

2217-829

5/19/2010

1/10



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

James L. Kunstman, Ph.D.
Director of Regulatory Services
PBI/Gordon Corporation
Post Office Box 014090
Kansas City, Missouri 64101

MAY 19 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Mr. Kunstman:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated April 21, 2010 for:

EPA Registration 2217-829

EH-1377 Herbicide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls 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 Joyce Edwards of my staff at 703-308-5479.

Sincerely,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 2217- 829	2. EPA Product/Manager Kathryn V. Montague	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) EH-1377 Herbicide	PM# Product Manager—Team 23	
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"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION MAY 19 2010
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" 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		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per Container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gallon		5. Location of Label Directions <input checked="" 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"/> 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 James L. Kunstman, Ph.D.		Title Director of Regulatory Services		Telephone No. (Include Area Code) 816-460-6292	
Certification 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 (Stamped)
2. Signature 			3. Title Director of Regulatory Services		
4. Typed Name James L. Kunstman, Ph.D.			5. Date April 21, 2010		



An Employee-Owned Company

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

April 21, 2010

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: Kathryn V. Montague, PM-23

Dear Ms. Montague:

**Subject: Labeling notification according to Pesticide Registration Notices (PRN) 2007-4.
EH 1377 Herbicide (EPA Reg. No. 2217-829)**

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

1. 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 page 5 of the draft labeling.

2. **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) copy of the draft labeling with annotations
3. One (1) copy 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,

A handwritten signature in black ink, appearing to read 'James L. Kunstman', written over a horizontal line.

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

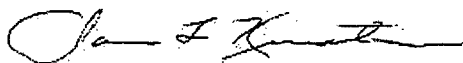
Certification with Respect to Label Integrity

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
2217-829	4/21/2010	002217-00829.20100421. notif-proposed-highlighted 002217-00829.20100421. notif-proposed-clean

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

04/21/2010

Date

James L. Kunstman, Ph.D.

Name (typed)

Director, Regulatory Services

Title

510

EH-1377 HERBICIDE

NOTIFICATION

MAY 19 2010

EPA Reg. No. 2217-829

ACTIVE INGREDIENT:

- 2-ethylhexyl ester of 2,4-dichlorophenoxyacetic acid 0.228%
- 2-ethylhexyl ester of (+)-(R)-2-(2,4-dichlorophenoxy) propionic acid 0.108%
- Dicamba: 3,6-dichloro-o-anisic acid 0.038%

INERT INGREDIENTS: 99.626%
TOTAL 100.000%

THIS PRODUCT CONTAINS:

- 2,4-dichlorophenoxyacetic acid equivalent 0.151%
- 2-ethylhexyl ester of (+)-(R)-2-(2,4-dichlorophenoxy) propionic acid equivalent 0.073%
- 3,6-dichloro-o-anisic acid equivalent 0.038%

Isomer Specific by AOAC Methods.

KEEP OUT OF REACH OF CHILDREN

CAUTION

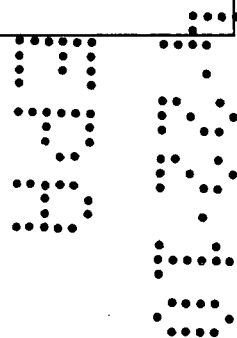
STOP! READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Harmful if inhaled. Avoid breathing vapor or spray mist. Wear long-sleeved shirt and long pants, shoes plus socks and gloves. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet

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"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give any liquid to the person. 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: Contains Petroleum distillate—vomiting may cause aspiration pneumonia.</p>	

Environmental Hazards

This pesticide is toxic to fish and aquatic invertebrates. 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 apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application. Do not allow people or pets to enter the treated area 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.

PRODUCT DESCRIPTION:

EH1377 Herbicide contains TRIMEC® turf herbicide, a combination of three proven weed killers - 2,4-D, 2,4-DP-p, and dicamba. Together they control a wide range of broadleaf weeds commonly found in home (residential) lawns. This ready-to-use herbicide is intended for spot treatments only.

EH1377 Herbicide is recommended for sparse weed infestations and for follow-up treatments of broadcast herbicide applications. This ready-to-use herbicide is intended for spot treatments only. Weeds that have not emerged at the time of application will not be controlled.

WHERE TO USE:

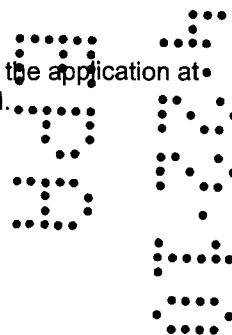
Northern Grasses - Kentucky bluegrass, perennial ryegrass and fescues.

Southern Grasses - St. Augustinegrass, centipedegrass, bentgrass, bahiagrass, bermudagrass and zoysiagrass.

WHEN TO USE:

EH1377 Herbicide can be applied in both dormant and growing seasons of turfgrass. The best control of weeds in established turf will be obtained from spring or early fall applications when weeds are actively growing.

Additional applications may be required for some weed species. If necessary, repeat the application at 14 to 21 days after the first application or when regrowth of the weed species is noted.



PROHIBITIONS:

- Do not apply to garden plants, flowers or shrubs.
- Do not use this product on carpetgrass, dichondra, nor on lawns with desirable clovers.

HOW TO USE:

Use to spot treat weeds in the lawn. EH1377 Herbicide is designed for easy treatment of small weed patches without mess or trouble and without bending or stooping.

FOR TRIGGER SPRAYERS:

NO MIXING OR POURING - AIM AT WEED AND SPRAY

For best results, use EH1377 Herbicide when weeds are actively growing. Rainfall or watering soon after application may reduce effectiveness.

FOR CONTAINERS WITH TRIGGER SPRAYERS:

EH1377 Herbicide is ready-to-use and is applied directly from the container fitted with the trigger sprayer. Direct the spray to the target weeds to provide uniform coverage of the upper leaf surfaces. [OR: Wet the broadleaf weeds thoroughly using short bursts of spray.] Usually, (X Number) pumps of this trigger sprayer will provide adequate coverage of individual weeds. Excessive spraying can injure some lawns.

FOR REFILL CONTAINERS:

EH1377 Herbicide is ready-to-use and is applied directly from the container. Remove the cap from the container and attach the trigger sprayer. Direct the spray to the target weeds to provide uniform coverage of the upper leaf surfaces. [OR: Wet the broadleaf weeds thoroughly using short bursts of spray.] Excessive spraying can injure some lawns.

CARE AND INSTRUCTIONS FOR TRIGGER SPRAYERS

OPERATION:

1. Remove sprayer from bag.
2. Unscrew cap from bottle and remove the foil seal.
3. Making sure that tube is properly inserted through hole in cap, insert tube into bottle and screw on cap.
4. Open spray nozzle approximately one full turn.
5. TO PRIME - With sprayer directed at the target area, operate trigger until spray begins (approximately 10 to 15 times).
6. Adjust the sprayer nozzle for desired spray pattern.

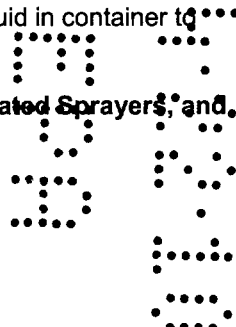
STORAGE OF TRIGGER SPRAYER:

1. Close spray nozzle.
2. Hook the trigger on or under the bottle handle so that trigger is above the level of contents.
3. To prevent clogging of trigger, remove sprayer from bottle and pump clean water through the hose and trigger.

HOW TO PRIME AND CARE FOR YOUR SPRAYER:

1. After shaking product well, remove cap from container and replace with sprayer hose and cap assembly. Tighten securely.
2. Turn sprayer nozzle one half turn counter-clockwise. Hold sprayer below the level of container and prime by pumping trigger 10 to 15 times until product is dispensed. Adjust nozzle to coarse stream.
3. To store, turn nozzle to "OFF" position and store with sprayer above level of liquid in container to prevent leakage

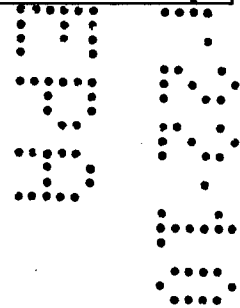
FOR SPOT TREATMENTS (Backpack Sprayers, Knapsack Sprayers, Hand Operated Sprayers, and Other Tank Sprayers):



EH1377 Herbicide is ready to apply and requires no mixing with water. Spot treatments may be appropriate for sparse weed infestations or as a follow-up treatment for dense weed infestations. Adjust the sprayer nozzle to deliver a coarse spray and apply uniformly.

Use EH1377 Herbicide to kill wild onion and any other troublesome broadleaf weeds.

BROADLEAF WEEDS			
Annual yellow sweetclover	Cocklebur	Musk thistle	Spiny amaranth
Aster	Common mullein	Mustard	Spiny cocklebur
Austrian fieldcress	Creeping jenny	Narrowleaf plantain	Spiny sowthistle
Bedstraw	Cudweed	Narrowleaf vetch	Spotted catsear
Beggarticks	Curly dock	Nettle	Spotted spurge
Betony, Florida	Daisy, English	Orange hawkweed	Spurweed
Bindweed, field	Daisy fleabane	Oriental cocklebur	Stinging nettle
Bird vetch	Daisy, oxeye	Oxalis	Strawberry, India mock
Bitter wintercress	Dandelion	Parsley-piert	Tall nettle
Bittercress, hairy	Dichondra	Parsnip	Tall vervain
Bitterweed	Dogbane	Pearlwort	Tansy ragwort
Black-eyed Susan	Dogfennel	Pennycress	Tansy mustard
Black medic	Dollarweed	Pennywort	Tanweed
Black mustard	Elderberry	Pepperweed	Thistle
Blackseed plantain	False dandelion	Pigweed	Trailing crownvetch
Blessed thistle	Falseflax	Pineywoods bedstraw	Tumble mustard
Bloodflower milkweed	False sunflower	Plains coreopsis (tickseed)	Tumble pigweed
Blue lettuce	Fiddleneck	Plantain	Velvetleaf
Blue vervain	Florida pusley	Poison ivy	Venice mallow
Bracted plantain	Frenchweed	Poison oak	Virginia creeper
Bristly oxtongue	Galinsoga	Pokeweed	Virginia pepperweed
Broadleaf dock	Goathead	Poorjoe	Wavyleaf bullthistle
Broadleaf plantain	Goldenrod	Prairie sunflower	Western clematis
Broomweed	Ground ivy	Prickly lettuce	Western salsify
Buckhorn	Gumweed	Prickly sida	White mustard
Buckhorn plantain	Hairy fleabane	Prostrate knotweed	Wild aster
Bulbous buttercup	Hawkweed	Prostrate pigweed	Wild buckwheat
Bull thistle	Healall	Prostrate spurge	Wild carrot
Bullnettle	Heartleaf drymary	Prostrate vervain	Wild four-o'clock
Burclover	Heath aster	Puncturevine	Wild garlic
Burdock	Hedge bindweed	Purslane, common	Wild geranium
Burning nettle	Hedge mustard	Ragweed	Wild lettuce
Burweed	Hemp	Red sorrel	Wild marigold
Buttercup	Henbit	Redroot pigweed	Wild mustard
Canada thistle	Hoary cress	Redstem filaree	Wild onion
Carolina geranium	Hoary plantain	Rough cinquefoil	Wild parsnip
Carpetweed	Hoary vervain	Rough fleabane	Wild radish
Catchweed bedstraw	Horsenettle	Russian pigweed	Wild rape
Catnip	Jimsonweed	Russian thistle	Wild strawberry
Catsear	Knawel	Scarlet pimpernel	Wild sweet potato
Chickweed, common	Knotweed	Scotch thistle	Wild vetch
Chickweed, mouseear	Kochia	Sheep sorrel	Woodsorrel
Chicory	Lambsquarters	Shepherdspurse	Woolly croton
Cinquefoil	Lespedeza	Slender plantain	Woolly morningglory
Clover, crimson	Mallow	Smallflower galinsoga	Woolly plantain
Clover, hop	Matchweed	Smooth dock	Wormseed
Clover, red	Mexicanweed	Smooth pigweed	Yarrow
Clover, strawberry	Milk vetch	Sorrel	Yellow rocket
Clover, sweet	Morningglory	Sowthistle	Yellowflower pepperweed
Clover, white	Mouseear hawkweed	Spanishneedles	and other
Cockle	Mugwort	Speedwell	broadleaf weeds



STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container in a locked storage area inaccessible to children or pets.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. **If Empty:** Do not reuse this container. Place in trash or offer for recycling if available. **If partially filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

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.

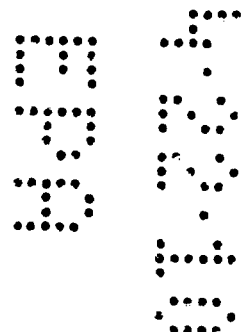
APPENDIX

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. _____

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

- No mixing - No pouring
- Ready-To-Use - Aim at weed and spray.
- Contains TRIMEC®
- TRIMEC® is a registered trademark of PBI/GORDON CORPORATION.
- Kills (Controls) (Number) weed types, roots and all
- Water-based or Water-based formulation
- Kills the weeds, not the lawn
- Kills (Controls) a wide range of broadleaf weeds roots and all.
- Controls (Kills) (desired weed species from attached listing may be inserted here,) and many other broadleaf lawn weeds.
- Kills (Controls) (desired weed species from attached listing may be inserted here,) and over (Number) broadleaf weeds
- Kills (Controls) (Number) weeds
- Gives effective control of numerous unwanted broadleaf weeds.



10/10

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 002217-00829.20100421.notif-proposed-clean.doc
2. Reason for Issue: PRN 2007-4

