

2217-816

6/17/2003

1/9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

CERTIFIED

June 17, 2003

Mr. Craig Martens
PBI/Gordon Corporation
P.O. Box 014090
Kansas City, Missouri 64101

Subject: Label Revisions/Child Resistant Packaging
EH-1346 Herbicide
EPA Reg. No. 2217-816
Your submission dated February 6, 2003

Dear Mr. Martens:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

- 1) In your "Note to Physician change "Possible mucosal damage may contraindicate the use of gastric lavage" to read "Probable mucosal damage may contraindicate the use of gastric lavage".
- 2) Based on your toxicity profile and areas of application this product meets the criteria for Child Resistant Packaging (CRP) as discussed in 40CFR Part 157. To comply with 40CFR Part 157, you must exercise one of the following options:
 - a) Submit CRP certification for the listed product
Submit a certification including: the name and EPA registration number of the product to which the certification applies, the certification statement, the

registrant's name and address, the date, and the name, title, and signature of the company officer making the certification. The certification statement must contain a statement that the pesticide product complies with 40 CFR 157.32 requirements, including the revised effectiveness standards in 16 CFR 1700.15(b), when tested by the revised protocol testing procedures in 16 CFR 1700.20. A description of the packaging used and the ASTM Standard D3475, "Standard Classification of Child-Resistant Packages," design is requested (not required).

b) Removal of Residential Uses from you label

If you choose this option, you must have the following additional statements on the front panel and under the Directions for Use: **"Not for Use or Storage in or around residential sites - see Directions for Use for prohibited areas"** (front panel). Under your "Directions for Use, please add **"Not for Use or Storage in or around residential sites, including any vehicle, article, surface or area associated with the household, non-agricultural outbuildings, non-commercial greenhouses, pleasure boats, recreational vehicles, preschools, daycare centers and applications to humans and pets"**.

Please note that stating "Not for use or storage in or around the home" is insufficient, since "residential" can also include non-agricultural outbuildings, non-commercial greenhouses, pleasure boats, recreational vehicles, preschools, daycare centers and applications to humans and pets. Please additionally note that stating "For agricultural or commercial use only" or "Only for sale to, use and storage by professional pest control operators. Not for sale to or use by Homeowners" does not preclude a product from child resistant packaging.

c) Demonstrate a lower level of toxicity

Submit new toxicity data which indicates a lower level of toxicity (see 40CFR Part 157.22) or reformulate to a less toxic product and assert that the CRP regulations do not apply. If acceptable, we may not require child resistant packaging for that product. Note that if you choose to reformulate you may be required to submit new acute toxicity data for all routes of exposure.

d) Change the packaging size of your product.

Package your product only in larger sizes so that CRP regulations do not apply. Based on your product type this would be 5 gallons or greater for

liquids. Please see 40 CFR 157.24 (a)(2) for greater detail. Please note that CRP may still be required for products packaged in a size exceeding those outlined in section 157.24 (a)(2) of the 40CFR if it is determined by the EPA that the product is distributed or sold to the general public.

Please Note: We do not recommend this option. This product has a signal word of "DANGER" and nothing which indicates that it may not be purchased by a consumer. If you disagree and can submit a statement which certifies that the channels of distribution are limited to PCOs and not homeowners (and that the product would only be packaged in containers of 5 gallons or greater) , then we will consider this option as a possibility.

3) Per PR Notice 2001-6, please change the wording of the disposal portion of your storage and disposal statement. Since your label provided wording for metal containers we have included disposal directions for pressurized containers. You may delete section "a" if this is not appropriate:

a) Products in Pressurized Containers

Do Not Puncture or Incinerate!

If empty: Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency or [toll free number which meets the criteria in paragraph II.E. of PR Notice 2001-6] for disposal instructions.

b) Products in Non-Pressurized Containers

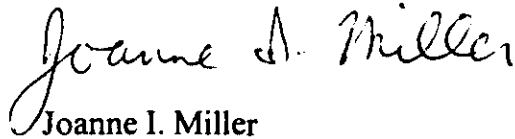
If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency or [toll free number which meets the criteria in paragraph II.E. of PR Notice 2001-6] for disposal instructions. Never place unused product down any indoor or outdoor drain

We should receive a response from you no later than 60 days from the date of this letter. With regard for the need of CRP certification, your response should indicate which options, a-d, you have selected for each product and the date of

implementation (when we will receive your CRP certification or alternative selection).
If you have any further questions, you are welcome to contact me at (703) 305-6224.

Sincerely,

A handwritten signature in cursive script that reads "Joanne I. Miller". The signature is written in black ink and is positioned above the printed name.

Joanne I. Miller

Product Manager (23)

Herbicide Branch

Registration Division (7505C)

5/9

EH1346 HERBICIDE

ACTIVE INGREDIENTS:

Dimethylamine salt of 2,4-dichlorophenoxyacetic acid	42.8%
Dimethylamine salt of (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid. .	10.9%
Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid)	3.6%
INERT INGREDIENTS:	<u>42.7%</u>
TOTAL	100.0%

THIS PRODUCT CONTAINS:

3.51 lbs. 2,4-dichlorophenoxyacetic acid equivalent per gallon or 35.7%
 0.88 lbs. (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 9.0%
 0.29 lbs. 3,6-dichloro-o-anisic acid equivalent per gallon or 3.0%
 Contains the single isomer of Mecoprop-p.
 Isomer Specific by AOAC Methods

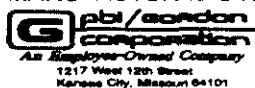
KEEP OUT OF REACH OF CHILDREN

DANGER

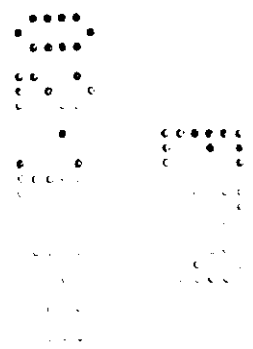
See side panel for Precautionary Statements and First Aid.

NET CONTENTS: 2.5, 5, 15, 30, and 55 GALLONS

AP-----
 EPA REG. NO. 2217-816
 EPA Est. No. 2217-KS-X
 MANUFACTURED BY:



Telephone: 1-800-821-7925



6/9



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. Do not get in eyes or on clothing. Harmful if swallowed. Wash thoroughly with soap and water after handling. When mixing, loading, or applying this product, wear long-sleeved shirt, long pants, socks, shoes, rubber gloves, and eye protection (goggles, face shield, or safety glasses). It is recommended that safety glasses include front, brow, and temple protection.

After using this product, rinse gloves before removing, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water. Remove saturated clothing as soon as possible and shower.

Engineering Control Statements:

Containers over 1 gallon and less than 5 gallons in capacity: Persons engaged in open pouring of this product must also wear coveralls or a chemical resistant apron.

Containers of 5 gallons or more in capacity: Do not open pour from this container. A mechanical system (probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a nonrefillable pesticide container are emptied, the probe must be rinsed before removal.

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:	<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: Possible mucosal damage may contraindicate the use of gastric lavage.</p>	

ENVIRONMENTAL HAZARDS:

This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and 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.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D and MCPP have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D and MCPP 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

7/9

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

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

- SITES -

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

This product is intended to be applied by lawn care operators, maintenance applicators, and service technicians for use in ornamental turf established in institutional, ornamental, and residential/domestic sites. Institutional sites are defined as turf areas around properties or facilities providing a service to public or private organizations including, but not limited to hospitals, nursing homes, schools, museums, libraries, sport facilities, golf courses, and office buildings. Ornamental sites include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings. Finally, residential/domestic 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.

- APPLICATION SCHEDULES -

Apply this product to emerged broadleaf weeds that are actively growing. Sequential or follow-up applications may be required for dense infestations of perennial and biennial weeds. If required, the treatment interval between the first and second application should be 14 to 28 days.

- APPLICATION RATES -

Dosage rates and spray volume recommendations of this product are presented in Table 1.

Generally, the lower application rates within the specified range will provide satisfactory control of sensitive weed species. The higher application rates within the specified range will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds beyond the appropriate growth stages.

The maximum application rate to turf is 1.0 pound 2,4-D acid equivalent per acre per application per site. The maximum number of broadcast applications per treatment site is 2 per year.

Table 1. Rate Recommendations for Ornamental Turfgrass.

Species	Amount of Product		Spray Volume	
	Pints/Acre	Fl.oz./1000sq.ft.	Gallons/Acre	Gallons/1000sq.ft.
Cool Season Turf				
Kentucky Bluegrass	2.0 - 2.25	0.73 - 0.83	20 to 175	0.5 to 4.0
Perennial Ryegrass	2.0 - 2.25	0.73 - 0.83	20 to 175	0.5 to 4.0
Tall Fescue	2.0 - 2.25	0.73 - 0.83	20 to 175	0.5 to 4.0
Fine leaf Fescues Hard Fescues Sheeps Fescue Red Fescue (Chewings Fescue, Slender Creeping Fescue, Spreading Fescue)	2.0 - 2.25	0.73 - 0.83	20 to 175	0.5 to 4.0
Creeping Bentgrass	1.0 - 1.25	0.37 - 0.46	40 to 175	1.0 to 4.0
Warm Season Turf				
Common Bermudagrass	2.0 - 2.25	0.73 - 0.83	20 to 175	0.5 to 4.0
Hybrid Bermudagrass	1.5 - 1.75	0.55 - 0.64	20 to 175	0.5 to 4.0
Zoysiagrass	2.0 - 2.25	0.73 - 0.83	20 to 175	0.5 to 4.0
St. Augustinegrass	1.5 - 1.75	0.55 - 0.64	20 to 175	0.5 to 4.0

- WEED SPECTRUM -

This product controls a wide variety of problem weed species including the following:

- WEEDS -		
Bedstraw	Henbit	Purslane
Black medic	Knotweed	Ragweed
Buckhorn	Lambsquarters	Sheep sorrel
Burdock	Lespedeza	Shepherdspurse
Chicory	Mallow	Speedwell
Chickweed	Morningglory	Spurge
Clover	Peppergrass	Wild carrot
Dandelion	Pigweed	Wild garlic
Dock	Plantain	Wild lettuce
Ground ivy	Poison ivy	Wild onion
Healall	Poison oak	Yarrow

- USE PRECAUTIONS AND LIMITATIONS -

- ◆ Do not apply this product through any type of irrigation system.
- ◆ Avoid drift of spray mist to vegetables, flowers, ornamentals, shrubs, trees and other desirable plants. Do not pour spray solutions near these plants.
- ◆ Do not spray on carpetgrass, dichondra, nor on lawns or turf where desirable clovers are present.
- ◆ Coarse sprays are less likely to drift. Avoid fine mists. Do not spray exposed roots of ornamentals and trees.
- ◆ 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.

STORAGE & DISPOSAL

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

STORAGE: Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing. Product may crystallize at low temperatures.

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: For Metal Containers - Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities. For Plastic Containers - Triple rinse (or equivalent). Then offer for recycling or reconditioning, 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.

9/9

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. These 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.