tank mixture to turf that is under stress from drought, insects, disease, cold temperatures, or poor fertility, as injury may result. Do not apply to turf less than 1 year old.
C.MIXED STANDS OF FESCUE/BUEGRASS, SMOOTH BROMEGRASS, AND ORCHARDGRASS.			
EH1135 PGR plus Arsenal® Herbicide, 2.0# a.e./gal.	12 to 16 fl.oz./acre plus 1.5 fl.oz./acre	0.250	Differential responses of mixed turf species may occur with EH1135 PGR and may result in a non-uniform appearance. Determine the predominant species in the mixed turf and follow the application schedule/window for the species most commonly found.

Table 2. Application Rate Recommendations For EH1135 PGR For Established Kentucky Bluegrass And Fescues That Are Maintained With Intensive Cultural Practices.

Product Name	Amount of Product	Nonionic Surfactant, % vol/vol	Comments
A. KENTUCKY BLUEGRASS AND FESCUES			
EH 1135 PGR	2.2 to 4.35 fl.oz/acre (0.05 to 0.10 fl.oz./ 1000 sq.ft.)	---	This application rate will provide vegetative growth suppression for up to 5 weeks. Apply after grasses are at 100 percent green-up with at least two inches of vertical growth. On finer turfgrass areas where <i>more uniform quality is desired, apply after two mowings.</i> For seedhead suppression, apply prior to the seed stalk elongation. EH1135 PGR may be used prior to or sequential to all currently registered herbicides EXCEPT there must be a three month interval of grass growth between applications of EH1135 PGR and sulfonylurea and imidazolinone herbicide applications.

IRRIGATION AND RAINFALL:

To prevent product run-off, do not apply when raining or when rain is expected within 8 hours. Do not irrigate for 8 hours after application.

STRESSES:

Applications of EH1135 PGR to turfgrass that is stressed because of high air temperatures, drought, excessive soil water, diseases, or insects may cause temporary discoloration. Management practices to promote the health and vigor of the turfgrass should be continued on the treated areas.

PRECAUTIONS AND LIMITATIONS:

1. Turf treated with EH1135 PGR may appear less dense and temporarily discolored when compared with untreated, actively growing turf
2. Do not apply to any body of water such as lakes, streams, rivers, canals, ponds, reservoirs, or bays. Also, do not apply to areas where water is present on the soil surface such as swamps,

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bogs, potholes, or marshes. However, it is allowable to treat seasonally dry swamps, bogs, potholes, or marshes, berms of ditches, and road shoulders.

3. EH1135 PGR may be tank mixed with methylarsonate herbicides such as MSMA or DSMA. Do not tank mix with other postemergence grass herbicides labeled for use in turfgrass
4. Do not use on newly established stands less than 1 year old.
5. Do not reseed before three months following an application of EH1135 PGR
6. Do not use on ornamental plants as injury may result.
7. Do not contaminate food or feed.
8. Do not contaminate water intended for irrigation or domestic purposes.
9. Do not feed clippings to livestock. Do not graze livestock in treated areas.
10. Keep out of lakes, streams, and ponds.
11. Do not apply through any type of irrigation system.

Spray Drift Requirements

Wind direction

Only apply this product if the wind direction favors on target deposition.

Wind Speed

Do not apply when the wind velocity exceeds 10 mph.

Temperature Inversions

Do not make ground spray applications into temperature inversions. Inversions are characterized by stable air and increasing temperatures with height above the ground. Mist or fog may indicate the presence of an inversion in humid areas. The applicator may detect the presence of an inversion by producing a smoke layer near the ground surface.

Droplet Size

Use Coarse or coarser droplet size (ASAE S572) or, if specifically using a spinning atomizer nozzle, applicators are required to use a volume mean diameter (VMD) of 385 microns or greater.

Additional Requirements for Groundboom Applications

All ground boom 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 ground or foliage canopy.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep from freezing.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

[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

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 or use of 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

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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 OF 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 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 THE 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. _____
- [Note to reviewer: This statement may be placed on containers to comply with California Prop 65: Attention: This product contains a chemical known to the state of California to cause cancer.]

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

- HI-DEP® is a registered trademark of PBI/GORDON CORPORATION.
- OUST® and TELAR® are registered trademarks of E.I. DUPONT DE NEMOURS AND CO. INC.
- ARSENAL® is a registered trademark of BASF Corporation.
- Alternate Brand Name: STRONGHOLD® PLANT GROWTH REGULATOR

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 002217-00802.20130311.notif-proposed-clean.doc

2. Reason for Issue: EPA comments – warranty statement