

2217-865

1/15/2010

10/10



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCE

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

JAN 15 2010

Subject: Notification(s) for Label Revisions under PRN 2007-4

Dear Dr. Kunstman:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 dated October 15, 2009 for:

- ✓ **EPA Registration 2217-865**      **EH 1404 Herbicide**
- EPA Registration 2217-842**      **EH-1385 Herbicide**

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4. The label has been date-stamped "Notification" and will be placed in our records.


Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identify the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs

2010

	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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**Application for Pesticide - Section I**

1. Company/Product Number <p style="text-align: center;"><b>2217-865</b></p>	2. EPA Product Manager <p style="text-align: center;">Joanne I. Miller</p>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <p style="text-align: center;"><b>EH 1404 Herbicide</b></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. <b>Expedited Review.</b> 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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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**NOTIFICATION**

**JAN 15 2010**

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

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

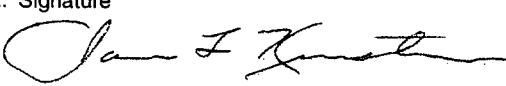
Please refer to cover letter for details and certification statement.

e-mail to [jkunstman@pbigordon.com](mailto:jkunstman@pbigordon.com) FAX: 816-421-2731

**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 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 1 pint 1 quart 2 quarts and 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 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 <p style="text-align: center;">James L. Kunstman, Ph.D.</p>	Title <p style="text-align: center;">Director of Regulatory Services</p>	Telephone No. (Include Area Code) <p style="text-align: center;">816-460-6292</p>
2. Signature 		6. Date Application Received (Stamped) <div style="border: 1px solid black; padding: 5px; text-align: center;">                     RECEIVED                      OCT 15 2009                 </div>
3. Title <p style="text-align: center;">Director of Regulatory Services</p>		
4. Typed Name <p style="text-align: center;">James L. Kunstman, Ph.D.</p>		5. Date <p style="text-align: center;">October 15, 2009</p>



1217 WEST 12TH STREET • P.O. BOX 014090  
KANSAS CITY, MISSOURI 64101-0090  
816-421-4070 • 1-800-821-7925  
FAX: 816-474-0462

October 15, 2009

Document Processing Desk (PRN)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

Attn: Ms. Joanne I. Miller (PM-23)

Dear Ms. Miller:

**Subject: Labeling notifications according to Pesticide Registration Notices  
(PRN) 2007-4.  
EH 1404 Herbicide (EPA Reg. No. 2217-865)**

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

**October 1, 2009:** Your letter with comments stated that this product was re-registered. This letter with six comments stated that the draft labeling was acceptable provided that modifications were made including Pesticide Registration Notice (PRN) 2007-4.

**October 15, 2009:** We have incorporated or merged the revisions for the draft labeling listed in the previous letter into the current document. We ask to revise the disposal instructions and to adopt the exact language 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 4 of the draft labeling.

**Certification:** This notification is consistent with the guidance 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, 156.146, 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.



# EH 1404 HERBICIDE

## EPA Reg. No. 2217-865

For Home Lawns Only

**ACTIVE INGREDIENT:**

MCPA, 2-ethylhexyl ester .....	0.3370%
Mecoprop-p acid .....	0.0660%
Dicamba acid .....	0.0180%
Carfentrazone-ethyl .....	0.0023%
<b>INERT INGREDIENTS: .....</b>	<b>99.5767%</b>
<b>TOTAL .....</b>	<b>100.0000%</b>

**THIS PRODUCT CONTAINS:**

2-methyl-4-chlorophenoxyacetic acid equivalent, 0.2160%  
 TRIMEC® is a registered trademark of PBI/Gordon Corporation.

**KEEP OUT OF REACH OF CHILDREN**

### CAUTION

**STOP! 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, chewing gum, using tobacco, or using the toilet.

First Aid	
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If on skin or on clothing:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 - 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
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.	



600910

**Environmental Hazards**

This pesticide may adversely affect non-target plants. Do not apply directly to water. Do not contaminate water when disposing of equipment wash waters or rinsate. 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.

**DIRECTIONS FOR USE**

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

**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 sprays have dried.
- 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 to 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.
- Do not apply as a fine mist because of potential for injury to desirable plants.
- Do not apply directly to or near water, storm drains, gutters, sewers, or drainage ditches. Do not apply within 25 feet of rivers, fish ponds, lakes, streams, reservoirs, marshes, estuaries, bays, and oceans. Do not apply when windy. To prevent product run-off, do not over water the treated area(s) to the point of runoff or apply when raining or when rain is expected that day.

**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 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	Dock	Lawn burweed	Ragweed
Bedstraw	Dogfennel	Lespedeza, common	Redweed
Beggarweed, creeping	English daisy	Mallow, common	Red sorrel (*sheep sorrel)
Bindweed	False dandelion (*spotted catsear & common	Matchweed	Shepherdspurge
Black medic	catsear)	Mouseear chickweed	Spotted spurge
Broadleaf plantain	Field bindweed	Old world diamond flower	Spurge, prostrate
Buckhorn plantain	(*morningglory & creeping jenny)	Oxalis (*yellow woodsorrel & creeping woodsorrel)	Thistle
Bull thistle	Field oxeye-daisy	Parsley-piert	Veronica (*corn speedwell)
Burclover	(*creeping oxeye)	Pennsylvania smartweed	Virginia buttonweed
Burdock, common	Filaree, whitestem & redstem	Pennywort (*dollarweed)	White clover (*Dutch clover)
Buttercup, creeping	Florida pusley	Pepperweed	honeysuckle clover, white trefoil, & burjewort)
Carpetweed		Pigweed	Wild carrot
Chickweed, common		Pineappleweed	Wild garlic

Chicory	Ground ivy	Plantain	Wild geranium
Cinquefoil	Groundsel	Poison ivy	Wild lettuce
Clover	Hawkweed	Poison oak	Wild mustard
Compassplant	Healall	Prostrate knotweed	Wild onion
Curly dock	Henbit	(*knotweed)	Wild strawberry
Dandelion	Innocence (Blue-eyed	Puncturevine	Wild violet
Dayflower	Mary)	Purple cudweed	Yarrow
Deadnettle	Lambsquarters	Purslane	Yellow rocket
*Synonyms			

**STORAGE AND DISPOSAL**  
Do not contaminate water, food, or feed by storage and disposal.

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

**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](http://www.website.com) for disposal instructions. Never place unused product down any indoor or outdoor drain.

**LIMITED WARRANTY AND DISCLAIMER**

FOR USE ONLY AS DIRECTED.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY EXPRESSLY DISCLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. If these terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full. The terms of this LIMITED WARRANTY AND DISCLAIMER cannot be varied by any written or verbal statements or agreements at the point of sale or elsewhere.

**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 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](http://www.xxx-xxxx.com)]



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

- DEAD WEEDS...FAST
- FOR HOME LAWNS ONLY
- [consumer.pbigordon.com](http://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:

<b>BROADLEAF WEEDS</b>			
Annual yellow sweetclover	Cockle	Musk thistle	Spiny amaranth
Aster	Cocklebur	Mustard	Spiny cocklebur
Austrian fieldcress	Common mullein	Narrowleaf plantain	Spiny sowthistle
Bedstraw	Creeping Jenny (Creeping Charlie)	Narrowleaf vetch	Spotted catsear
Beggarticks	Cudweed	Nettle	Spotted spurge
Betony, Florida	Curly dock	Orange hawkweed	Spurweed
Bindweed, field	Daisy, English	Oriental cocklebur	Stinging nettle
Bird vetch	Daisy fleabane	Oxalis	Strawberry, India mock
Bitter wintercress	Daisy, oxeye	Parsley-piert	Tall nettle
Bittercress, hairy	Dandelion	Parsnip	Tall vervain
Bitterweed	Dichondra	Pearlwort	Tansy ragwort
Black-eyed Susan	Dogbane	Pennycress	Tansy mustard
Black medic	Dogfennel	Pennywort	Tanweed
Black mustard	Dollarweed	Peppergrass	Thistle
Blackseed plantain	Elderberry	Pepperweed	Trailing crownvetch
Blessed thistle	False dandelion	Pigweed	Tumble mustard
Bloodflower milkweed	Falseflax	Pineywoods bedstraw	Tumble pigweed
Blue lettuce	False sunflower	Plains coreopsis (tickseed)	Velvetleaf
Blue vervain	Fiddleneck	Plantain	Venice mallow
Bracted plantain	Florida pusley	Poison ivy	Virginia buttonweed
Brassbuttons	Frenchweed	Poison oak	Virginia creeper
Bristly oxtongue	Galinsoga	Pokeweed	Virginia pepperweed
Broadleaf dock	Goathead	Poorjoe	Water pennywort
Broadleaf plantain	Goldenrod	Prairie sunflower	Wavyleaf bullthistle
Broomweed	Ground ivy	Prickly lettuce	Western clematis
Buckhorn	Gumweed	Prickly sida	Western salsify
Buckhorn plantain	Hairy fleabane	Prostrate knotweed	White mustard
Bulbous buttercup	Hawkweed	Prostrate pigweed	Wild asparagus
Bull thistle	Healall	Prostrate spurge	Wild buckwheat
Bullnettle	Heartleaf drymary	Prostrate vervain	Wild carrot
			Wild four-o'clock

<b>BROADLEAF WEEDS</b>			
Burclover	Heathaster	Puncturevine	Wild garlic
Burdock	Hedge bindweed	Purslane, common	Wild geranium
Burning nettle	Hedge mustard	Ragweed	Wild lettuce
Burweed	Hemp	Red sorrel	Wild marigold
Buttercup	Henbit	Redroot pigweed	Wild mustard
Buttonweed	Hoary cress	Redstem filaree	Wild onion
Canada thistle	Hoary plantain	Rough cinquefoil	Wild parsnip
Carolina geranium	Hoary vervain	Rough fleabane	Wild radish
Carpetweed	Horsenettle	Russian pigweed	Wild rape
Catchweed bedstraw	Jimsonweed	Russian thistle	Wild strawberry
Catnip	Knawel	Scarlet pimpernel	Wild sweet potato
Catsear	Knotweed	Scotch thistle	Wild vetch
Chickweed, common	Kochia	Sheep sorrel	Woodsorrel
Chickweed, mouseear	Lambsquarters	Shepherdspurse	Woolly croton
Chicory	Lespedeza	Slender plantain	Woolly morningglory
Cinquefoil	Mallow	Smallflower galinsoga	Woolly plantain
Clover, crimson	Matchweed	Smooth dock	Wormseed
Clover, hop	Mexicanweed	Smooth pigweed	Yarrow
Clover, red	Milk vetch	Sorrel	Yellow rocket
Clover, strawberry	Morningglory	Sowthistle	Yellowflower pepperweed
Clover, sweet	Mouseear hawkweed	Spanishneedles	and other broadleaf
Clover, white	Mugwort	Speedwell	weeds

**DOCUMENT CONTROL INFORMATION**

1. Unique Label Identifier: 002217-00865.20091015.notif-proposed-clean.doc
2. Reason for Issue: Incorporated EPA comments, PRN 2007-4

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