

2217-865

03/11/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

James L. Kunstman, Ph.D.
Director of Regulatory Services
PBI/Gordon Corporation
P.O. Box 014090
Kansas City, MO 64101

MAR 11 2009

SUBJECT: Application for Pesticide Notification – Revised Labeling per EPA Letter Dated
December 26, 2007
EH 1404 Herbicide
EPA Reg. No. 2217-865
Application Dated October 28, 2008

Dear Dr. Kunstman:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

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 <p style="text-align: center;">2217-865</p>	2. EPA Product Manager <p style="text-align: center;">Joanne I. Miller</p>	3. Proposed Classification <p style="text-align: right;"><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted</p>
4. Company/Product (Name) <p style="text-align: center;">EH-1404 Herbicide</p>	PM# <p style="text-align: center;">Product Manager—Team 23</p>	
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 and identical in composition and labeling to: EPA Reg. No. _____ Product Name <u>MAR 1 1 2009</u>	

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.)
Labeling Notification per Pesticide Registration Notice (PRN) 98-10: One (1) copy of the draft labeling revised according to the comments in your letter dated December 26, 2007 is enclosed for your review.

Certification per Pesticide Registration Notice (PRN) 98-10:
 This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and 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 notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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.
 e-mail to jkunstman@pbigordon.com FAX: 816-421-2731

Section - III

1. Material This Product Will Be Packaged In:			
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	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt. No. per Container	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container <p style="text-align: center;">24, 32 and 64 fl. oz., 1 Gallon</p>	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 type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

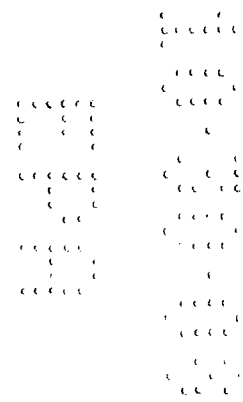
Section - IV

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
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.		2. Date Application Received <p style="text-align: center;">(Stamped)</p>
2. Signature 	3. Title Director of Regulatory Services	
4. Typed Name James L. Kunstman, Ph.D.	5. Date October 29, 2008	

Master Label for EH 1404 Herbicide

EPA Reg. No. 2217-865

Specific Sections of Master Label	Brand Name of This Sublabel	Page
Sublabel 1	Gordon's SpeedZone Ready-to-Use Lawn Weed Killer	2
	Front panel, Precautionary Statements and Directions for Use consistent with an Agency letter dated September 16, 2005.	
Sublabel 2	Text intended for supplemental registrants: Front panel, Precautionary Statements and Directions for Use consistent with our notification dated May 25, 2005.	7
Appendix	Advertising claims for Sublabel 1 and Sublabel 2	12



6/17



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. Harmful if absorbed through the skin. Avoid contact with eyes, skin, or clothing. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.

ENVIRONMENTAL HAZARDS:

This pesticide may be toxic to fish, aquatic invertebrates, and aquatic plants. Do not apply directly to water. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours. Do not contaminate water when disposing of equipment washwater or rinsate.

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 dusts have settled.

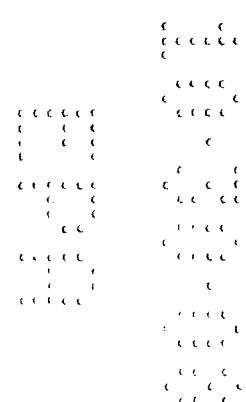
Not for use on turf being grown for sale or other commercial use on sod, or for commercial seed production, or for research purposes.

PRODUCT FACTS:

EH 1404 Herbicide contains four active ingredients including carfentrazone-ethyl that broaden the spectrum of weed control.

EH 1404 Herbicide offers these advantages:

- Excellent postemergent activity with proven performance for broadleaf weed control in turfgrass.
- Superior cool weather performance.
- Rapid and effective weed control for common and troublesome weed species in turfgrass, e.g. spurge, pennywort (dollarweed), dandelion, and white clover.
- Injury to weeds can be noticed within hours of the application and plant death can occur within 7 - 14 days.



WHERE TO USE:

On Lawns: Use to spot treat broadleaf weeds commonly found in cool season and warm season grasses such as:

- Kentucky bluegrass
- Perennial ryegrass
- Tall fescue
- Red or fine leaf fescues
- Mixtures of cool season species
- Common bermudagrass
- Hybrid bermudagrass
- St. Augustinegrass (excluding 'Floritam')
- Zoysiagrass

Prohibitions:

- Do not apply this product to bentgrass, carpetgrass, dichondra, legumes, and lawns where desirable clovers are present.
- Do not apply to 'Floritam' St. Augustinegrass grown in Florida.
- Do not allow spray to contact vegetables, flowers or ornamentals as injury may result.
- Do not apply more than 1.9 gallons of product per 1,000 sq.ft. per year (1.5 lb. a.i. MCPA per acre per year)
- Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

APPLICATION SCHEDULES (WHEN TO APPLY):

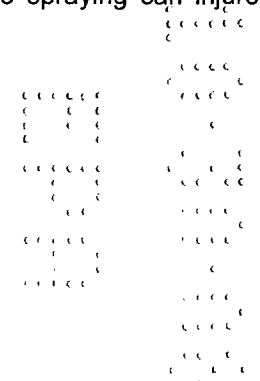
For best results, treat weeds in the spring and the fall when weeds are actively growing. However, this product is effective any time during the growing season.

- Do not apply when air temperatures are above 85°F as lawn injury can occur.
- Hard-to-kill weeds may require a repeat application in 2 to 3 weeks.
- Do not water lawn within 12 hours of application. If rainfall occurs within 12 hours after application, retreatment may be necessary.
- Do not apply to newly seeded lawns until after the second mowing.
- Delay application to newly sodded, plugged, or sprigged lawns until new grass has been mowed four times.
- Treated areas may be reseeded 2 weeks after application.
- Applications to dormant bermudagrass, zoysiagrass, and St. Augustinegrass may be used to control actively growing broadleaf weeds.

HOW TO USE:

For Containers with Trigger Sprayers: EH 1404 Herbicide is ready-to-use and is applied directly from the container fitted with the trigger sprayer. Shake the container well. Direct the spray to the target weeds to provide uniform coverage of the upper leaf surfaces. Apply to the point of runoff only. Excessive spraying can injure lawns.

For Refill Containers: EH 1404 Herbicide is ready-to-use and is applied directly from the container. Remove the cap and attach the trigger sprayer. Direct the spray to the target weeds to provide uniform coverage of the upper leaf surfaces. Apply to the point of runoff only. Excessive spraying can injure lawns.



Trigger Sprayer Instruction for Operation and Care:

1. Remove sprayer from bag.
2. Shake the container well.
3. Unscrew cap from the bottle, and remove the foil seal.
4. Making sure that the tube is properly inserted through hole in cap, insert tube into bottle and screw on cap.
5. Open spray nozzle approximately one full turn.
6. TO PRIME—With sprayer directed at the target area, operate trigger until spray begins (approximately 10 to 15 times).
7. Adjust the spray nozzle for desired spray pattern
8. To store, turn nozzle to "OFF" position and store with trigger head above level of liquid in container to prevent leakage.

BROADLEAF WEEDS CONTROLLED:

EH 1404 Herbicide will control or suppress the following broadleaf weeds:

- BROADLEAF WEEDS -		
Aster, white heath & white prairie	Field oxeye-daisy (*creeping oxeye)	Prostrate knotweed (*knotweed)
Bedstraw	Filaree, whitestem & redstem	Puncturevine
Beggarweed, creeping	Florida pusley	Purple cudweed
Bindweed	Ground ivy	Purslane
Black medic	Groundsel	Ragweed
Broadleaf plantain	Hawkweed	Redweed
Buckhorn plantain	Healall	Red sorrel (*sheep sorrel)
Bull thistle	Henbit	Shepherdspurse
Burclover	Innocence (Blue-eyed Mary)	Spotted spurge
Burdock, common	Lambsquarters	Spurge, prostrate
Buttercup, creeping	Lawn burweed	Thistle
Carpetweed	Lespedeza, common	Veronica (*corn speedwell)
Chickweed, common	Mallow, common	Virginia buttonweed
Chicory	Matchweed	White clover (*Dutch clover, honeysuckle clover, white trefoil, & purplewort)
Cinquefoil	Mouseear chickweed	Wild carrot
Clover	Old world diamond flower	Wild garlic
Compassplant	Oxalis (*yellow woodsorrel & creeping woodsorrel)	Wild geranium
Curly dock	Parsley-piert	Wild lettuce
Dandelion	Pennsylvania smartweed	Wild mustard
Dayflower	Pennywort (*dollarweed)	Wild onion
Deadnettle	Pepperweed	Wild strawberry
Dock	Pigweed	Wild violet
Dogfennel	Pineappleweed	Yarrow
English daisy	Plantain	Yellow rocket
False dandelion (*spotted catsear & common catsear)	Poison ivy	
Field bindweed (*morningglory & creeping jenny)	Poison oak	

*Synonyms

10/17

Sublabel 2	Text intended for supplemental registrants: Front panel, Precautionary Statements and Directions for Use consistent with our notification dated May 25, 2005.
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EH 1404 HERBICIDE

For Home Lawns Only

ACTIVE INGREDIENTS:

MCPA, 2-ethylhexyl ester	0.3370%
Mecoprop-p acid	0.0660%
Dicamba acid.....	0.0180%
Carfentrazone-ethyl	0.0023%

INERT INGREDIENTS:

.....	<u>99.5770%</u>
TOTAL	100.0000%

THIS PRODUCT CONTAINS:

- 2-methyl-4-chlorophenoxyacetic acid equivalent, 0.216%
- (+)-R-2-(2-methyl-4-chlorophenoxy)propionic acid equivalent. 0.066%
- 3,6-dichloro-o-anisic acid equivalent, 0.018%
- Ethyl a,2-dichloro-5-[4(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoate, 0.002%

TRIMEC® is a registered trademark of PBI/Gordon Corporation.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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:	<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 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. You may also contact 1-877-800-5556 for emergency medical treatment information.	

See side panels for additional Precautionary Statements

NET CONTENTS: 24, 32, 64 fl. oz. and 1 Gallon

AP-----
EPA Reg. No. 2217-865
EPA Est. No. 2217-KS-1
MANUFACTURED BY:





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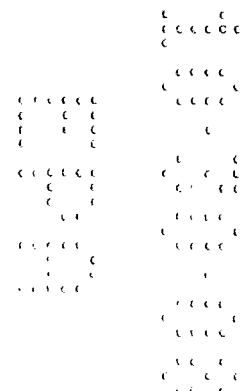
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- Hybrid bermudagrass



12/17

St. Augustinegrass (excluding 'Floritam')
Zoysiagrass

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Bull thistle	Henbit	Shepherdspurse
Burclover	Innocence (Blue-eyed Mary)	Spotted spurge
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*Synonyms

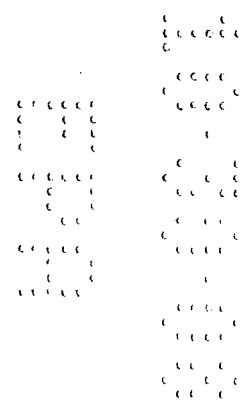
STORAGE & DISPOSAL

PESTICIDE STORAGE: Keep from freezing. Store in original container in an area inaccessible to children and pets.

CONTAINER DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency (or 1-800-XXX-XXXX) for disposal instruction. Never place unused product down any indoor or outdoor drain.



APPENDIX to Sublabel 1 and Sublabel 2

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

- ◆ Rainfast in as little as 3 hours
- ◆ Rainfast [Rainproof] in 3 hours
- ◆ Visible results in just 24 hours
- ◆ Clover control in as little as one week
- ◆ Proven cool-weather performance
- ◆ Consistently fast control on tough weeds like clover, plantain, ground ivy and spurge [various other listed weeds].
- ◆ For information call XXX-XXX-XXXX [contact www.xxx-xxxx.com]

WHAT IT'S FOR:	<ul style="list-style-type: none"> • Use on home lawns • Rapid and effective control of common and troublesome broadleaf weeds
WHERE TO USE:	<ul style="list-style-type: none"> • Kentucky bluegrass • Perennial ryegrass • Fescues • Bermudagrass • Zoysiagrass
AMOUNT TO USE:	<ul style="list-style-type: none"> • Ready-to-use and is applied directly from the container. • Refer to complete instructions in Directions for Use section of this booklet
QUESTIONS:	<ul style="list-style-type: none"> • For frequently asked questions, visit our website at consumer.pbigordon.com

- ***DEAD WEEDS...FAST***
- FOR HOME LAWNS ONLY
- consumer.pbigordon.com
- Performs in both warm and cool weather
- See results in hours
- Kills 200+ Broadleaf Weeds
- Won't harm lawn grass when used as directed
- For Northern and Southern grasses
- EH 1404 Herbicide will control or suppress the following broadleaf weeds and will control or suppress other broadleaf weeds that are susceptible to MCPA.
- *Also, adding expanded weed list as presented on following page:*

