

2217-814

3/10/2009

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

10 MAR 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

PRB/Gordon Corp.
1217 West 12th Street
Kansas City, MO 64101

Subject: 2,4-D RED Label Amendment
EH1314 Herbicide
EPA Reg. No. 2217-814

The labeling referred to above is in compliance with the 2,4-D RED and are amended under the RED provided that you:

1. Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data.
2. Make the following changes to the product labeling:
 - a. The Agency recommends that additional text be added to the Note to Physician which addresses category I eye irritation concerns. The following statements are some suggested types of information that could be included, if applicable:
 - technical information on symptomatology;
 - use of supportive treatments to maintain life functions;
 - medicine that will counteract the specific physiological effects of the pesticide;
 - company telephone number to specific medical personnel who can provide specialized medical advice

- b. This product is a wettable powder and therefore, must be packaged in **water-soluble packets (WSP)** as required by the 2,4-D RED.

This product must also be contained in **child resistant packaging.**

- c. Immediately following the Personal Protective Equipment heading, add the text "(PPE)."

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d. Revise the PPE “protective eyewear” to read “Goggles or facesheild”

e. The following Engineering Controls text must be added to the label:

“Water-soluble packets when used correctly qualify as a closed loading system under the WPS. Mixers and loaders using water-soluble packets (1) must wear the PPE specified above for mixers and loaders and (2) must be provided, have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown a NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH-approved respirator with any N, R, P, or HE filter.”

f. Revise the first sentence of the Environmental Hazards section to read: “This pesticide is toxic to fish and aquatic invertebrates and may adversely affect non-target plants.”

g. For the Spray Drift Management section, add the following as the last sentence to the Wind Speed paragraph:

“If applying a medium spray, leave one swath unsprayed at the downwind edge of the treated area.”

h. Under the Limitations on Broadcast Applications to Ornamental Turfgrass table (footnote), either delete the text “excluding spot treatments” or specify the spot treatment application restrictions per the MCPP-p RED.

i. Per the product chemistry review, the subheading “Storage” in the Storage and Disposal section should be revised to read “**Pesticide Storage.**”

j. Water-soluble packets allow for less restrictive container disposal language. Per the Label Review Manual (Chapter 13, table 4), revise the container disposal language to the following:

“**Container Disposal:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available or, dispose of the empty outer foil pouch in the trash as long as WSP is unbroken”

3. Please Note: Final product reregistration cannot be considered until after all active ingredients in this product are eligible for reregistration.

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A stamped copy of your labeling is enclosed for your records. Submit one (1) copy of the revised final printed label for the record before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Sincerely,

Joanne S. Miller

Joanne Miller

Product Manager 23

Herbicide Branch

Registration Division (7505P)

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ACCEPTED
with COMMENTS
in EPA Letter Dated

10 MAR 2009

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

2217-814

EH1314 HERBICIDE

EPA Reg. No. 2217-814

Use of this product on residential and other turf sites is limited to commercial applicators and other professional lawn care operators and maintenance personnel. Not for sale to or use by homeowners.

ACTIVE INGREDIENT:

2,4-dichlorophenoxyacetic acid.....	45.50%
Mecoprop-p: (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid.....	11.20%
Dicamba: 3,6-dichloro-o-anisic acid.....	2.20%
INERT INGREDIENTS.....	41.10%
TOTAL.....	100.00%

Isomer Specific by AOAC Methods

KEEP OUT OF REACH OF CHILDREN

DANGER

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

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: Corrosive. Causes irreversible eye damage. Harmful if swallowed, inhaled, or absorbed through the skin. Do not get in eyes or on clothing. Avoid breathing dust. Avoid contact with skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Personal Protective Equipment

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

All mixers, loaders, applicators and other handlers must wear:

- protective eyewear,
- long-sleeved shirt and long pants,
- shoes and socks, plus
- chemical-resistant gloves (except for applicators using ground boom equipment) and
- chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

See engineering controls for additional requirements.

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.



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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

- 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 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 further 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: Probable mucosal damage may contraindicate the use of gastric lavage.

Environmental Hazards

This pesticide may be toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

DIRECTIONS FOR USE

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

General Precautions and Restrictions:

- Do not enter or allow people (or pets) to enter the treated area until sprays have dried.
- Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

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

SITES:

EH1314 Herbicide is intended to be applied by lawn care operators, maintenance applicators, and service technicians for use in ornamental lawns and turf established in ornamental sites. Residential and institutional sites include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings. Cool season turfgrass species include Kentucky bluegrass, perennial ryegrass, and the fescues. Warm season turfgrass species include bermudagrass and zoysiagrass.

MIXING INSTRUCTIONS WITH WATER AS THE CARRIER:

1. Fill the spray tank with 1/2 to 3/4 of the required amount of water and begin agitation. Sufficient agitation during mixing and application is essential.
2. Add EH1314 Herbicide into the spray tank and maintain continuous agitation to avoid separation.
3. Fill the spray tank to 3/4 of the required amount of water. If tank mixtures are being prepared, add the companion product when the spray tank is approximately 3/4 full.
4. Finally, add the balance of the required water volume and maintain agitation prior to and during the application.

APPLICATION RATES FOR ORNAMENTAL TURFGRASS:

For Kentucky bluegrass, Fescue spp., Perennial Ryegrass, Bermudagrass and Zoysiagrass - Apply 2.20 to 3.30 pounds of product per acre per application with spray volumes ranging from 20 to 220 gallons per acre.

Limitations on broadcast applications to ornamental turfgrass.					
Use Site	Maximum Rate per Application	Maximum Number of Applications per Year	Minimum Interval Between Applications	Minimum Spray Volume	Maximum seasonal rate
Ornamental turfgrass	3.30 pounds/A (1.5 lb 2,4-D ae/A) (0.37 lb MCP-p ae/A) (0.07 lb dicamba ae/A)	2	30 Days	2 gal/A	6.6 pounds/A (3.0 lb 2,4-D ae/A) (0.74 lb MCP-p ae/A) (0.15 lb dicamba ae/A)
ae = Acid Equivalent. Do not exceed the maximum seasonal rate of 6.6 pounds (3.0 lb 2,4-D ae), 0.74 lb. MCP-p ae and 0.15 lb dicamba ae) per acre per season, excluding spot treatments.					

USE PRECAUTIONS:

Do not apply this product through any type of irrigation system. Do not use this product on or near desirable plants, including within the drip line of the roots of desirable trees and shrubs, since injury may result.

Do not spray on carpetgrass, dichondra, nor on lawns or turf where desirable clovers are present.

Do not exceed specified dosages for any area. Do not apply to newly seeded grasses until well established. Do not broadcast apply when air temperatures exceed 85°F; some injury may be expected with spot treatments when air temperatures exceed 85°F. Seed can be sown 3 to 4 weeks after application at recommended rates.

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, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind.

Temperature Inversions

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

Susceptible Plants

Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption. Susceptible crops include, but are not limited to, cotton, okra, flowers, grapes (in growing stage), fruit trees (foliage), soybeans (vegetative stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that might not be visible may injure susceptible broadleaf plants.

Other State and Local Requirements

Applicators must follow all state and local pesticide drift requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed.

Equipment

All ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates.

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

EH1314 Herbicide Controls:			
Bedstraw	Ground Ivy	Peppergrass	Shepherdspurse
Black Medic	Healall	Pigweed	Speedwell
Buckhorn	Henbit	Plantains	Spurge
Burdock	Knotweed	Poison Ivy	Wild Carrot
Chickweed	Lambsquarters	Poison Oak	Wild Garlic
Chicory	Lespedeza	Purslane	Wild Lettuce
Clover	Mallow	Ragweed	Wild Onion
Dandelion	Morningglory	Sheep Sorrel	Yarrow
Dock			

STORAGE AND DISPOSAL

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

STORAGE: Store in original container. To prevent cross-contamination, do not store near other pesticides, fertilizers, food, feed, or seeds.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law and may contaminate groundwater. If these wastes cannot be disposed of by use according to label instructions contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill, or by incineration, or if allowed by State and local authorities by burning. If burned stay out of smoke.

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.**

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.

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 Weight _____
- EPA Est. No. _____

DOCUMENT CONTROL INFORMATION

- 1. Unique Label Identifier:** 002217-00814.20080305.doc
- 2. Previous Version:** AP112403
- 3. Reason for Issue:** Various changes pertaining to re-registration. Re-format label.