

2217-851

8/29/2008

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

AUG 29 2008

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

James L. Kunstman
PBI/Gordon Corporation
1217 West 12th St.
P.O. Box 014090
Kansas City, Missouri 64101-0090

Dear Dr. Kunstman:

SUBJECT: RED Label Amendment
EH-1397 Herbicide
EPA Registration No. 2217-851

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you make the labeling changes listed below before you release the product for shipment bearing the amended labeling:

1) The label must contain the following guidance:

- a. **NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.
- b. The Agency recommends that additional text be added to the Note to Physician that addresses eye irritation concerns.

2) A phone number for emergency medical treatment information should be added to the label.

3) Revise the statement "Do not get in eyes, on skin or on clothing" in the Hazards to Humans and Domestic Animals section to read "Do not get in eyes or on clothing."

4) The following chemical-resistant glove text must be deleted from the PPE section of the label:

"when applying with any handheld nozzle or equipment, mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate."

In addition, add the text "(PPE)" immediately following the Personal Protective Equipment heading, and delete the statement "See engineering controls for additional requirements."

5) Add the text "...and may adversely affect non-target plants" to the end of the first sentence under the Environmental Hazards section. Also, delete the text "except as noted on appropriate labels" from the second sentence.

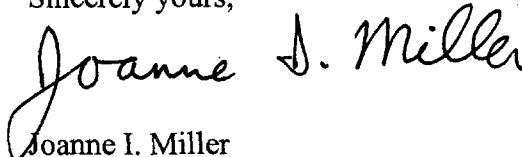
6) Revise the "Droplet Size" section under Spray Drift Management to read "Use only medium or coarser spray nozzles according to ASAE (standard 572) definition of standard nozzles or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles."

7) Add the following statements to the Application Rates for Ornamental Turfgrass section:

"Limited to two spot treatment applications per year. A minimum of 30 days between applications is required."

Submit one (1) copy of your final printed labeling before you release the product for shipment. A stamped copy of the labeling is enclosed for your records. Please note that final product registration cannot be considered until after all active ingredients in this product are eligible for reregistration.

Sincerely yours,



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

Enclosure

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EH-1397 HERBICIDE

ACCEPTED
with COMMENTS
In EPA Letter Dated:

AUG 29 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

EPA Reg. No. 2217-851

2217-851

ACTIVE INGREDIENT:	
2,4-dichlorophenoxyacetic acid	45.59%
(+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid	10.20%
Dicamba (3,6-dichloro-o-anisic acid)	4.30%
INERT INGREDIENTS:.....	39.91%
TOTAL.....	100.00%

Isomer Specific By AOAC Methods.
TRIMEC® is a registered trademark of PBI/Gordon Corporation

KEEP OUT OF REACH OF CHILDREN

DANGER

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

PRECAUTIONARY STATEMENTS

Hazards to Human and Domestic Animals

DANGER: Corrosive. Causes irreversible eye damage. Harmful if swallowed or absorbed through skin. Do not get in eyes, on skin or clothing. Avoid contact with skin. Prolonged or repeated skin contact may cause allergic reactions in some individuals.

Personal Protective Equipment

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, flaggers, and other handlers must wear:

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



User Safety Recommendations	
<ul style="list-style-type: none"> • 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 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.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	

Environmental Hazards

This pesticide may be 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, 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-1397 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-1397 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. Apply the spray mixture on the same day of spray preparation.

APPLICATION RATES FOR ORNAMENTAL TURFGRASS

For Kentucky bluegrass, Fescue spp., and Perennial Ryegrass: The maximum application rate for established turfgrass is 2.74 pounds (1.25 pounds 2,4-D acid equivalent) per acre per application per site. The maximum number of broadcast applications per treatment site is two applications per year. The maximum seasonal rate is 5.5 pounds of product per acre (2.5 lbs 2,4-D acid equivalent per acre), excluding spot treatments.

The equivalent application rates are presented below:

Pounds of 2,4-D Acid Equivalent Per Acre Per Application Per Site	Maximum Application Rates of EH-1397 Herbicide	
	1.25	2.74 lb/A

For selective broadleaf control in ornamental turf, apply a maximum of 2.74 pounds of product per acre per application with spray volumes ranging from 20 to 220 gallons per acre. Or, apply a maximum of 1.0 ounce of product per 1,000 square feet of turf per application with spray volumes ranging from 0.5 to 5.0 gallons per 1,000 square feet of turf.

Spray Drift Management

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of 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.

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.

USE PRECAUTIONS: Do not apply this product through any type of irrigation system. Do not pour spray solutions near these plants. Do not spray on carpetgrass, dichondra, nor on lawns or turf where desirable clovers are present.

Use only lawn-type sprayers. Coarse sprays are less likely to drift. 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 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.

EH-1397 CONTROLS:			
Bedstraw	Ground ivy	Peppergrass	Shepherdspurse
Black medic	Healall	Pigweed	Speedwell
Buckhorn	Henbit	Plantain	Spurge
Burdock	Knotweed	Poison ivy	Wild carrot
Chickweed	Lambsquarters	Poison oak	Wild garlic
Chicory	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. To prevent cross contamination, do not store near other pesticides, fertilizers, food, feed, or seeds.

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: Completely empty bag into formulation equipment. Then 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.

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.

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 appropriate for the bag size:

DOCUMENT CONTROL INFORMATION

- 1. Unique Label Identifier:** 002217-00851.20071105
- 2. Previous Version:** AP100202
- 3. Reason for Issue:** Various changes pertaining to re-registration. Re-format label.