

2217-816

12-04-2009

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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 4 2009

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

Dear Dr. Kunstman:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 dated October 14, 2009 for:

EPA Registration 2217-816
EPA Registration 2217-841

EH 1346 Herbicide
EH-1384 Herbicide

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 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

| | | | |
|---|---|---|-----------------------|
|  | U.S. States Environmental Protection Agency Washington, DC 20460 | <input type="checkbox"/> Re registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other | OPP Identifier Number |
|---|---|---|-----------------------|

Application for Pesticide - Section I

| | | |
|---|---|--|
| 1. Company/Product Number <p style="text-align: center;">2217-816</p> | 2. EPA Product Manager <p style="text-align: center;">Joanne I. Miller</p> | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) <p style="text-align: center;">EH-1346 Herbicide</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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below. |
|--|---|

NOTIFICATION

DEC - 4 2009

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

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


Please refer to cover letter for details and certification statement.

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

Section - III

| | | | | | |
|---|--|---|--|---|-------------------|
| 1. Material This Product Will Be Packaged In: | | | | | |
| Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input 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 checked="" type="checkbox"/> Metal <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container <p style="text-align: center;">15, 30 and 55 gallons</p> | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input checked="" type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input 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> |
| 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 14, 2009</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> |

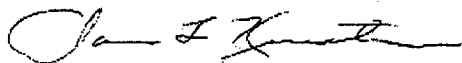
Certification with Respect to Label Integrity

version: 9/11/02

I certify that the information (including, but not limited to, text, tables, and graphics) contained in the electronic file identified below by file name and submitted with this certification is the same information as that on the paper copies of these documents included with this submission.

| PROPOSED LABEL | | |
|--------------------|-----------------------|--|
| EPA Registration # | Date Submitted to EPA | Electronic file name |
| 2217-816 | 10/14/2009 | 002217-00816.20091014. notif-proposed-highlighted 002217-00816.20091014. notif-proposed-plain |

I certify that the statements that I have made on this form are true, accurate, and complete. I acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.



Signature

10/14/2009

Date

James L. Kunstman, Ph.D.

Name (typed)

Director, Regulatory Services

Title



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

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October 14, 2009

Document Processing Desk (PRN)
Office of Pesticide Programs (7504P)
U.S. 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: Labeling notifications according to Pesticide Registration Notices
(PRN) 2007-4.
EH 1346 Herbicide (EPA Reg. No. 2217-816)**

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

October 2, 2008: A letter with comments prepared by Michael Walsh stated that the labeling was acceptable provided that six modifications were made.

October 14, 2009: We have incorporated or merged the revisions for the six comments for the draft labeling listed in the October 2 letter into one current document.

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." Please refer to pages 4-5 of the draft labeling.

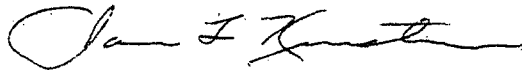
Certification: This notification is consistent with the guidance PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand 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. Enclosures:

1. Application for Pesticide Amendment (EPA Form 8570-1)
2. One (1) annotated version of the draft labeling and
3. One (1) version of 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

EH1346 HERBICIDE

NOTIFICATION

DEC - 4 2009

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 lb 2,4-dichlorophenoxyacetic acid equivalent per gallon or 35.7%
- 0.88 lb (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 9.0%
- 0.29 lb 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, on skin, or on clothing. Harmful if swallowed. Harmful if absorbed through skin. 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 (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:

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

- 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.
- 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.

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./1000 sq.ft. | Gallons/Acre | Gallons/1000 sq.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 lb 2,4-D ae, 0.25 lb MCPP-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 lb 2,4-D ae, 0.50 lb MCPP-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 lb MCPP-p acid equivalent per acre). Limited to 2 applications per year with a minimum of 30 days between applications.

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 | | | |

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.

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 and 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. 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 means 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.

[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.

[OR

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.

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11

[OR

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

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. _____
- 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>.

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 002217-00816.20091014.notif.proposed-highlighted.doc

2. Reason for Issue: PRN 2007-4