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

MAY 1 8 2010

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, Mossouri 64101

Dear Dr. Kunstman:

Subject: EH-1390 Herbicide EPA Registration No. 2217-843 Your Application and Letter Dated April 27, 2010, Request to Amend Labeling by Notification, To Revise Container Disposal Statements To Comply with PR Notice 2007-4

This Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated April 27, 2010 for the product **EH-1390 Herbicide**. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in the Agency's records for this pesticide product registration.

If you have any question, please call me directly at 703-305-5697.

Sincerely vours. James Tombkins

Product Manager (25) Herbicide Branch Registration Division (7505P)

| Please read instructions on reverse befor | o completing form | | | 20412 |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------|
| A = D.4 | United States ronmental Protectio Washington, DC 2046 | U V | Registratio | |
| | Application fo | r Pesticide - Sec | tion I | |
| 1. Company/Product Number 2217-8 | 43 | 2. EPA Product M James A | anager Tompkins | 3. Proposed Classification |
| 4. Company/Product (Name) EH-1390 H | erbicide | PM# Product Man | ager—Team 25 | X Non Restricted |
| 5. Name and Address of Applicant (Ir PBI/Gordon Corporation Post Office Box 014090 Kansas City, Missouri 64101 | | (b)(i), my product EPA Reg. No | is similar or identical i | with FIFRA Section 3(c)(3) in composition and labeling to: |
| | Se | ection – II | | |
| Amendment - Explain below. Resubmission in response to Ager Notification - Explain below. | ncy letter dated | Final printe Agency lett "Me Too" A Other - Exp | pplication. | |
| Labeling notification per Pestic "Pesticide Management and Di Please refer to cover letter for | sposal: Standards for Pe details and certification st | sticide Containers a atement. | and Containment" | |
| 1. Material This Product Will Be Package | | | | |
| Child-Resistant Packaging Yes* No * Certification must be submitted Unit Packa Yes No If "Yes" Unit Packa | No. per If " | ater Soluble Packaging Yes No Yes' No. per ckage wgt. container | 2. Type of Cont Metal Plastic Glass Paper | ainer |
| be submitted Unit Packa | | | Other (S | Specify) |
| 3. Location of Net Contents Information Label Container | 4. Size(s) Retail Cor 1 quart | ntainer to 1 gallon | 5. Location of Label D On Label | product |
| 6. Manner in Which Label is Affixed to Pro | duct X Lithograph Paper glued Stenciled | Other | · | |
| | | ection - IV | ···· | |
| 1. Contact Point (Complete items directly | | | essary, to process this a | pplication.) |
| Name James L. Kunstman, | | Director of Regulator | | ephone No. (<i>Include Area Code</i>) 816-460-6292 |
| I certify that the statements I have m. I acknowledge that any knowingly fai both under applicable law. 2. Signature | lse or misleading statement may 3. Title | be punishable by fine or i | mprisonment or عن من | 6. Date Application Received (Stamped) |
| 4. Typed Name | | | دَ | · · · · · · · · · · · · · · · · · · · |
| James L. Kunstman, | 5. Dat | e April 27, 2010 | נינ נ נני | کر دخ ر |

pbi/gordon corporation 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 27, 2010

Document Processing Desk (PRN) Office of Pesticide Programs (7504P) US Environmental Protection Agency Room S-4900, One Potomac Yard 2777 South Crystal Drive Arlington, VA 22202-4501 Attn: Mr. James A. Tompkins, (PM-25)

Dear Mr. Tompkins:

Subject: Pesticide Registration Notice (PRN) 2007-4, Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal: Standards for Pesticide Containers and Containment". EH-1390 Herbicide (EPA Reg. No. 2217-843)

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

1. Labeling revisions: We ask to revise the disposal instructions 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 2 of the draft labeling, and one (1) copy of the annotated labeling is enclosed for your review.

2. Certification: This notification is consistent with the guidance of 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, 156.144, 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.



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II. Enclosures:

- 1. Application for Pesticide Amendment (EPA Form 8570-1)
- 2. Certification with Respect to Label Integrity, and CD containing PDF copy of proposed label.
- 3. One (1) copy of the annotated draft labeling
- 4. 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,

Van I Za

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



EH-1390 HERBICIDE

| ACTIVE INGREDIENT: | |
|------------------------------------|---------------|
| Isopropylamine salt of glyphosate* | 1.25% |
| INERT INGREDIENTS: | <u>98.75%</u> |
| TOTAL | 100.00% |
| *N-(Phosphonomethyl)glycine | |

KEEP OUT OF REACH OF CHILDREN

CAUTION

See [back/side/inside panel or booklet] for additional Precautionary Statements and First Aid

NET CONTENTS: (Quart, ½ Gallon, Gallon)

AP042710 EPA REG. NO. 2217-843 EPA EST. NO. 2217-KS-1 MANUFACTURED BY: Concretion An Employee-Owned Company 1217 West 12th Streen Manuel Chr. Medicini Dation

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NOTIFICATION

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

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Harmful if swallowed. Wash thoroughly with soap and water.

First Aid

| lf in eyes: | 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: | 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: | 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 a poison control center or doctor. Do not give anything by mouth to an unconscious person. |
| Have the product for treatment. | ct container or label with you when calling a poison control center or doctor or going |

ENVIRONMENTAL HAZARDS:

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater and rinsate.

PHYSICAL OR CHEMICAL HAZARDS:

Combustible. Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

Keep children and pets out of treated areas until sprays have dried.

STORAGE & DISPOSAL

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

PESTICIDE STORAGE: Store in original container in a locked storage area. Keep from freezing. **PESTICIDE DISPOSAL AND CONTAINER HANDLING:** Nonrefillable container. Do not reuse or refill this container. **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency or www.website.com for disposal instructions. Never place unused product down any indoor or outdoor drain.

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HOW IT WORKS:

Facts and Tips

- EH-1390 Herbicide is a general purpose herbicide designed as a ready-to-use spray to control a broad spectrum of emerged annual and perennial weed species. EH-1390 Herbicide will control unwanted species of grass, sedge, broadleaf weeds, and certain woody species around trees, shrubs, fences.
- This product kills plants by inhibiting the production of a substance found only in plants. It enters plants through the sprayed foliage and moves down to the roots.
- This product is nonselective and will kill or injure all vegetation contacted by the spray. Do not spray
 plants or grasses you like—they may die too. Not recommended for spot weed control in lawns since
 this product kills lawn grasses.
- Any product not absorbed by plants breaks down into natural materials without moving in or on the soil to untreated plants.
- This product has no soil residual activity and thus will not affect nearby untreated plants.
- Plants that have not emerged at the time of application will not be controlled.
- Best results will be obtained when the weed species are actively growing.

CONTROLS WEEDS AND GRASSES INCLUDING:

Lawn and Turfgrass Species

EH-1390 Herbicide will provide full or partial control (suppression) of these lawn and turfgrass species:

| Bahiagrass | Canarygrass, reed | Kikuyugrass |
|----------------------------------------------|----------------------------------------------------|--------------------------------------------------|
| Bentgrass, colonial, creeping and | Carpetgrass | Orchardgrass |
| redtop | Centipedegrass | Paspalum spp |
| Bermudagrass, common and hybrid | Fescue, chewings, hard, red, tall and sheep | Ryegrass, annual (Italian), perennial, and hardy |
| Bluegrass, annual, rough, and Kentucky | Foxtail, green, yellow, creeping, meadow and giant | St. Augustinegrass Zoysiagrass or Japanese |
| Bromegrass, downy and smooth Buffalograss | Johnsongrass | lawngrass |

Woody Species

EH-1390 Herbicide will provide full or partial control (suppression) of these woody species:

| Alder | Hickory | Poison hemlock |
|----------------|-----------------|-------------------|
| Blackberry | Kudzu | Oak |
| Barberry | Lantana | Quaking aspen |
| Ceanothus spp. | Maple | Raspberry |
| Cherry | Multiflora rose | Sumac |
| Coyotebrush | Mock orange | Trumpetcreeper |
| Dewberry | Manzanita | Wild blackberry |
| Elm | Pine | Western red cedar |
| Elderberry | Poison ivy | Willow |
| Honeysuckle | Poison oak | |

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Annual and Perennial Weed Species

EH-1390 Herbicide will provide full or partial control (suppression) of these annual and perennial weed species:

| Artichoke, Jerusalem | Fennel - | Oleander | Topouroguot |
|----------------------|---------------------------------------|------------------------|----------------------|
| | · · · · · · · · · · · · · · · · · · · | | Tansy ragwort |
| Barnyardgrass | Fiddleneck | Oxalis | Tansy mustard |
| Beggarweed | Field bindweed | Pampasgrass | Texas panicum |
| Bittercress | Field pennycress | Pennsylvania smartweed | Thistle |
| Black medic | Field sandbur | Pennywort | Timothy |
| Broadleaf plantain | Filaree | Pigweed | Toadflax |
| Buckhorn plantain | Florida pusley | Plantain | Torpedograss |
| Bull thistle | Garden spurge | Prickly lettuce | Trailing lantana |
| Burclover | Goosegrass | Primrose | Tumble mustard |
| Buttercup | Green foxtail | Prostrate spurge | Vaseygrass |
| Canada thistle | Guineagrass | Puncturevine | Velvetleaf |
| Chickweed | Hemp sesbania | Purple cudweed | Virginia-creeper |
| Clover | Henbit | Purple nutsedge | White clover |
| Cocklebur | Horsenettle | Purslane | Whitetop |
| Cogongrass | Horseradish | Quackgrass | Wild barley |
| Common groundsel | Horseweed/marestail | Ragweed | Wild carrot |
| Common mullien | Iceplant | Red clover | Wild geranium |
| Common ragweed | Ironweed | Red sorrel | Wild morningglory |
| Coral-bead | Knapweed | Redroot pigweed | Wild mustard |
| Crabgrass | Knawel | Shepherspurse | Wild oats |
| Creeping beggarweed | Knotweed | Smartweed | Wild sweet potato |
| Creeping Charlie | Lambsquarters | Smooth catsear | Witchgrass |
| Curly dock | London rocket | Smooth pigweed | Yarrow |
| Dallisgrass | Lovegrass | Sowthistle | Yellow nutsedge |
| Dandelion | Mallow | Spotted spurge | Yellow oxalis |
| Dogfennel | Mayweed | Sprangletop | Yellow starthistle |
| Evening primrose | Milkweed | Spurge | and many other weeds |
| Fall panicum | Mouseear chickweed | Sunflower | |
| False dandelion | Nimblewill | | |

WHERE TO USE:

For General Weed Control and Spot Spraying

- Along and on sidewalks, gravel/brick walkways, paths, curbs, paved areas (private roads and streets), driveways, parking areas, recreational areas.
- Along ornamental lawns and turfgrass.
- Around or near ornamental/shade trees, fruit and nut trees, grapevines, shrubs, groundcovers, flower beds, mulched landscape beds.
- Along fences, hedgerows, under fencelines.
- Around rocks, signposts, light posts, or on fringe areas.
- Around or along buildings/structures, foundations, patios, houses, mobile homes, vacant lots, urban areas, domestic outdoor premises, and other areas associated with household or home life.
- In areas for lawn replacement or garden plot preparation.
- Urban areas where total vegetation control is desired.
- Farmsteads where total vegetation control is desired: around farmstead building foundations, along fences, hedgerows, fencerows, under fencelines, around shelterbelts and other areas where nonselective weed control is desired.

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For Landscaping

- Prepare areas for planting of ornamentals, trees, shrubs, desert landscapes, rock gardens, flower beds or similar plantings.
- Delay mowing, tilling, or disturbing the treated vegetation for at least seven (7) days after application of this product for the best results. However, if the treated vegetation is not disturbed, planting or transplanting of trees, flowers, shrubs, bedding plants may be done at one (1) day after application.

For Wildlife Areas

- Prepare areas for planting wildlife food.
- Control undesirable and exotic plants to allow for recovery or planting of native species.
- Make treatments to remove unwanted plants, carefully keep spray off desirable plants.

For Brush Control

Foliar Sprays for Brush:

- Cut back brush that is taller than 5 feet and then spray regrowth.
- For maximum activity, weeds should be growing vigorously at the time of the postemergent applications. The most favorable period for treatment occurs after full leaf stage in the spring and continues into early summer. Brush treated in the late fall may not be fully controlled.
- Spray uniformly the foliage of the vegetation to be controlled. Apply for full coverage and thorough brush/weed contact.
- Follow-up applications of this product or with a different herbicide may be needed under less favorable growing conditions and for hard-to-control species including blackberry, poison oak, and kudzu. Another choice for effective brush control is Gordon's Cleanout[®] Brush and Stump Spray. Gordon's Cleanout[®] Brush and Stump Spray is recommended to control undesirable woody plants including buckbrush, poison ivy, multiflora rose, and sumac. Foliar applications of Gordon's Cleanout[®] Brush and Stump Spray are appropriate during the period of active growth of the brush. Cut stump, basal bark, and frill treatments of Gordon's Cleanout[®] Brush and Stump Spray may be applied any time of year.

Cut-Surface Stump Treatment

- Cut stump treatments are effective on stumps with diameters larger than 3-4 inches in diameter.
- Cut trees and brush close to the soil surface. Apply this to the freshly cut surface of the stump *immediately* after cutting. Delays in application may reduce the effectiveness.
- Apply for full and thorough coverage of the cut surface. Treat the entire circumference of the stump by drenching the cambium (the outermost wood between the pith and the bark).
- Treatment will control or suppress many types of woody brush and trees, such as alder, bluegum eucalyptus, madrone, oak, giant reed, saltcedar, sweetgum and tan oak.
- The most favorable period for cut stump treatment occurs after full leaf stage in the spring and continues into early summer. Brush and trees treated in the late fall may not be fully controlled.
- Follow-up applications of this product or with a different herbicide may be needed under less favorable growing conditions and for hard-to-control species. Another choice for effective control with a cut-surface stump treatment is Gordon's Cleanout[®] Brush and Stump Spray.

For Lawn Renovation and Lawn Establishment

- Spot treatments or broadcast applications can be used to establish or renovate warm season and cool season turfgrass from seed or planting stock. This product may be applied before planting, seeding, sprigging, plugging, or sodding.
- Use EH-1390 Herbicide to remove the existing lawn and kill weeds and grasses. Uniform and complete spray coverage of all existing vegetation is required. Bermudagrass, nutsedge, torpedograss and deep rooted perennials may require a second treatment in 5 to 7 days.

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- For best results, apply in spring or fall when daytime temperatures are at least 60° F.
- Best results are obtained when one mowing is skipped before and after the application of this product.
- If the lawn is dry, water lawn before applying EH-1390 Herbicide. Water again 2 to 3 days after application.
- Seeding, sprigging, plugging or sodding may be done at seven (7) days after application of this product. Prepare the soil for planting by raking, rototilling, vertical cutting, or other tillage method.
- Rake up and remove loosened thatch or debris.
- Mix in starter fertilizer and soil amendments if needed. Establish the lawn according to local cultural practices.

For Vine Control

- If vines are growing up poles, fences, or tree trunks with mature bark, cut vines to a height of 3 to 4 feet and spray vines thoroughly.
- If vines are climbing shrubs or tree trunks with green bark, cut vines at base and treat as directed for stumps or spray regrowth.
- If spraying regrowth, shield shrubs and green bark from spray drift with a piece of cardboard or plastic.

HOW AND WHEN TO APPLY:

- EH 1390 Herbicide is formulated for "spot" treatment of individual weeds and grasses. This product is ready-to-use (RTU) and is applied directly from the container fitted with a trigger sprayer. Adjust the sprayer tip to deliver coarse spray droplets to the individual weeds. Direct the spray to the target weeds—the ones you want to kill—to provide uniform and thorough coverage. Apply on a spray-to-wet basis.
- [Supplemental registrants may include or omit instructions for use as an edger as presented in this paragraph.] EH 1390 Herbicide is an easy edger for use around desirable plants and vegetation. To use, remove cap and fasten the built-in sprinkler applicator. For edging, turn container upside down. Walk slowly holding nozzle 2 to 6 inches above [weeds and grasses][area to be treated]. Thoroughly wet the foliage of the unwanted vegetation. A one-gallon container covers a 2 inch band 1,200 feet long. For larger area coverage, adjust the width of the spray pattern by varying the height of the container.]
- Apply when the weeds are growing actively and air temperatures are above 60°F.
- Spray [Use] when air is calm to prevent drift to desirable plants.
- When treating around desirable plants, shield plants from drift with a sheet of cardboard or plastic. If desirable plant is accidentally sprayed, rinse off immediately with water.
- One (1) application will kill most of the weeds listed.
- Weeds usually begin to wilt within hours with complete kill in 1 to 2 weeks
- Rain or watering 2 hours after application will not wash away effectiveness
- Weed control may be reduced under adverse environmental conditions, e.g., drought, cool temperatures or misapplication. Difficult to control weeds, dense infestations/populations, or heavy/dense growth (canopy) of the target species may require additional applications. Two (2) or more applications at four (4) weeks intervals may be required for season long control.
- Ornamental flowers, trees and shrubs may be planted 1 day after application.
- This 32 fl.oz. (1.0 quart) retail container size treats approximately 250 weeds or up to 500 sq.ft.
- This 64 fl.oz. (1/2 gallon) retail container size treats approximately 500 weeds or up to 1,000 sq.ft.
- This 128 fl.oz. (1.0 gallon) retail container size treats approximately 1,000 weeds or up to 2,000 sq.ft.

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GARDENS (vegetables, herbs, small fruits and berries):

This product may be applied before planting or transplanting of vegetables (garden crops), herbs and small fruits and berries. This product may be used as a broad spectrum postemergent herbicide prior to planting to control annual and perennial weeds including field bindweed, johnsongrass, or dallisgrass.

Spray the undesirable vegetation on a spray-to-wet basis. Uniform and complete spray coverage of all existing vegetation is required.

Planting intervals:

| Blackberry, blueberry, boysenberry, currant, dewberry, elderberry, gooseberry, huckleberry, Loganberry, olallieberry, red raspberry and black raspberry | 1 day |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Artichoke (Jerusalem), beans (all), beet greens, broccoli, Brussels sprout, cabbage (all), carrot, cauliflower, celery, chard (Swiss), chicory, collards, endive, horseradish, kale, kohlrabi, leek, lentil, lettuce, mustard greens, okra, onion, rape greens, parsley, parsnip, potato, radish, rhubarb, rutabaga, spinach, sweet potato, turnip and yams | 1 day |
| Corn, cucumber, eggplant, garlic, gourds, melons (all), pea (all), pepper (all), pumpkin, squash (summer and winter), tomatillo, tomato (by seed) and watercress | 3 days |
| Tomatoes from transplants and all berries, fruits, vegetables and herbs not on previous lists | 30 days |

Harvest intervals:

Allow a minimum of 14 days between the last application of this product and harvest of berries: Blackberry, blueberry, boysenberry, currant, dewberry, elderberry, gooseberry, huckleberry, Loganberry, olallieberry, red raspberry and black raspberry.

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.

[brand name] is a trademark of PBI/GORDON Corporation

APPENDIX

- I. Advertising claims that may be presented on container labeling:
- Ready-To-Use -- no mixing
- · For nonselective postemergent control of unwanted vegetation
- For nonselective weed control on noncrop/residential areas
- Contains glyphosate
- Quick and easy to use
- No leaks or mess
- Easy to store
- No mixing required
- Covers approximately #_____ sq. ft. (dependent upon container size)
- Systemic weed and grass killer for spot treatment of unwanted weeds and grasses
- Kills weeds and grasses listed on this label
- Kills to the root
- No soil residual activity
- Kills roots and all in 2-4 weeks
- Kills even the toughest weeds
- Eliminates undesirable vegetation in 2-4 weeks
- For use around flower beds, trees and shrubs, fences, walks, mulch beds, gravel and driveways
- For use around flower beds, trees, shrubs, fences and walks
- Ideal for vegetable garden weed control
- [Rain-Proof in hours][Rain-Proof in less than _____ hours.
- Results in as little as 24 hours
- [For product information and a complete list of weeds controlled] [For more information] [For questions or comments], [call toll-free 1 8xx-yyy-zzzz or visit (website address)]

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