

2217-849

10/6/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

PBI/Gordon Corporation
P.O. Box 014090
Kansas City, MO 64101

OCT - 6 2009

Product: EH 1395 Herbicide
EPA Reg. No: 2217-849
Subject: Response to Agency RED letter dated June 17, 2009

Dear Dr. Kunstman:

The resubmitted labeling for EH 1395 Herbicide incorporating the revisions listed in the Agency's 2,4-D RED letter dated June 17, 2009 has been reviewed. The incorporated revisions are in compliance with the REDs, with the exception of the listing of an emergency medical phone number contact in the First Aid section. In addition, this review has revealed a few minor revisions that are needed for the label that were not listed in the 2,4-D RED letter. The following minor revisions must be incorporated into the product label before the next product shipment.

1. Per the combined RED label table, the first sentence of the Environmental Hazards statement must read:
"This pesticide is toxic to fish and aquatic invertebrates **and may adversely affect non-target plants.**"
2. The last sentence of the 'Use Precautions' section on page 3 of 7 must have the word "recommended" changed to "specified," as it is referring to application rates.
"Recommended" application rates can not be enforced.

Submit one (1) copy of the final printed label before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Sincerely,

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

Enclosure

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EH-1395 HERBICIDE

EPA Reg. No. 2217-849

ACTIVE INGREDIENT:

| | |
|--|---------------|
| Dimethylamine salt of 2,4-dichlorophenoxyacetic acid | 33.87% |
| Dimethylamine salt of (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid | 8.18% |
| Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) | 3.76% |
| INERT INGREDIENTS: | <u>54.19%</u> |
| TOTAL | 100.00% |

THIS PRODUCT CONTAINS:

- 2.68 lb 2,4-Dichlorophenoxyacetic acid equivalent per gallon or 28.14%
- 0.64 lb (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid equivalent per gallon or 6.76%
- 0.29 lb 3,6-Dichloro-o-anisic acid equivalent per gallon or 3.12%

Isomer Specific By AOAC Methods.

TRIMEC® is a registered trademark of PBI/GORDON CORPORATION

ACCEPTED
with COMMENTS
In EPA Letter Dated:
OCT - 6 2009

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

KEEP OUT OF REACH OF CHILDREN

DANGER

KEEP FROM FREEZING

2217-849

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. Harmful if swallowed. Do not get in eyes, on skin or clothing. ~~Wear protective eyewear such as goggles, face shield, or safety glasses. Harmful if swallowed, if absorbed through skin or if inhaled. Avoid breathing spray mist.~~

Some materials that are chemical-resistant to this product are natural rubber, natural rubber blends and laminates. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators, flaggers, and other handlers must wear:

- protective eyewear (goggles or face shield),
- long-sleeved shirt and long pants,
- shoes and socks, plus
- chemical-resistant gloves (except for applicators using ground boom equipment), and ~~when applying with any handheld nozzle or equipment, mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.~~
- chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

~~See engineering controls for additional requirements.~~



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.

Engineering Control Statements

~~For container sizes over 1 gallon and less than 5 gallons: Persons engaged in open pouring of this product must also wear coveralls or a chemical resistant apron.~~

~~For container sizes of 5 gallons or more: Do not open pour product from this container. A mechanical system (probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.~~

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 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 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 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. |

Have the product container or label with you when calling a poison control center or doctor or going for treatment.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Environmental Hazards

This pesticide ~~may be~~ 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 ~~except as noted on appropriate labels~~. 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,

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may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

DIRECTIONS FOR USE

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

GENERAL PRECAUTIONS AND RESTRICTIONS:

- Do not enter or allow people (or pets) to enter the treated area until sprays have dried.
- Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

SITES:

EH-1395 Herbicide is intended to be applied by lawn care operators and landscape personnel for use in ornamental lawns and turf established in ornamental sites. Ornamental sites include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings. Cool season turfgrass species include Kentucky bluegrass, perennial ryegrass, and the fescues.

MIXING INSTRUCTIONS WITH WATER AS THE CARRIER

1. Prepare only the amount of spray mixture which can be used the day that it will be sprayed.
2. Fill the spray tank with 1/2 to 3/4 of the required amount of water and begin agitation. Sufficient agitation during mixing and application is essential.
3. Add EH-1395 Herbicide into the spray tank and maintain continuous agitation to avoid separation.
4. Fill the spray tank to 3/4 of the required amount of water. If tank mixtures are being prepared, add the companion product when the spray tank is approximately 3/4 full.
5. Finally, add the balance of the required water volume and maintain agitation prior to and during the application.

APPLICATION RATES FOR ORNAMENTAL TURFGRASS

For Kentucky bluegrass, Fescue spp., and Perennial Ryegrass:

For selective broadleaf control in ornamental turf, apply a maximum of ~~2.94~~ 4.5 pints of product per acre per application (1.5 lb ae 2,4-D/acre) with spray volumes ranging from 20 to 220 gallons per acre.

The maximum application rate is ~~2.94~~ 4.5 pints of product per acre per application (~~0.97~~ 1.5 lb 2,4-D acid equivalent 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 ~~5.82~~ 9.0 pints of product per acre (~~4.95~~ 3.0 lb 2,4-D acid equivalent per acre), excluding spot treatments.

For spot treatments: Do not exceed 1.2 lbs ae MCP-P/p/A per application (1/3 pint of product per 1000 sq.ft.). Do not make more than 2 spot treatments per year with a minimum retreatment interval of 30 days. A spot treatment is defined as an area not greater than 1000 sq.ft. per acre.

USE PRECAUTIONS:

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.

Use only lawn-type sprayers. Do not spray roots of ornamentals and trees. Do not exceed specified dosages for any area. Be particularly careful within the dripline of trees and other ornamental species. 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.

Spray Drift Management

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of ground application (e.g., ground, aerial, airblast, chemigation) can influence

pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Droplet Size

~~When applying sprays that contain 2,4-D as the sole active ingredient, or when applying sprays that contain 2,4-D mixed with active ingredients that require a Coarse or coarser spray, apply only as a Coarse or coarser spray (ASAE standard 572) or a volume mean diameter of 385 microns or greater for spinning atomizer nozzles.~~

~~When applying sprays that contain 2,4-D mixed with other active ingredients that require a Medium or more fine spray, apply only as a Medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.~~

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 15 mph. Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind. ~~If applying a Medium spray, leave one swath unsprayed at the downwind edge of the treated field.~~

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 ~~aerial and~~ ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates. ~~Additional requirements for ground boom application:~~ Do not apply with a nozzle height greater than 4 feet above the crop canopy.

| EH-1395 HERBICIDE CONTROLS: | | | |
|-----------------------------|---------------|--------------|----------------|
| Bedstraw | Ground ivy | Peppergrass | Shepherdspurse |
| Black medic | Healall | Pigweed | Speedwell |
| Buckhorn | Henbit | Plantains | 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 | | | |

STORAGE AND DISPOSAL

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

STORAGE: Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing. Do not contaminate feed or foodstuffs.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law ~~and may contaminate groundwater~~. If these wastes cannot be disposed of by use according to label instructions, contact your state Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: ~~For Metal Containers: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities. For Plastic Containers: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities by burning. If burned stay out of smoke.~~

[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.

[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.

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>.

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.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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.

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. _____

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DOCUMENT CONTROL INFORMATION

1. **Unique Label Identifier:** 002217-00849.20090701.amend-proposed.doc
2. **Reason for Issue:** Incorporate EPA comments, PRN 2007-4