

2217-843

5/18/2010

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

MAY 18 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, Missouri 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 yours,

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

2012



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 2217-843	2. EPA Product Manager James A. Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> Non <input type="checkbox"/> Restricted
4. Company/Product (Name) EH-1390 Herbicide	PM# Product Manager—Team 25	
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 _____
<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.)

NOTIFICATION:

Labeling notification per 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 cover letter for details and certification statement.

FAX: 816-421-2791. e-mail to jkunstman@bpbigordon.com

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 checked="" type="checkbox"/> Metal	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 quart to 1 gallon		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 checked="" 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 27, 2010			

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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,



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

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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

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"> • 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 container or label with you when calling a poison control center or doctor or going for treatment.	

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.

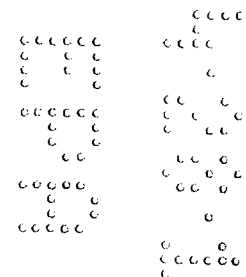
Keep children and pets out of treated areas until sprays have dried.

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.



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

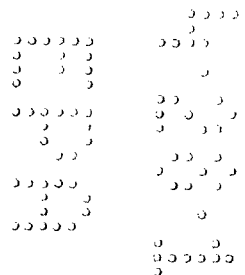
EH-1390 Herbicide will provide full or partial control (suppression) of these lawn and turfgrass species:

Bahiagrass	Canarygrass, reed	Kikuyugrass
Bentgrass, colonial, creeping and redtop	Carpetgrass	Orchardgrass
Bermudagrass, common and hybrid	Centipedegrass	<i>Paspalum spp</i>
Bluegrass, annual, rough, and Kentucky	Fescue, chewings, hard, red, tall and sheep	Ryegrass, annual (Italian), perennial, and hardy
Bromegrass, downy and smooth	Foxtail, green, yellow, creeping, meadow and giant	St. Augustinegrass
Buffalograss	Johnsongrass	Zoysiagrass or Japanese 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
<i>Ceanothus spp.</i>	Maple	Raspberry
Cherry	Multiflora rose	Sumac
Coyotebrush	Mock orange	Trumpet creeper
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	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	Sheepspurge	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:

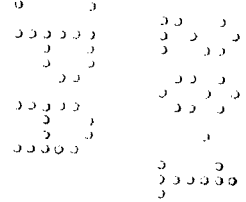
- Cut back brush that is taller than 5 feet and then spray regrowth.
- For maximum activity, weeds should be growing vigorously at the time of the postemergent applications. The most favorable period for treatment occurs after full leaf stage in the spring and continues into early summer. Brush treated 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. (½ 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.

