



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

January 5, 2024

Eric D. Smith
Vice President of Regulatory, Formulation, & GLP
PBI/Gordon Corporation
22701 W 68th Terrace
Shawnee, KS 66226

Subject: Notification per PRN 98-10 – Updating storage and disposal statements and company address
Product Name: EH-1413 Herbicide
EPA Registration Number: 2217-879
Application Date: July 12, 2023
Case Number: 473794

Dear Eric Smith:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10.

The label submitted with the application has been stamped “NOTIFICATION” and placed in our records.

Should you wish to add/retain a reference to the company’s website on your label, then please be aware that the website becomes labeling under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA’s Office of Enforcement and Compliance.

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If you have any questions, please contact Julia Kerr by phone at 202-566-2810, or via email at kerr.julia@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Kerr", with a stylized flourish at the end.

Julia Kerr
Risk Manager
Herbicide Branch
Registration Division (7505T)
Office of Pesticide Programs

NOTIFICATION

2217-879

The applicant has certified that no changes, other than those reported to the Agency have been made to the labeling. The Agency acknowledges this notification by letter dated:

01/05/2024

EH-1413 HERBICIDE

EPA Reg. No. 2217-879

Alternate Brand Name: EH-1413 Herbicide (PowerSurge®)

For Manufacturing Or Formulating Use Only

ACTIVE INGREDIENT:

2,4-D, 2-ethylhexyl ester	69.02%
MCPP-p acid	10.41%
Dicamba acid	4.40%
Sulfentrazone	2.04%
INERT INGREDIENTS	14.13%
TOTAL	100.00%

THIS PRODUCT CONTAINS:

- 4.46 lb. 2,4-dichlorophenoxyacetic acid equivalent per gallon or 45.78%
 - 1.01 lb. (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 10.41%
 - 0.43 lb. 3,6-dichloro-o-anisic acid equivalent per gallon or 4.40%
 - 0.20 lb. N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfonamide per gallon or 2.04%
- Isomer Specific by AOAC Methods.

KEEP OUT OF REACH OF CHILDREN

DANGER

KEEP FROM FREEZING

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

See [attached booklet] [inside pages][next panel][back panel] for additional Precautionary Statements. [OR] See [attached booklet] [inside pages][next panel][back panel] for complete Precautionary Statements and Directions for Use (including Storage and Disposal).

Net Contents: _____
EPA Est. No. _____

Company Name and Address:
PBI/Gordon Corporation
P.O. Box 860350
Shawnee, KS 66286



PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: Corrosive. Causes irreversible eye damage. Harmful if absorbed through skin. Do not get in eyes, on skin or on clothing. Harmful if swallowed. Wear long-sleeved shirt, long pants, socks, shoes, chemical-resistant gloves, and eye protection (face shield or goggles). Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

First Aid	
If in eyes:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15-20 minutes.• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.• Call a poison control center or doctor for treatment advice.
If swallowed:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by the poison control center or doctor.• Do not give anything by mouth to an unconscious person.
If on skin:	<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.
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 advice.	
NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.	

Environmental Hazards

This chemical is toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollution Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

DIRECTIONS FOR USE

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

Only for formulation into a herbicide for the following use(s): terrestrial nonfood crop and noncropland weed control; industrial and non-crop weed control; residential and turf weed control.

Option 1: For formulating only into end-use products for the following use patterns and sites:

TERRESTRIAL NONFOOD CROP AND NONCROPLAND AREAS

- Ornamental trees, shrubs and vines, lawn and turf grasses: yards, cemeteries, parks.
- Uncultivated agricultural areas: fence rows, rights-of-way, barrier strips, established perennial grasses.
- Uncultivated nonagricultural areas: yards, lawn, turf, cemeteries, parks, airports, recreation areas (including golf courses), fairgrounds, roadsides, rights-of-way (highway, railroad, and utility), industrial sites, and paved areas.

- d. This product may be used to formulate products for any additional use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).

Formulators using this product are responsible for obtaining EPA registration of their formulated product. Manufacturer to furnish user with complete directions for use in accordance with his formulations.

This product can only be used to formulate pesticide products if the labeling contains the following information and/or revised use directions. All products manufactured for residential and turf (excluding sod farms) uses after June 15, 1994, must contain the revised label language below. All other products (i.e., agricultural, industrial and aquatic), manufactured after October 23, 1993, must bear the revised label language below.

All products released for shipment on or after October 1, 2005 must bear revised labeling complying with the maximum application rates for general non-crop sites; tree, brush and woody plant control on rights-of-way; and forestry use patterns other than site preparation, if registered for such uses.

GENERAL REQUIREMENTS FOR END-USE PRODUCT LABELING

1. Containers over 1 gallon and less than 5 gallons in capacity must bear the following statement: "Persons engaged in open pouring of this product must also wear coveralls or a chemical resistant apron."
2. Containers of 5 gallons or more in capacity must also bear the following statement: Do not open-pour product from this container. A mechanical system (such as probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal."

Only for formulation into end-products with directions for use that prohibit broadcast applications greater than 0.75 lb ae MCPP-p/A. Only for formulation into end-use products with directions for use that prohibit spot treatment applications greater than 1.2 lbs ae MCPP-p/A. All ready-to-use spray containers must produce droplets that are medium or coarse in size according to the ASAE standard 572 definition for standard nozzles. Wettable powder formulations must be packaged in water-soluble packaging. Only for formulation into end-use products with directions for use which prohibit aerial application.

Option 2: SPECIFIC REQUIREMENTS FOR END-USE PRODUCT LABELING

FOR INDUSTRIAL and NON-CROP USES

- a) Personal Hygiene Statements: "Wash hands, face and arms with soap and water as soon as possible after mixing, loading or applying this product. Wash hands, face and arms with soap and water before eating, smoking or drinking. Wash hands and arms before using toilet. After work, remove all clothing and shower using soap and water. Do not reuse clothing worn during the previous day's mixing and loading or application of this product without cleaning first. Clothing must be kept and washed separately from other household laundry. Remove saturated clothing as soon as possible and shower."
- b) The maximum application rate to general non-crop sites is the lower of 1) existing application rate on currently registered label or 2) 2 pounds for 2,4-D acid equivalent per acre per application site. The maximum non-crop application for tree, brush and woody plant control on rights-of-way is the lower of 1) existing application rate on currently registered label or 2) 4 pounds of 2,4-D acid equivalent per acre per application site. The maximum seasonal application rate to non-crop sites is 4 pounds 2,4-D acid equivalent per acre per application site.

FOR RESIDENTIAL AND TURF USES

- a) Personal Hygiene Statements: (1) For All Granular Products: "After using this product, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water."; (2) For All Liquid Products: "After using this product, rinse gloves before removing, remove clothing and launder separately before reuse, and promptly and

thoroughly wash hands and exposed skin with soap and water. Remove saturated clothing as soon as possible and shower."

- b) The maximum application rate to turf is the lower of (1) existing application rate on currently registered label or 1.5 pounds 2,4-D acid equivalent per acre per application per site. The maximum number of broadcast applications per treatment site is 2 per year. The following reentry statement must be included:

Entry Restrictions outside the scope of WPS.

Liquids:

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.

Granules:

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.

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. Do not contaminate feed or foodstuffs.

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

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

[For Plastic Containers – Nonrefillable with capacities equal to or less than 5 gallons:]

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available.

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 ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

[OR]

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10

seconds after the flow begins to drip.]

[For Plastic Containers – Nonrefillable with capacities greater than 5 gallons:]

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available.

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 ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

[OR

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.]

[For Refillable Containers:]

CONTAINER HANDLING: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

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 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

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions. 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. 1. Trademark acknowledgements

TRIMEC® is a registered trademark of PBI/GORDON CORPORATION.

DOCUMENT CONTROL INFORMATION

1. **Unique Label Identifier:** 002217-00879.20230712.notif-proposed-highlighted

2. **Reason for Issue:** Revised Storage and Disposal to include refill container statements