

2217-816

10/02/2008

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

OCT 2 2008

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

James Kuntsman
PBI/Gordon Corporation
1217 West 12th Street
P.O. Box 014090
Kansas City, MO 64101

Subject: Label Amendment for RED: 2,4-D
EH1346 Herbicide
EPA Reg. No. 2217-816

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you make the following changes to the product labeling:

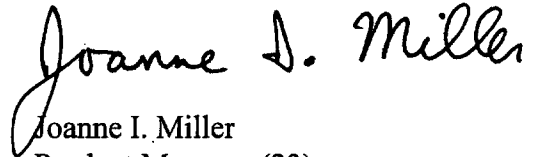
1. Per the acute toxicity review, the statement "Do not get in eyes or on clothing" in the Hazards to Humans and Domestic Animals section must be revised to read "Do not get in eyes, on skin or on clothing." Also, add the statement "Harmful if absorbed through skin."
2. The PPE section must be revised to include the text "PPE" immediately following the section heading. Also, due to the acute toxicity review, delete the text "(except for applicators using ground boom equipment)."
3. Under **Limitations on Spot Treatment for Ornamental Turfgrass**, add the statement "Limited to 2 applications per year with a minimum of 30 days between applications."
4. Assure that the required acid equivalents per acre (lbs ae/A) restrictions are expressed as product volume or product weight per unit area that are in the same units as the registered application rate already on the label. Assure that the revised maximum application restrictions do not exceed the highest currently registered rate for each appropriate application site.
5. Add the following statement to the labeling: Use of this product in certain portions of California, Oregon and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition, et al. v. EPA, C01-0132C, (W.D. WA). For further information, please refer to EPA Web Site: <http://www.epa.gov/espp>.

- 6. Note: While the Container Disposal language in the Storage and Disposal section of the label submitted for review fulfills current requirements, the registrant should consider updating their labeling to meet the requirements of Pesticide Registration (PR) Notice 2007-4: Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment". For further information, please refer to EPA Web Site: http://www.epa.gov/PR_Notices/pr2007-4.pdf

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

One copy of the label stamped "Accepted with Comments" is enclosed for your records. Please submit one copy of the final printed label before the product is released for shipment. If you have any questions, please contact Michael Walsh by phone at (703) 308-2972 or via email at walsh.michael@epa.gov.

Sincerely,



Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

Enclosure

8-5-08

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ACCEPTED
with COMMENTS
In EPA Letter Dated:
OCT 2 2008

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

2217-816

EH1346 HERBICIDE

EPA Reg. No. 2217-816

ACTIVE INGREDIENT:

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:	42.7%
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%
- 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. Do not get in eyes or on clothing. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

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.

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. 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 on clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 - 20 minutes. • Call a poison control center or doctor for treatment advice.
If swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for treatment advice.
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-877-800-5556 for emergency medical treatment advice.</p> <p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.</p>	

Environmental Hazards

This pesticide may 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.

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 30 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.

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 to 2.25	0.73 to 0.83	20 to 175	0.5 to 4.0
Perennial Ryegrass	2.0 to 2.25	0.73 to 0.83	20 to 175	0.5 to 4.0
Tall Fescue	2.0 to 2.25	0.73 to 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 to 2.25	0.73 to 0.83	20 to 175	0.5 to 4.0
Creeping Bentgrass	1.0 to 1.25	0.37 to 0.46	40 to 175	1.0 to 4.0
Warm Season Turf				
Common Bermudagrass	2.0 to 2.25	0.73 to 0.83	20 to 175	0.5 to 4.0
Hybrid Bermudagrass	1.5 to 1.75	0.55 to 0.64	20 to 175	0.5 to 4.0
Zoysiagrass	2.0 to 2.25	0.73 to 0.83	20 to 175	0.5 to 4.0
St. Augustinegrass	1.5 to 1.75	0.55 to 0.64	20 to 175	0.5 to 4.0

Limitations on broadcast treatments for ornamental turfgrass:

The maximum application rate is 2.25 pints of product per acre per application (0.99 lbs 2,4-D ae, 0.25 lb MCP-p ae, and 0.08 lb dicamba ae per acre per application). The maximum number of broadcast applications is limited to 2 per year with a minimum of 30 days between applications. The maximum seasonal rate is 4.50 pints of product per acre (1.98 lbs 2,4-D ae, 0.50 lb MCP-p ae, and 0.16 lb dicamba ae per acre).

Limitations on spot treatments for ornamental turfgrass:

Spot treatment is defined as a treatment area no greater than 1,000 sq.ft. per acre. The maximum application rate is 0.83 fl.oz. per 1,000 sq.ft. per application (0.25 lbs MCP-p acid equivalent per acre).

WEED SPECTRUM

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

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

USE PRECAUTIONS AND LIMITATIONS

- Do not apply this product through any type of irrigation system.
- Do not spray on carpetgrass, dichondra, nor on lawns or turf where desirable clovers are present.
- 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.
- Do not use this product on or near desirable plants, including contact of spray on exposed root systems or adventitious shoots within the drip line of desirable trees and shrubs, since injury may result.

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, 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.

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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.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: 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.

LIMITED WARRANTY AND DISCLAIMER

FOR USE ONLY AS DIRECTED.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY 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, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. If these terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full. 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.

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. _____

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 002217-00816.20080807.proposed.doc

2. Reason for Issue: Various changes pertaining to re-registration. Re-format label.