

PM23 5905-498

7/11/11



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

FEB 24 1994

BEVERLY NEALE  
HELENA CHEMICAL CO.  
6075 POPLAR AVE. SUITE 500  
MEMPHIS, TN. 38119

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Subject: Label Amendment Submission of 9/9/93 Response to PR Notice 93-7  
EPA Reg. No. 5905-498  
BRUSH-RHAP LOW VOLATILE 4-D HERBICIDE

**BEST AVAILABLE COPY**

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 reflected on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

**WHAT THIS ACCEPTANCE MEANS:**

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the Worker Protection Standard (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 not been reviewed or 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:**

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



Recycled/Recyclable  
Printed with Soy/Caro  
contains at least 50%

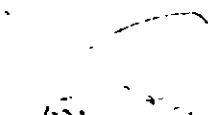
Submit the final printed labeling via the U.S. Postal Service to:

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

Hand or courier deliveries of final printed 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

3 of 11

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Pesticide Programs  
Registration Division**

Beverley Neale  
HELENA CHEMICAL CO  
6075 POPLAR AVE SUITE 500  
MEMPHIS TN 38119

Comment for: EPA Reg Nr.5905-498  
BRUSH-RHAP LOW VOLATILE 4-D HERBICIDE

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

Remove the statement "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." from its current position within the Agricultural Use Box and place it above the Agricultural Use Box.

The correct restricted entry interval (REI) for this product is 12 hours. Your REI statement must read: "Do not enter or allow worker entry in to treated areas during the restricted entry interval (REI) of 12 hours." The exact location is shown in Section F on Part 2 of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

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

Correct the typographical errors circled on your proposed label.

4/11

# BRUSH-RHAP® LOW VOLATILE 4-D HERBICIDE

2,4-D LOW VOLATILE

**ACTIVE INGREDIENT:**

\*2-Ethylhexyl Ester of 2,4-Dichlorophenoxyacetic Acid ..... 65.40%

**INERT INGREDIENTS:** ..... 34.60%

TOTAL ..... 100.00%

\*Equivalent to 43.4% 2,4-D Acid or 3.76 lb./gal.  
Isomer specific by AOAC Method 6.D01-5 (12th Ed.)

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

See Side Panel for Additional Precautionary Statements.

EPA REG. NO. 5905-498  
EPA EST. NO.

NET CONTENTS:

**MANUFACTURED BY  
HELENA CHEMICAL COMPANY  
MEMPHIS, TN 38119**

ACCEPTED  
with COMMENTS  
In EPA Letter Dated

4/10/93  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.  
5905-498

**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**CAUTION**

Avoid contact with skin, eyes, or clothing. Harmful if swallowed. Avoid inhaling vapor or spray mist.

**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 F on an EPA chemical resistance category selection chart.

**Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, such as Barrier Latex, Butyl Rubber, Nitrile Rubber or Viton.
- Shoes plus socks
- Protective Eyewear
- Chemical-resistant apron when cleaning equipment, mixing or loading

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. After each day of use, clothing or PPE must not be re-used until it has been cleaned.

**Engineering Controls Statements**

If this container contains over 1 gallon and less than 5 gallons, mixers and loaders who do not use a closed mechanical system (probe and pump) to transfer the contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

If this container contains 5 gallons or more in capacity, a closed mechanical system (probe and pump) 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. The mechanical system must be used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4) ]. The handler PPE requirements may be reduced or modified as specified in the WPS.

When handlers use enclosed cabs or aircraft 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**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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.

6/11

### STATEMENT OF PRACTICAL TREATMENT

**IF ON SKIN:** Wash with plenty of soap and water. Get medical attention if irritation persists.

**IF SWALLOWED:** Call a physician or poison control center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

**IF IN EYES:** Flush with plenty of water. Get medical attention if irritation persists.

**IF INHALED:** Move victim to fresh air. Give artificial respiration if needed. Get medical attention.

### ENVIRONMENTAL HAZARDS

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.. Do not apply when weather conditions favor drift from target area. Spray equipment used in applying this product should be thoroughly cleaned before using for any other purpose. Use repeated flushing with soap and warm water or suitable chemical cleaner. It is best to use a separate sprayer for application of insecticides and fungicides. Do not contaminate water by cleaning of equipment or disposal of washwaters. This product will kill or seriously injure many desirable forms of vegetation. Do not apply directly to flowers, fruits, vegetables, grapes, ornamentals, cotton, or other desirable plants. Do not use when there is hazard from drifting mists. (Coarse sprays are less likely to drift.) Vapors from this product may injure susceptible plants in the immediate vicinity. Avoid contamination of water used for domestic purposes and irrigation purposes. Excessive amounts of this product in the soil may temporarily inhibit seed germination and plant growth.

This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and nontarget plants. Do not apply directly to water except as specified on this label. Do not contaminate water when disposing of equipment washwaters.

### GROUNDWATER CONTAMINATION

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or 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.

### CHEMIGATION PROHIBITION

Do not apply this product through any type of irrigation system.

### DIRECTIONS FOR USE

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

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
- chemical-resistant gloves such as barrier laminate, butyl rubber, nitrile rubber, or viton.
- shoes plus socks
- 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. **Keep children and pets out of the treated area until sprays have dried.** - *Do not delute*

**STORAGE AND DISPOSAL**

**PROHIBITIONS:** Do not contaminate water, food, or feed by storage or disposal. Do not store under conditions which might adversely affect the container or its ability to function properly.

**STORAGE:** Do not store below temperature of 0°F. If frozen, warm to 40°F and redissolve before using by rolling or shaking container. This product can be stored in an unheated building. Store in a safe manner. Store in original container only. Keep container tightly closed when not in use. Reduce stacking height where local conditions can affect package strength. Personnel should use clothing and equipment consistent with good pesticide handling.

**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:**

**Metal:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

**Plastic:** 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.

This product can reach groundwater as a result of mixing and loading. To minimize groundwater contamination from spills during mixing, loading, and cleaning of equipment, take the following steps:

**Mixing and Loading:** When mixing, loading, or applying this product, wear personal protective clothing listed under the Hazards to Humans and Domestic animals section of this label.

The mixing and loading of spray mixtures into the spray equipment must be carried out on an impervious pad (i.e., concrete slab, plastic sheeting) large enough to catch any spilled material. If spills occur, contain the spill by using an absorbent material (e.g., sand, earth, or synthetic absorbent). Dispose of the contaminated absorbent material by placing in a plastic bag and following disposal instructions on this label.

Triple rinse empty containers and add the rinsate to the mixing tank.

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

#### WHERE TO USE

BRUSH-RHAP® LOW VOLATILE 4-D is used for the control of broadleafed weeds, undesirable hardwood species, and brush in forest, rangeland, and pasture areas. Also for aquatic weed control.

#### PLANTS CONTROLLED

BRUSH-RHAP® LOW VOLATILE 4-D will kill or control the following as well as many other noxious plants susceptible to 2,4-D:

Alder	Cocklebur	Locoweed	Sagebrush
Alligatorweed	Coffeeweed	Madrone	Sassafras
Arrowhead	Creeping jenny	Manzanita	Shepherdspurse
Artichoke	Curly indigo	Mexicanweed	Smartweed
Bindweed (hedge, field, and European)	Dandelion	Morningglory	Sowthistle
Bitter wintercress	Dock	Mustard	Stinkweed
Boxelder	Dogwood	Nutgrass	Sumac
Buckhorn	Duckweed	Parrotfeather	Sunflower
Bull thistle	Elderberry	Pennywort	Tanoak
Bulrush	Goldenrod	Pigweed	Virginia creeper
Burdock	Ground ivy	Plantain	Water hyacinth
Bur ragweed	Hazel brush	Poison ivy	Water lily
Buttercup	Hemp	Polkweed	Water primrose
Canyon live oak	Hoary cress	Poplar	Wild garlic
Catnip	Honeysuckle	Povertyweed	Wild lettuce
	Indigo	Puncturevine	Wild onion
	Ironweed	Purslane	Wild radish



Chickweed  
Chicory

Jimsonweed  
Lambsquarters

Rush  
Russian thistle

Willow

**DIRECTIONS FOR USE**

Add the recommended amount of product to about one-half the volume of water to be used in spraying. Mix well, then add remaining water and mix until spray mixture is uniform.

**For aerial spraying,** thoroughly mix the required amount of chemical in oil. Add this mixture to a sufficient amount of water to insure adequate coverage. NOTE: This material forms an emulsion in water - not a solution and tends to separate on standing. Provide agitation in order to insure uniform spray mixtures. Best results are obtained when applications are made while the plants are well leafed and actively growing.

**On Rangeland, Pastures, and for General Weed Control -** Use 1 to 4 pints in sufficient water to give good coverage to one acre, depending on type of weeds and stage of growth. Use only on established stands of perennial grasses.

**DO NOT** graze dairy animals on treated areas within seven days after application. Do not slaughter for meat animals for 3 days after treatment. Do not harvest grass cut for hay for 30 days after treatment.

**For Aquatic Weeds in Lakes, Ponds, Drainage Ditchbanks -** Use 2-1/2 to 4-1/2 pints of product in 50 to 100 gallons of water per acre. Spray to wet foliage thoroughly. Application should be made when leaves are fully developed above water line and plants are actively growing. Your state Conservation Department or Game and Fish Commission will assist you in determining the best time and rate for application under local conditions.

**DO NOT** apply to more than 1/3 to 1/2 of a lake or pond in any one month, because excessive decaying vegetation may deplete oxygen of water, killing fish. Treatment should proceed stepwise in bands from the shore outwards to allow fish to move into untreated areas.

NOTE: Perennial and other hard-to-control weeds may require a repeat application to give adequate control.

**USES IN FOREST MANAGEMENT**

**CONIFER RELEASE:** For control of alder, apply 1-1/2 to 2 quarts of product per acre in sufficient volume to obtain proper contact and coverage and apply as a foliage spray between mid-May and mid-June.

**For control of madrone, manzanita, oak, tanoak, and similar species to release hemlock, spruce, and firs,** apply 3 quarts of product per acre in sufficient volume to obtain proper contact and coverage just prior to or during budbreak of Douglas fir.

**For control of hazel brush and similar species in the Lake States area,** apply 2 quarts of product per acre in sufficient volume to obtain proper contact and coverage when new shoot growth of hazel is complete.

**SITE PREPARATION: (As Budbreak Spray) -** For control of alder prior to planting seedlings,

apply 2 to 4 quarts of product per acre in sufficient volume to obtain proper contact and coverage after alder budbreak but before foliage is 1/4 full size.

(As Foliage Spray) - For control of alder prior to planting seedlings, apply 2 quarts of product per acre in sufficient volume to obtain proper contact and coverage after most alder leaves are full size.

**OBSERVE THESE PRECAUTIONS**

Avoid application of spray or drift of spray to desirable plants, as this product may injure cotton, tomatoes, beans, peas, most vegetables, ornamentals, grapes, or others. Even minute quantities of the spray may cause severe injury. Accordingly application by airplanes should be made only when there is no hazard from drift. All sprays are likely to drift under certain conditions. The finer the spray, the greater the likelihood of drift effect. Coarse sprays are less likely to drift.

Use only amount needed. **DO NOT OVERDOSE.**

Since vapors of the ester in this product may injure susceptible plants in the vicinity, use only where there is no danger from such vaporization.

Be sure that airplane spraying equipment has a quick-acting, effective cutoff valve, and is used from the lowest possible altitude by an aircraft operator experienced in the application of herbicides.

Do not use same equipment for other purposes. If necessary to use sprayer for any other spraying, be sure to thoroughly clean all equipment with a suitable chemical cleaner. (1 qt. household ammonia in 20 to 25 gals. water - let stand overnight, then rinse thoroughly with water.)

Do not store or place near fertilizers, seeds, plants, insecticides, or fungicides. Do not reuse empty container. See Storage and Disposal statement.

Obtain necessary approval and/or permits for use in states or areas where required.

Excessive amounts of this product in the soil may temporarily inhibit seed germination or plant growth.

Users should note that herbicide treatment of public waters requires a permit from appropriate state agencies in most states. Your State Conservation Department or Game and Fish Commission will aid you in securing a permit if required in your state.

**CONDITIONS OF SALE - LIMITED WARRANTY  
AND LIMITATIONS OF LIABILITY AND REMEDIES**

The directions on this label are believed to be reliable and should be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions, the failure to follow the label directions, or good application practices, all of which are beyond the control of Helena Chemical Company (the "Company") or seller. In addition, failure to follow label directions may cause injury to crops, animals, man, or the environment. The Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use subject to the factors noted above which are beyond the control of the Company. The Company makes no other warranties or representations of any kind, express or implied, concerning the prod-

11 of 11

uct, including no implied warranty of merchantability or fitness for any particular purpose, and no such warranty shall be implied by law.

The exclusive remedy against the Company for any cause of action relating to the handling or use of this product is a claim for damage and in no event shall damages or any other recovery of any kind against the Company exceed the price of the product which causes the alleged loss, damage, injury, or other claim. The Company shall not be liable and any and all claims against the Company are waived for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income.

The Company and the seller offer this product and the buyer and user accept it, subject to the foregoing conditions of sale and limitation of warranty, liability, and remedies.