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2935 416

1810 File



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

MAR 14 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Joanne Pratt
Wilbur Ellis Co.
191 W. Shaw Ave
Fresno, CA 93704

Subject: Label Amendment Submission of 09/10/93 in Response to PR Notice 93-7
EPA Reg. No. 2935-416
WILBUR ELLIS MCPA SODIUM SALT

IMPORTANT NOTICE: This Letter Requires You to Submit a Notification to the Office of Compliance Monitoring within 20 Days.

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is accepted subject to the comments listed on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

SERIOUS ERROR(S) ON SUBMITTED LABELING:

EPA has determined that one or more of the errors on the labeling you submitted to the Agency is categorized as "serious" as defined in PR Notice 93-11. In general, serious errors are those that may create a potential for harm to workers, handlers, other persons, or the environment; or those that prevent the achievement of the basic goals of the Worker Protection Standard (WPS) or FIFRA.

YOU MUST NOT SELL OR DISTRIBUTE (INCLUDING RELEASE FOR SHIPMENT) ANY PRODUCT BEARING THE SUBMITTED LABELING. Sale or distribution of any product with the incorrect labeling is a violation of FIFRA that could result in initiation of an action for civil penalties and/or cancellation of your product. This matter has been referred to the Office of Compliance Monitoring (OCM) for further action.

YOU MUST SUBMIT A NOTIFICATION TO THE OFFICE OF COMPLIANCE MONITORING WITHIN 20 DAYS OF THE DATE OF THIS LETTER.



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
contains at least 50% recycled fiber

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Each notification must include the following information:

1. Registrant's name and address.
2. EPA Registration number of the product for which the labeling was submitted.
3. Whether any product already has been sold or distributed (this includes released for shipment) bearing the submitted labeling.

In addition, the notification must include the following information, IF you have already sold or distributed any product bearing the submitted labeling:

1. Quantity of the product that has been sold or distributed.
2. EPA Producing Establishment number.
3. Location of the product, if known.
4. Proposed plan for assuring that product with the incorrect labeling in your control, as well as that in the hands of dealers/distributors/users, will be corrected. The plan must include your proposal for assuring that the labeling is corrected as soon as possible.

Submit the notification to:

Michael Wood, Director
Compliance Division, (7203)
Worker Protection Notification
Office of Compliance Monitoring
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

Failure to submit a notification also may result in initiation of an action under FIFRA for civil penalties, if you sold or distributed (this includes released for shipment) product bearing the incorrect labeling.

IN ADDITION, YOU SHOULD CONTACT IMMEDIATELY THE PERSONS TO WHOM YOU SOLD OR DISTRIBUTED YOUR PRODUCT AND INFORM THEM NOT TO SELL OR DISTRIBUTE ANY PRODUCT WITH THE INCORRECT LABELING.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the WPS labeling requirements of 40 CFR part 156, subpart K, described in PR Notices 93-7 and 93-11. Any other labeling changes submitted in connection with this amendment application but not directly related to compliance with the WPS have neither been reviewed nor accepted by the Agency. If you wish to make such changes, you must submit a separate amendment application proposing them. If your product is currently suspended, the acceptance of this labeling amendment does not affect the suspension in any way.

WHAT YOU NEED TO DO NEXT:

Submit the required notification. Then by the next label printing make all the specified changes to your labeling. Send to EPA one (1) copy of the final printed labeling:

- **BEFORE** selling or distributing any product bearing the final printed labeling as amended

AND

- **WITHIN** one year from date of this acceptance.

Submit the final printed labeling via the U.S. Postal Service to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs (7505C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460-0001

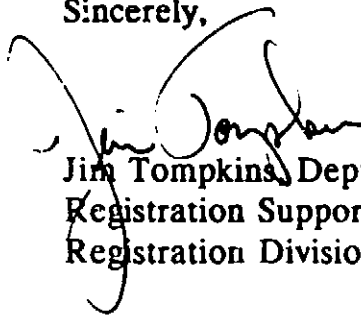


7/28/10

Hand or courier deliveries of final labeling may be made to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202

Sincerely,



Jim Tompkins, Deputy Chief
Registration Support Branch
Registration Division (7505W)

Attachment

cc: Office of Compliance Monitoring

5.8/10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division

Joanne Pratt
WILBUR ELLIS CO.
191 W SHAW AVE
FRESNO CA 93704

Comment for: EPA Reg Nr.2935-416
WILBUR ELLIS MCPA SODIUM SALT.

The following specific comments pertain to your WPS labeling submission concerning the product cited above:

Add the following User Safety Recommendation to the label in the location shown in Section A on Part I of the Product Worksheet in Supplement Three-A to PR Notice 93-7: "Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet."

Add the following User Safety Recommendation to the label in the location shown in Section A on Part 1 of the Product Worksheet in Supplement Three-A to PR Notice 93-7: "Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing."

You have incorrect wording in the first paragraph in the Agricultural Use Requirements box on your proposed label. That paragraph must contain the exact wording of the paragraph shown as "2" in Section F on Part 2 of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

You have incorrect wording in the second-to-last sentence in the first paragraph in the Agricultural Use Requirements box on your proposed label. The sentence must be as follows: "It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval."

Delete the crossed-out statements on your proposed label. They are redundant statements or phrases.

Correct the typographical errors circled on your proposed label.



ACCEPTED with COMMENTS In EPA Letter Dated

MAR 14 1994

MCPA SODIUM SALT

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING: Causes substantial but temporary eye injury. Wear goggles, face shield, or safety glasses. Remove contaminated clothing and wash before reuse.

DO NOT STORE WITH FOODSTUFFS

Avoid contamination of water intended for irrigation or domestic uses.

ENVIRONMENTAL HAZARDS

TOXIC TO FISH. Do not contaminate water when disposing of equipment washwaters or rinsate. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

Avoid spray drifts to susceptible plants as this product may injure cotton, beans, other vegetables, certain legumes, oramentals, etc. (Coarse sprays are less likely to drift.)

NOT FOR USE OR STORAGE IN OR AROUND HOME.

DO NOT transport with or store near fertilizers, insecticides, fungicides, or seeds.

DIRECTIONS FOR USE

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

—Mineralociders and applicators are required to use face shields or goggles.

Do not apply MCPA Sodium Salt with nozzles that produce a fine spray.

Do not use MCPA Sodium Salt with amine salts of 2,4-D.

CLEANING OF EQUIPMENT: When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources.

Thoroughly clean spray equipment with a suitable chemical cleaner before using for other purposes or do not use same spray equipment for other purposes.

GROUNDWATER CONTAMINATION: Most cases of groundwater contamination involving phenoxy herbicides such as MCPA have been associated with mixing/loading and disposal sites. Caution should be exercised when handling MCPA pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing and transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

STORAGE AND DISPOSAL

- PROHIBITIONS:** Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.
- PESTICIDE DISPOSAL:** Pesticide, spray, mixture, or rinsate that cannot be used according to label instructions must be disposed of according to Federal, State or local procedures under the Resource Conservation and Recovery Act.
- CONTAINER DISPOSAL:** Triple rinse (or equivalent) and offer for recycling or reconditioning, or dispose of in a sanitary landfill, or by other approved State and local procedures.
- GENERAL:** Consult Federal, State or Local Disposal Authorities for additional restrictions and approved alternatives.

GENERAL INFORMATION

MCPA Sodium Salt is selective on Broadleaf Weeds only, and has no effect on cereal grains at the recommended rates.

MCPA Sodium Salt is a very slow acting systemic herbicide. This property allows the chemical to translocate into the root system before the tops are killed. Other chemicals do not kill this slow, effective kill without sterilizing the soil.

MCPA Sodium Salt is similar in its general behavior to the 2,4-D compounds. However, research to date indicates that MCPA Sodium Salt is more selective for some crops under certain conditions.

SUSCEPTIBLE WEEDS (Most Areas): Lambsquarters (goosefoot), Marsh Elder, Mustards (annual), Puncturevine, Ragweed, Siftweed, Wild Radish, Kochia, Yellow Rocket or Wintercress, Cocklebur, Shepherdspurse, Goats Beard, Field Pepper Grass, Dragon Head Mint, many others.

LESS SUSCEPTIBLE WEEDS: Buttercups, Canada Thistle, Dandelions, Hamnettle, Stinging Nettle, Sow Thistle, White Top or Hoary Cross, Russian Pigweed, Sunflower, Russian Thistle, Pigweed, Purslane, Silverleaf Nightshade.

RECOMMENDATIONS FOR USE

PEAS — Apply 1/2 to 1 1/2 pints in 20 to 60 gallons of water per acre. For aerial application use 10 gallons total spray solution per acre. Spray annual weeds soon after they emerge and before they are 3 inches tall. Do not apply later than 3 nodes before first pea flowering. Do not spray peas that are stressed from lack of moisture. Do not use when temperature is over 90°F. Before using, consult State Extension Service or canner company field men for varietal differences to these recommendations.

SMALL GRAINS: Wheat, Oats, Barley and Rye — Apply as a water mix spray by ground sprayer or airplane. Use 1/2 to 1 pint per acre for the more susceptible weeds after crop has reached the 3 to 4 leaf stage up to boot stage. Use up to 3 pints per acre for the less susceptible weeds after crop has tillered and up to early boot stage.

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA PESTICIDE REGISTRATION NO. 2935-416

ACTIVE INGREDIENT:	Sodium Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	22.25%
INERT INGREDIENTS:		77.75%
TOTAL		100.0%

*Equivalent to 20.05% 2-Methyl-4 Chlorophenoxyacetic Acid or not less than 1,859 lbs. MCPA acid per gallon at 68 degrees F.

*Isomer Specific by A.O.A.C. Method No. 6.A18-22.

EPA Reg. No. 2935-416

EPA Est. No. 38335-AI-01

KEEP OUT OF REACH OF CHILDREN WARNING — AVISO

PRECAUCION AL USUARIO: Si usted no lee Ingles, no use este producto hasta que la etiqueta haya sido explicado ampliamente.

STATEMENT OF PRACTICAL TREATMENT

If Swallowed: Induce vomiting, pump stomach, call a physician. Treat symptomatically.

If Inhaled: See a physician if an abnormal reaction occurs.

If On Skin: Wash thoroughly with soap and water.

If in Eye: Immediately flush eyes with plenty of water. Call a physician.

RECOMMENDATIONS FOR USE (cont.)

WHEAT ONLY — Apply 6 pints per acre when weeds are approaching bud stage, but do not spray grain in the boot to dough stage. The 6 pint (1.5 pounds acid equivalent) per acre application of any MCPA product can produce injury to wheat. Balance the severity of your weed problem against the possibility of crop damage. Where perennial weeds are scattered, spot treatment is suggested to minimize the extent of crop injury. Treat in the spring when grain is fully tillered and 8 to 10 inches tall.

SMALL GRAINS: Underseeded with Alfalfa, Lepepeza, Red and White Clover — For emergency control of serious infestations of mustard, yellow rocket and other susceptible broadleaf weeds, apply 1/2 to 1 pint in not more than 5 to 10 gallons of water per acre. Make application after cereal is well tillered (4 to 8 inches tall) and before reaching boot stage. The nurse crop and weeds should provide a protecting canopy which, together with the use of low gallonage applied at low pressure, will reduce the risk of damage to the legumes. Do not apply to small grains underseeded with vetch or sweet clover, which are very susceptible. There is also some risk to other legumes if only thinly protected by a canopy.

SEED FLAX — Where 2 to 3 ounces of MCPA acid equivalent per acre is recommended for susceptible weeds, use 1/2 to 1 pint MCPA Sodium Salt per acre in at least 15 to 20 gallons of water. Apply when all weeds are up and flax has at least 3 to 4 leaves, or is 3 to 4 inches tall, and before flax comes into bud. Treatment after early bud stage may result in severe damage. For moderately resistant weeds, spot spraying with a heavier rate may be necessary. Use 1 1/2 to 1 3/4 pints per acre to prevent seed production by Canada thistle. Do not spray flax underseeded with legumes without first consulting local weed specialists.

ESTABLISHED GRASSLANDS AND PASTURES — Use 2 to 6 pints per acre in sufficient water (10 to 100 gallons) to give thorough coverage. Use higher rate for white top, Canada thistle and other less easy-to-kill weeds; spray perennials in early-bud to full bloom stage and regrowth in fall. Other weeds in spring or fall.

ESTABLISHED LAWNS AND TURF — Use 2 fluid ounces in 3 to 5 gallons of water; apply uniformly over 1,000 sq. ft. On larger areas use 2 to 6 pints per acre in 10 to 100 gallons of water. Apply in spring or fall for best results. Do not mow within 2 days before or after application.

GRASSES GROWN FOR SEED — Use 2 to 4 pints per acre in sufficient water to give adequate coverage. Use a higher rate where weed stands are heavy. In established grasses apply in spring before head comes into boot and on seedling grass after grass has tillered.

Note: In weed control in grasses repeat treatment may be needed for less susceptible weeds. White clover and other legumes may be temporarily injured or killed. In some areas, Dichondra, bent, buffalo, carpet and St. Augustine grasses may also be injured by the treatment.

NON-CROP SPRAYING: Canada Thistle, White Top, Meadow Buttercup, Field Bindweed (Morning-glory) — For spot treatment use 1/2 pint to 3 to 4 gallons of water, or 1 1/2 gallons of MCPA Sodium Salt per acre in sufficient water to give coverage, and spray to wet weeds thoroughly when in bud to early bloom and again in fall regrowth.

NOTICE: The statements made on this label are believed to be true and accurate, but because of conditions of use which are beyond our control, WILBUR-ELLIS COMPANY does not make, nor does it authorize any agent or representative to make, any warranty, guaranty or representation, expressed or implied, concerning this material or the use thereof, except in conformity with the statements on the label. Neither WILBUR-ELLIS COMPANY nor the seller shall be held responsible in any manner for any personal injury or property damage or loss resulting to the buyer or to the other person from handling, storage or use of this material, not in accordance with directions. The buyer assumes all risk and liability resulting from improper handling, storage or use and accepts and uses this material on these conditions.

Logo TM of WILBUR-ELLIS Company.
IDEAS TO GROW WITH is a registered trademark of WILBUR-ELLIS Company.

F-793

In Case of Emergency, Call Chemtrec: (800) 424-9300

→ Replace with I

BEST AVAILABLE COPY

Distributed By: WILBUR-ELLIS, P.O. BOX 16458 • FRESNO, CALIFORNIA 93755

COPY B

Personal Protective Equipment
Applicators and other handlers must wear:

- A) Coveralls over short sleeved shirt and short pants
- B) Chemical-resistant gloves such as barrier laminate
- C) Chemical-resistant footwear plus socks
- D) Protective eyewear
- E) Chemical-resistant headgear for overhead exposure
- F) Chemical-resistant apron when cleaning equipment, mixing or loading
- G) Dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C)

*Nitrile rubber 214 mils,
neoprene rubber 214 mils,
Viton 214 mils*

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, use detergent and hot water. Keep and wash PPE separately from other laundry.

COPY D

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.

AGRICULTURE 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, greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontaminations, notification, and emergency assistance. It also contains specific instructions, and exceptions pertaining to protective equipment (PPE). ~~The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.~~ *left out*

Do not enter or allow workers 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:

- A) Coveralls over *short* sleeved shirt and *short* pants
- B) Chemical-resistant gloves such as Barrier Laminate, *Neoprene rubber ≥ 14 mils*
Nitrile Rubber ≥ 14 mils, *Viton ≥ 14 mils*
- C) Chemical-resistant footwear plus socks
- D) Protective eyewear
- E) Chemical-resistant headgear for overhead exposure.

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COPY F

Personal Protective Equipment

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category E on an EPA Chemical resistance category selection chart.

Barrier Laminate

Nitrile Rubber ≥ 14 mils

Neoprene Rubber ≥ 14 mils

Viton ≥ 14 mils

COPY I

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