

2217-867

7/16/2009

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



United States
Environmental Protection
Agency

Office of Pesticide Programs

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

JUL 16 2009

Subject: Amendment
EPA Reg. No.: 2217-867
EH-1406 Herbicide

Dear Dr. Kunstman,

The Agency has received your application to amend the registration for the above product, dated April 14, 2009. The label, submitted under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable, provided the following modifications are made:

1. On page 2, delete the statement, "(except for applicators using ground boom equipment)" from the PPE requirement for chemical-resistant gloves. The acute toxicology review for this product requires that all applicators and other handler wear chemical-resistant gloves.
2. On page 6, Spray Drift Management section, under Wind Speed, do not remove the statement, "residential areas."
3. In Table 3, Limitations, include the application and rate restrictions for sulfentrazone, which were in a separate section of previous labels (e.g, 2 broadcast applications per season, with a maximum seasonal application rate of 0.074 lbs sulfentrazone per acre and a minimum of 2 to 6 weeks between applications).
4. On page 13, advertising claims, remove the statement, "Designed for residential and commercial turf applications and many other sites." This statement could be misinterpreted as the product being appropriate for homeowner use (for which it is not labeled), or for additional use sites which are not approved.

This labeling supersedes all previous accepted labeling for this product. Please submit one (1) copy of the final printed label, incorporating the modifications above, before the product is released for shipment. If you have any questions, please contact Kathryn Montague (703-305-1243 or montague.kathryn@epa.gov).

Sincerely,

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

20915

EH-1406 HERBICIDE

EPA Reg. No. 2217-867

For use by individuals/firms licensed or registered by the State to apply pesticide products. States may have more restrictive requirements regarding qualifications of persons using this product.

CONSULT THE PEST REGULATORY AGENCY OF YOUR STATE PRIOR TO USE OF THIS PRODUCT.

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170.

Not for sale, distribution or use in Nassau or Suffolk Counties in New York State.

ACTIVE INGREDIENT:

2,4-D, dimethylamine salt	18.79%
Mecoprop-p, dimethylamine salt	6.80%
Dicamba, dimethylamine salt	3.02%
Sulfentrazone	0.67%

INERT INGREDIENTS: 70.72%

TOTAL **ACCEPTED**

with COMMENTS
In EPA Letter Dated:
JUL 16 2009
Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

THIS PRODUCT CONTAINS:

- 1.40 lbs. 2,4-dichlorophenoxyacetic acid equivalent per gallon or 15.66 %
 - 0.50 lbs. (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 5.62%
 - 0.22 lbs. 3,6-dichloro-o-anisic acid equivalent per gallon or 2.52%
 - 0.06 lbs. N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-5-yl]phenyl]methanesulfonamide per gallon or 0.67%
- Isomer Specific By AOAC Methods.

KEEP OUT OF REACH OF CHILDREN

2217-867

DANGER - PELIGRO

Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle. (If you do not understand the label, find some one to explain it to you in detail.)

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. Do not get in eyes, on skin or on clothing. Harmful if absorbed through skin or if swallowed.



Personal Protective Equipment (PPE)

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, and other handlers must wear:

- protective eyewear,
- long-sleeved shirt and long pants,
- shoes and socks, plus
- chemical-resistant gloves (except for applicators using ground boom equipment) and
- 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

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. 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.

Engineering Control Statements

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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 on 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.
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-877-800-5566 for emergency medical treatment information.</p>	
<p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.</p>	

Environmental Hazards

This pesticide may be toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. 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.

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. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170.

This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- coveralls worn over short-sleeve shirt and short pants,
- chemical-resistant footwear plus socks
- chemical-resistant gloves made of any waterproof material,
- chemical-resistant headgear for overhead exposure, and
- protective eyewear.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Reentry Statement: Do not enter or allow people (or pets) to enter the treated area until sprays have dried.

Product Description

EH-1406 Herbicide contains four active ingredients including sulfentrazone that broaden the spectrum of weed control. These combined herbicides provide limited residual activity at recommended use rates. Sulfentrazone is in the aryl triazolinone family and inhibits protoporphyrinogen oxidase (Protox), a pivotal

enzyme in chlorophyll production. Without this key enzyme, a build-up of peroxide-like compounds occur, thus causing the plant cell membranes of weeds to rupture.

EH-1406 Herbicide offers these advantages:

- Excellent postemergent activity with proven performance for broadleaf weed control in turfgrass.
- This product exhibits improved cool-weather performance compared to standard "3-way amines".
- High selectivity (turfgrass safety) in established cool-season turfgrass and warm-season turfgrass.
- Sulfentrazone combinations provide rapid and effective weed control for common and troublesome (tough) weed species in turfgrass, including: dandelion, spurge, white clover and dollarweed (pennywort).
- The speed of action (rate of weed phytotoxicity) and the early weed symptoms are features of sulfentrazone combinations compared to standard "3-way amines". Often, the weed injury symptoms can be noticed within hours of the application and plant death can occur within 10 to 14 days.
- This product is generally rainfast in as little as 6 hours.

Spray Preparation And Tank Mixtures

~~In certain applications, liquid fertilizer may replace part of the water as a diluent.~~

Mixing With Water: Water as diluent:

Add one-half the required amount of water to the spray tank, then add EH-1406 Broadleaf Herbicide slowly with agitation, and complete filling the tank with water. Mix thoroughly and continue agitation while spraying.

When this product is left standing for extended periods of time, re-agitate to assure uniformity of the spray mixture.

Do not use tank additives that alter the pH of the spray solution below pH 5 or above pH 8. Buffer the spray solution to alter the pH range as appropriate.

Mixing With Liquid Fertilizers: Liquid fertilizers as diluents:

ALWAYS PREMIX EH-1406 Broadleaf Herbicide WITH WATER BEFORE ADDING TO FLUID FERTILIZERS. For liquid nitrogen solutions such as U.A.N. or urea solutions, use a premix of 1 part of this product with 4 parts of water or use a premix with a 1:4 ratio of product to water. For other fluid fertilizers such as suspensions, use a premix of 1 part of this product with 50 to 60 parts of water.

Use suitable sources and rates of fertilizer based upon local recommendations. Refer to the mixing directions on the labels of the liquid fertilizers. Always perform a jar test for compatibility before large scale mixing.

The jar test can be conducted by mixing all components in a small container in proportionate quantities. If the mixture separates after standing and can be mixed readily by shaking, then the mixture can be used and applied with spray equipment providing continuous agitation. If large flakes, sludge, gels or other precipitates form, or if a separate oily layer or oil globules appear, then the herbicide and the liquid fertilizer should not be prepared as a tank mixture.

Mixing With Adjuvants And Spray Additives:

Adjuvants (such as surfactants, spreaders, spreader-stickers, spray thickeners, foaming agents, activators, detergents, and drift reducing agents) combined with this product can damage the leaf tissue of turfgrass. If any discoloration or cosmetic effects are objectionable or would be unacceptable, then adjuvant(s) combined with EH-1406 Broadleaf Herbicide would not be recommended. Do not use adjuvants and spray additive tank-mix combinations, unless your experience indicates that the tank mixture will not result in turf injury.

Ground Equipment

Spray distribution: The accuracy and uniformity of the herbicide distribution is the sole responsibility of the applicator. Power sprayers fitted with a boom or spray wand/gun may be used for broadcast applications and spot treatments. Boom sprayers equipped with appropriate flat fan nozzles, tips, and screens are suitable for broadcast applications. For best spray distribution and coverage, select a spray volume and delivery system that will ensure accurate and uniform coverage.

Spray volumes of 10 ~~20~~ to 220 gallons per acre with spray pressures adjusted to between 20 to 40 psi. Use higher spray volumes for dense weed populations (up to 220 gallons per acre or 5 gallons per 1,000 square feet).

- Calibration and proper application are essential when using this product.
- Over-application or rates above those specified on this label can cause turf injury.
- Hand-held technique: Wands fitted with flat fan nozzle tips may be used with the appropriate technique. **Spray wands fitted with flat fan tips ~~nozzles~~** should not be waved in a back-and-forth motion, or in a side-to-side motion, or in a swinging arm motion. Instead, the nozzle should be held stationary at the proper height. Side-to-side motion results in uneven coverage.

Hand operated sprayers including backpack sprayers, compression sprayers, and knapsack sprayers are appropriate for small turfgrass areas when power equipment is unavailable, uneconomical, or impractical.

This product may cause injury to susceptible/non-target plants at the use site by contacting the foliage, stems, or roots. To prevent injury to susceptible crops and other desirable broadleaf plants including but not limited to cotton, legumes, tobacco, tomatoes, garden/vegetable crops, and ornamentals (flowers, trees, and shrubs) avoid contact with the spray solution, spray droplets, and spray mist (fine droplets).

After using this product, clean sprayer with soap or detergent and water, or an approved spray tank cleaner and rinse thoroughly before applying other pesticides.

Where To Use

This product provides selective broadleaf control in warm-season and cool-season turfgrass in five (5) use sites.

- **Institutional sites** are defined as turf areas around properties or facilities providing a service to public or private organizations including, but not limited to hospitals, nursing homes, schools, museums, libraries, sport facilities, golf courses (fairways, aprons, and roughs), and office buildings.
- **Ornamental sites** include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings, recreation areas, fairgrounds, areas adjacent to athletic fields and paved areas.
- **Residential/domestic sites** are defined as areas associated with the household or home life including, but not limited to apartment complexes, condominiums, and patient care areas of nursing homes, mental institutions, hospitals, or convalescent homes.
- **Agricultural site:** Commercial sod production
- **Non-cropland Sites:** Highway rights-of-way (principal, interstate, county, private, and unpaved roads). Roadsides, roadside ditches, road shoulders, road embankments, dividers, medians, parking areas, and paved areas. Municipal, state, and federal lands. Airports, airfields and military installations. Fuel storage areas. Fencerows. Industrial sites (including but not limited to lumber yards, tank farms, storage areas, vacant lots and production facilities). Utility and pipeline rights-of-way.

Prohibitions of Sites:

- Do not apply to any body of water such as lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays). Do not apply to any shorelines (non-cropland sites adjacent to the edges of a body of water) for lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays).
- Do not apply to wetlands (swamps, bogs, potholes, or marshes).
- Do not apply to agricultural irrigation water or on agricultural irrigation ditchbanks and canals.
- Do not apply to agricultural drainage water or on agricultural ditchbanks.

Turfgrass tolerance:

- The turfgrass tolerance to this product may vary and temporary turfgrass yellowing may occur on certain varieties of hybrid bermudagrass. Adverse environmental conditions may reduce the selectivity on the turfgrass. Do not apply this product to stressed turf.
- Certain spray tank additives (adjuvants, wetting agents, surfactants), liquid fertilizers, and tank mixtures containing emulsifiable concentrates may reduce the selectivity on the turfgrass. Do not use adjuvants and spray additive tank-mix combinations, unless your experience indicates that the tank mixture will not result in turf injury.

Prohibitions:

- Do not apply this product to bentgrass greens or tees, St. Augustinegrass, carpetgrass, dichondra, legumes, and lawns where desirable clovers are present.
- Do not broadcast apply this product when temperatures are above 90°F, some injury may be expected with spot treatments when air temperatures exceed 90°F.
- To avoid turf injury, use only on turfgrass that is reasonably free of stress from diseases, insects, excess heat or cold, drought or excess rainfall/irrigation, shaded areas, low soil pH, nematodes, improper mowing or improper applications of fertilizer and pesticides. Injury can occur if this product is applied under any of these or other stress conditions. Under any of these stress conditions, any turf damage caused by the use of this product is beyond the control of PBI/Gordon Corporation and all risk is assumed by the buyer and/or user.
- Do not use this product on or near desirable plants, including contact of spray on exposed root systems or adventitious shoots within the drip line of the roots of desirable trees and shrubs, since injury may result.
- Aerial application is prohibited.

State restrictions:

- **New York:** Only one application per year of this product is allowed. This product is not allowed to be sold, distributed or used in Nassau or Suffolk Counties.
- **California:** Make broadcast applications only between March 1 and September 1. If troublesome weeds appear during other times of the year, a spot application can be made. While irrigation is necessary and important for plant growth, apply irrigation water efficiently so that no more than 125% of the net irrigation requirement is applied for any irrigation event. Apply efficient irrigations for six months following application of sulfentrazone containing products. Do not apply product to bare ground. [moved from previous section (Prohibitions), it is a CA restriction, not federal restriction].

Spray Drift Management

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of ground application can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Droplet Size

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 10 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.

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

Application Schedules

Apply this product to broadleaf weeds that are young and actively growing for the best results. Spring and fall treatments under adequate soil moisture conditions are preferred to the summer treatments. Generally, summer broadcast applications to older, drought stressed weeds are less effective. Fall applications provide improved control for emerged winter annuals and perennials such as henbit, chickweed, clover and ground ivy.

Sequential broadcast applications or follow-up applications as spot treatments at a 30-day interval are recommended for more mature weeds, for dense infestations, and for adverse environmental conditions.

Spot treatments during the summer may be appropriate for sparse infestations, or as a follow-up treatment, or any time broadleaf weeds are actively growing.

Extremes in environmental conditions e.g. temperature and moisture, soil conditions, and cultural practices may affect the activity of this product. Under warm moist conditions, herbicide symptoms may be accelerated. While under very dry conditions, the expression of herbicide symptoms is delayed, and weeds hardened off by drought are less susceptible to this product.

For newly seeded areas:

Delay application of this product to grass seedlings until after the second mowing.

For newly sodded, sprigged, or plugged areas:

The application of this product to newly sodded, sprigged, or plugged grasses should be delayed until 3 to 4 weeks after the sodding, sprigging, or plugging operations.

Reseeding interval:

Treated areas may be reseeded 3 weeks after application.

[Note to Reviewer: the following highlighted section was already approved but moved from the How Much to Use section]

Cultural Tips:

Irrigation:

Do not apply this product through any type of irrigation system. Rainfast in as little as 6 hours. Do not apply this product immediately before rainfall or irrigation. If possible, do not irrigate or water the turfgrass within 6 to 24 hours after application. If dry conditions exist, a scheduled irrigation or watering 24 hours before and 24 hours after application is recommended.

Mowing:

Delay mowing 2 days before and until 2 days after the application of this product.

How Much To Use

Use Rates and Spray Volumes: Generally, the lower application rates within the specified range of Table 1 will provide satisfactory control of sensitive weed species. The higher application rates within the specified range will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds hardened off or more mature.

BROADCAST TREATMENT:

TABLE 1. USE RATES FOR SOD FARMS, ORNAMENTAL LAWNS AND TURFGRASS.		
Species	Rate	Recommended Spray Volume
Cool-season Turf		
Kentucky bluegrass, annual bluegrass, annual ryegrass perennial ryegrass, tall fescue, red or fine leaf fescues, creeping bentgrass and colonial bentgrass (excluding golf greens and tees).	3.25 to 4 Pints/Acre (1.2 to 1.5 fl.oz./1,000 sq.ft.)	10 20 to 220 Gallons/Acre (0.23 0.5 to 5.0 Gallons/1,000 sq.ft.)
Mixtures of cool-season species in non-cropland areas established for roadside vegetation management or for low maintenance. (Kentucky bluegrass, tall fescue, smooth bromegrass & orchardgrass)		
Warm-season Turf		
Hybrid Bermudagrass, common Bermudagrass, centipedegrass*, zoysiagrass, bahiagrass and buffalograss	2.75 to 3.25 Pints/Acre (1.0 to 1.2 fl.oz./1,000 sq.ft.)	10 20 to 220 Gallons/Acre (0.23 0.5 to 5.0 Gallons/1,000 sq.ft.)
<p>* For centipedegrass use lower rates within specified range until turfgrass tolerance to injury can be determined. Do not apply this product to warm-season turfgrass during spring green-up or in the fall during the transition period between active growth and dormancy.</p> <p>Dormant turf: This product may be applied to fully dormant bermudagrass, fully dormant centipedegrass, fully dormant zoysiagrass, and fully dormant bahiagrass.</p> <p>New York: Only one application per year of this product is allowed. This product is not allowed to be sold, distributed or used in Nassau or Suffolk Counties.</p>		

SPOT TREATMENT:

WITH HAND OPERATED SPRAYERS (INCLUDING BACKPACK SPRAYERS, COMPRESSION SPRAYERS, AND KNAPSACK SPRAYERS):

- Apply any time the emerged broadleaf weeds are actively growing.
- Calibration and proper application are essential when using this product.
- Uniform applications are essential when using this product. Over application or rates above those specified on this label including excessive overlaps of this product can cause turf injury.
- Hand-held techniques: Wands fitted with flat fan nozzle tips may be used with the appropriate technique. Spray wands fitted with flat fan tips nozzles should not be waved in a back-and-forth motion, or in a side-to-side motion, or in a swinging arm motion. Instead, the nozzle should be held stationary at the proper height. Side-to-side motions result in uneven coverage.
- Follow-up applications as spot treatments at a 30-day interval are recommended for more mature weeds, for dense infestations, and for adverse environmental conditions.
- **For cool-season turfgrass listed in Table 1:** Mix 1.2 to 1.5 fl.oz. of this product per one (1.0) gallon of water for treatment of approximately 1,000 sq.ft of turfgrass. Apply any time the emerged broadleaf weeds are susceptible.
- **For warm-season turfgrass listed in Table 1:** Mix 1.0 to 1.2 fl.oz. of this product per one (1.0) gallon of water for treatment of approximately 1,000 sq.ft of turfgrass. Apply any time the emerged broadleaf weeds are susceptible. For centipedegrass use lower rates within specified range until turfgrass tolerance to injury can be determined.

Limitations on spot treatments for ornamental turfgrass:

Spot treatment is defined as a treatment area no greater than 1,000 sq.ft. per acre. The maximum application rate is 1.5 fl.oz. per 1,000 sq.ft. per application (0.25 lbs MCP-P acid equivalent per acre). The maximum number of spot treatments is limited to 2 per year with a minimum of 30 days between applications.

TOUGH WEED CONTROL:

IN INDUSTRIAL OR LOW MAINTENANCE AREAS:

In addition to weeds listed in Table 4, EH-1406 Herbicide can be used for certain tough-to-control weeds. Mixed stands of Kentucky bluegrass, tall fescue, smooth brome grass, orchardgrass and reed canarygrass may be treated. [Applications to non-cropland areas (roadsides and rights-of-way) are not applicable to treatment of commercial timber or other plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.]

Treatments of EH-1406 Herbicide may injure or kill legumes including clovers (sweet, yellow, red, crimson, alsike, hop, white), lespedezas, trefoils and vetches.

Biennial and perennial weeds may require follow-up or sequential treatments. [moved from behind Table 3].

Weed Types	Troublesome weeds such as:	Amount of product, pints/acre ¹	Recommended Spray Volume	When to Apply
Annual Broadleaf	ivyleaf morningglory, redroot pigweed, cocklebur, sunflower, velvetleaf (butterprint)	2.5 to 4.0 pints/acre	10.20 to 220 gal/Acre (0.23 0.5 to 5.0 gal per 1,000 sq.ft.)	Spring or fall during active growth.
Biennial	Bull thistle, musk thistle, common burdock	4.0 to 5.0 pints/acre	10.20 to 220 gal/Acre (0.23 0.5 to 5.0 gal per 1,000 sq.ft.)	Spring or fall during seedling to rosette stage.
Perennial	Burclover, Canada thistle, field bindweeds, English daisy, hoary cress (whiteweed), Veronica (corn speedwell), wild violet.	4.0 to 5.0 pints/acre	10.20 to 220 gal/Acre (0.23 0.5 to 5.0 gal per 1,000 sq.ft.)	Spring or fall during bud to bloom stage.

Footnote 1: Use the lower rate within the range specified for highly favorable plant growing conditions and when broadleaf weeds are less than 6 inches in height. Use the higher rate within the range specified for tall vegetation, dense canopies, weeds beyond the suggested growth stage, or during adverse conditions.

New York: Only one application per year of this product is allowed. This product is not allowed to be sold, distributed or used in Nassau or Suffolk Counties.

LIMITATIONS:

[Note to Reviewer: the following highlight text was previously two tables which have been combined]

Use Site	Maximum Rate per Application	Maximum Number of Applications per Year	Minimum Interval Between Applications	Maximum seasonal rate
Ornamental turfgrass	4.0 pints/A (0.70 lb 2,4-D ae/A) (0.25 lb MCP-P ae/A) (0.11 lb dicamba ae / A)	2	30 Days	8.0 pints/A (1.40 lb 2,4-D ae/A) (0.50 lb MCP-P ae/A) (0.22 lb dicamba ae / A)

Table 3. Limitations on broadcast applications to ornamental turfgrass, sod farms, roadsides and rights-of-way (noncropland)

	4.0 pints/A			8.0 pints/A
Sod farms	(0.70 lb 2,4-D ae/A) (0.25 lb MCP-P ae/A) (0.11 lb dicamba ae / A)	2	21 Days	(1.40 lb 2,4-D ae/A) (0.50 lb MCP-P ae/A) (0.22 lb dicamba ae / A)
Non-cropland: roadsides and rights-of-way	5.0 pints/A (0.88 lb 2,4-D ae/A) (0.31 lb MCP-P ae/A) (0.14 lb dicamba ae / A)	2	30 Days	10.0 pints/A (1.75 lb 2,4-D ae/A) (0.62 lb MCP-P ae/A) (0.28 lb dicamba ae / A)

ae = Acid Equivalent. For ornamental turfgrass only, do not exceed the maximum seasonal rate of 8.0 pints (1.40 lb 2,4-D ae, 0.50 lb MCP-P ae and 0.22 lb dicamba ae) per acre per season, excluding spot treatments. For non-cropland: Do not exceed the maximum seasonal rate of 10 pints (1.75 lb 2,4-D ae/A), 0.62 lb MCP-P ae/A and 0.28 lb dicamba ae/A) per acre per season.

Spray volumes with ground equipment:

- For EH-1406 Herbicide alone, a spray volume of 10.0 gallons per acre (gpa) is recommended.
- For tank mixtures of EH-1406 Herbicide, spray volume of 20.0 gallons per acre is recommended or use the specified spray volume of the companion product(s).

[Note to Reviewer: the text deleted below is mostly a repeat from page 4.]

ADJUVANTS:

The addition of adjuvants (surfactants, spreaders, spreader-stickers, spray thickeners, foaming agents, activators, detergents, and drift-reducing agents,) is not necessary when using this product. Under extreme environmental conditions such as drought, the addition of a surfactant may improve efficacy. However, if the foliar phytotoxicity (leaf burn and necrosis) occurs too quickly, then the translocation of EH-1406 Herbicide will not occur and the level of performance (control) may be reduced in perennial broadleaf weeds. Do not use adjuvants and spray additive tank mix combinations, unless your experience indicates that the tank mixture will not result in turf injury.

Broadleaf Weeds Controlled

EH-1406 Herbicide will control or suppress the following broadleaf weeds and will control or suppress broadleaf weeds that are susceptible to 2,4-D. Apply any time the emerged broadleaf weeds are susceptible.

Aster, white heath & white prairie	False dandelion (*spotted catsear & common catsear)	Mallow, common	Red sorrel (*sheep sorrel)
Bedstraw		Matchweed	Shepherdspurse
Beggarweed, creeping	Field bindweed	Mouseear chickweed	Spurge
Bindweed	(*morningglory & creeping jenny)	Nutsedge** (yellow)	Thistle
Black medic	Field oxeye-daisy	Old world diamond flower	Virginia buttonweed
Broadleaf plantain	(*creeping oxeye)	Oxalis (*yellow woodsorrel & creeping woodsorrel)	White clover (*Dutch clover, tickleweed)
Buckhorn plantain	Filaree, whitestem & redstem	Parsley-piert	clover, white trefoil, & purplewort)
Bull thistle	Florida betony	Pennsylvania smartweed	Wild carrot
Burdock, common	Florida pusley	Pepperweed	Wild garlic
Buttercup, creeping	Ground ivy	Pigweed	Wild geranium
Carpetweed	Groundsel	Pineappleweed	Wild lettuce
Chickweed, common	Hawkweed	Plantain	Wild mustard
Chicory	Healall	Poison ivy	Wild onion
Cinquefoil	Henbit	Poison oak	Wild strawberry
Clover	Innocence (Blue-eyed Mary)	Prickly lettuce (*compass plant)	Yarrow
Curly dock		Puncturevine	Yellow rocket
Dandelion			and many more broadleaf
Dayflower			

Table 4. Broadleaf Weeds			
Deadnettle	Knotweed	Purple cudweed	weeds
Dock	Lambsquarters	Purslane	
Dogfennel	Lawn burweed	Ragweed	
Dollarweed (*pennywort)	Lespedeza, common	Redweed	
*Synonyms			
**Suppression only when nutsedge is young and actively growing.			

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. 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.

[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.

[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.

[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.

LIMITED WARRANTY AND DISCLAIMER

IMPORTANT: Read this LIMITED WARRANTY AND DISCLAIMER before buying or using this product. By opening and using this product, buyer and all users agree to accept the terms of this LIMITED WARRANTY AND DISCLAIMER in their entirety and without exception. If the terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full.

It is impossible to eliminate all risks inherently associated with use of this product. Damage to the treated article, ineffectiveness, or other unintended consequences can result from use of the product under abnormal conditions such as weather, presence of other materials, or the manner of use or application, etc. Such factors and conditions are beyond the control of the manufacturer, and **BY PURCHASING AND USING THIS PRODUCT THE BUYER AND ALL USERS OF THIS PRODUCT AGREE TO ACCEPT ALL SUCH RISKS.** Buyer and all users further agree to assume all risks of loss or damage from the use of the product in any manner that is not explicitly set forth in or that is inconsistent with label instructions, warnings and cautions.

The manufacturer warrants only that this product conforms to the chemical description given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use, subject to the inherent risks described below. **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 HEREBY EXPRESSLY DISCLAIMED.**

THE EXCLUSIVE REMEDY OF BUYER AND ALL USERS OF THIS PRODUCT, AND THE EXCLUSIVE LIABILITY OF THE MANUFACTURER, FOR ANY AND ALL LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. 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. The Manufacturer must be promptly notified in writing of any claims, whether based in contract, tort, negligence, strict liability, or otherwise, to be eligible to receive either remedy stated above.

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. No employee or agent of the manufacturer or 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 that may be presented on container labeling, advertisements, brochures, and other marketing/sales promotional materials:

- Water-based formula
- Water-based formulation
- Rainfast in as little as 6 hours
- Rainfast [Rainproof] in 6 hours
- Spurge control in as little as one week
- Proven performance
- Consistently fast control on tough weeds like dandelion, spurge, clover, plantain, ground ivy and [various other listed weeds].
- From the makers of Trimec® herbicides.
- Trimec® is a registered trademark of PBI/Gordon Corporation.
- For information call XXX-XXX-XXXX [contact www.xxx-xxxx.com]
- ProForm(TM) logo presented on the containers



- Water based
- Warm weather weed control—FAST!
- For use on: Bluegrass, Fescues, Perennial Ryegrass, Bentgrass, Bermudagrass, Zoysiagrass, Bahiagrass and Buffalograss
- Fast visual response
- Economical—lower cost water-based formulation
- Easy cleanup
- Warm-weather weed control option
- Suitable for applications up to 90°F
- Foliar absorption
- Reduces call backs
- Low odor
- Designed for residential and commercial turf applications and many other sites.

3. Alternate Brand Name

- Surge Broadleaf Herbicide for Turf

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 002217-00867.20090414.amend-proposed-highlighted.doc

2. Reason for Issue: Changes highlighted. Page 1: modify state restriction statements. Page 4: minor modification to Spray Preparation section. Pages 5, 8, 9: reduce minimum spray volume to 10 gallon per

