

5905-506

12-31-2002

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-28-95.



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 5905-506	2. EPA Product Manager J. Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Weed Rhap MCPA Ester	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Helena Chemical Company 225 Schilling Boulevard, Suite 300 Collierville, Tennessee 38017 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input checked="" type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION DEC 31 2002
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

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

Amended draft labeling by notification per PR Notice 98-10 to correct typographical errors. Certification attached in correspondence.

Section - III

1. Material This Product Will Be Packaged In:					
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Emily Smathers Ratliff	Title Product Registration Supervisor	Telephone No. (Include Area Code) 901/752-4421
<p align="center">Certification</p> <p>I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.</p>		6. Date Application Received (Stamped)
2. Signature 	3. Title Product Registration Supervisor	
4. Typed Name Emily Smathers Ratliff	5. Date 12/17/2002	



HELENA CHEMICAL COMPANY

225 Schilling Blvd., Suite 300
Collierville, Tennessee 38017
Telephone: 901/761-0050

December 18, 2002

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U. S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, D. C. 20460-0001

**Re: AMENDMENT BY NOTIFICATION PER PR NOTICE 98-10 OF CORRECTION OF TYPOGRAPHICAL ERRORS
WEED RHAP MCPA ESTER (5905-506) and WETTABLE SULPHUR (5905-289)**

Dear Sherada:

Enclosed please find Helena Chemical Company's draft labeling to be amended by notification for the above referenced products. On both of these labels we are correcting typographical errors caused by copy and paste applications in the First Aid section. The revised labeling matches with the proper language listed in PR notice 2001-1.

Also, on Weed Rhap MCPA Ester only, we are correcting a typographical error on page three, we are correcting the phrase "require product" to "produce." These errors were overlooked by both the Agency and Helena, but in conferring with PM's they can be corrected under the provisions set forth in PR Notice 98-10 as typographical/printing errors.

I hereby certify that this notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

In support of this action, I have enclosed the following:

- EPA Form 8570-1 Application for Pesticide for Both Products
- 2 copies of Product Labeling for Both Products

If you have any further questions regarding this product, please do not hesitate to call me at 901/752-4421. Thank you for your attention to this matter.

Sincerely,
HELENA CHEMICAL COMPANY

Emily Smathers Ratliff
Product Registration Supervisor

WEED-RHAP MCPA ESTER HERBICIDE

FOR THE SELECTIVE CONTROL OF MANY BROADLEAF WEEDS IN WHEAT, OATS, BARLEY, RYE, FLAX,
GRASSLAND, AND IN NON-CROP AREAS

ACTIVE INGREDIENT:

2-Ethylhexyl Ester of 2-Methyl-4-Chlorophenoxyacetic acid..... 74.4%

INERT INGREDIENTS: 25.6%

TOTAL 100.0%

Equivalent to 47.7% or 4 lbs. of MCPA.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Inside Panel For Additional Precautionary Statements.

EPA REG. NO. 5905-506

EPA EST. NO.

NET CONTENTS:

**MANUFACTURED BY
HELENA CHEMICAL COMPANY
225 SCHILING BOULEVARD, SUITE 300
COLLIERVILLE, TENNESSEE 38017**

NOTIFICATION

DEC 3 1 2002

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

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

FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> • Hold eyelid 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. • Call a poison control center or doctor immediately for treatment advice.
IF SWALLOWED:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Have person sip a glass of water if able to swallow. • Do not give anything to an unconscious or convulsing 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 immediately for treatment advice.
IF INHALED:	<ul style="list-style-type: none"> • Move victim to fresh air. • If not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. In case of emergency, call ChemTrec at 1-800-424-9300.	

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 laminate, butyl rubber, nitrile rubber or viton.
- Shoes plus socks

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.

Engineering Controls Statements

When handlers use closed systems, 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.

CHEMIGATION STATEMENT

Do not apply through any type of irrigation system.

ENVIRONMENTAL HAZARDS

Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. This product is toxic to fish. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not contaminate water intended for irrigation or domestic purposes. Do not apply when weather conditions favor drift from target area.

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

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 this pesticide 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.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not cut or weld container.

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 (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 enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 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

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 treated area until sprays have dried.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

STORAGE: Do not store this product near fertilizers, seeds, insecticides or fungicides. Protect product from freezing. If subjected to freezing conditions, warm to 70° F and agitate. This will return the product to original condition. Reclose all partially used containers by thoroughly tightening the screw cap. Damaged or leaking containers, which cannot be used immediately, should be transferred to suitable sound containers and properly marked. Absorb any spill with a suitable clay absorbent and dispose of as indicated under **PESTICIDE DISPOSAL**.

For safety and prevention of unauthorized use, all pesticides should be stored in locked facilities. To prevent accidental misuse, different pesticides should be stored in separate areas with enough distance between to provide clear identification.

Opened, partially-used pesticide should be stored in original labeled containers when possible. When transfer to another container is necessary because of leakage or damage, carefully mark and identify contents of the new container.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Triple rinse (or equivalent), adding rinsate to the tank. 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.

GENERAL INFORMATION

USE PRECAUTIONS: **WEED-RHAP MCPA ESTER** is injurious to most broadleaf plants. Although this product contains material of low volatility, use it with caution where the spreading of vapors can damage nearby susceptible plants.

Physical Drift from the application of this product may also cause injury to susceptible plants. Do not apply directly to or otherwise permit even minute amounts (such as spray drift) to contact fruit trees, vegetables, flowers, ornamentals, or other desirable plants susceptible to MCP. **DO NOT APPLY IN THE VICINITY OF COTTON, GRAPES, TOBACCO, OR TOMATOES.** Do not use in or near a greenhouse. Do not spray when wind is blowing towards susceptible crops or ornamental plants.

Use coarse sprays to minimize spray drift since, under certain weather conditions, fine spray droplets may drift a mile or more. An agriculturally accepted drift retardant designed to increase droplet size may be used with this product to aid in reducing spray drift. If used, follow all use recommendations and precautions on the product label.

With ground equipment spray drift can be lessened by:

1. Keeping spray boom as low as possible.
2. Applying 20 gallons or more of spray volume per acre.
3. Using large-droplet producing nozzles.
4. Using no more than 20 PSI spray pressure at the nozzles.
5. Spraying only when wind velocity is low.
6. Stopping all spraying when wind velocity exceeds 8 mph.

Do not use hollow cone-type nozzles or other nozzles to produce large amounts of fine spray droplets.

With aerial equipment, drift can be minimized by:

1. Using no more than 20 PSI spray pressure nozzles.
2. By using nozzle types and positions which do not produce fine spray droplets.

- 3. By using a spray boom no longer than ¾ the wing or rotor span of the aircraft.
- 4. By spray only when wind is less than 6 mph.

Determine air movement and direction before foliar application. Use a smoke generator or other means at or near the application site for the detection of air movement, air stability, or temperature inversions. Such a condition exists when there is little or no wind and air temperature is lower near the ground than at higher levels. Use appropriate drift control measures or avoid application when smoke is moving toward nearby desirable susceptible plants or sensitive areas.

Excessive amounts of this herbicide in the soil may temporarily inhibit seed generation or plant growth. Violent windstorms may move soil particles. If MCP is on soil particles, and they are blown onto susceptible plants, visible symptoms may appear. Serious injury is unlikely. The hazard of movement of MCP on dust is reduced if treated fields are irrigated or if rain occurs shortly after application.

To avoid injury to desirable plants, do not handle or apply other agricultural chemicals with the same equipment used for MCP unless it has been thoroughly cleaned with a suitable chemical cleaner.

Local conditions may affect the use of herbicides. Consult your State Agricultural Experiment Station or Extension Service Weed Specialist for advice in selecting treatments from this label to best fit local conditions. Be sure that the use of this product conforms to all applicable regulations. Apply this product only as specified on this label.

WHERE TO APPLY:

MCP Ester is used to control broadleaf weeds in flax, small grains, grass pastures, rangeland, and many non-crop areas. This product will kill or control the following weeds in addition to many other noxious plants susceptible to MCP:

Most Susceptible Weeds (most areas):

Arrowhead	Jimsonweed	Pepperweed (field)	Stinkweed
Beggar Tick	Kochia	Puncturevine	Water Plantain
Burdock	Lambsquarters	Ragweed	Wild Radish
Cocklebur	Marshelder	Redstem	Witchweed
Croton (goatweed)	Mint (dragonhead)	Shepherdspurse	Yellow Rocket (winter cress)
Galinsoga	Mustard	Sicklepod	
Goatsbeard	Pennygrass (field)	Sneezeweed	
and many other species.			

Less Susceptible Weeds:

Burcucumber	Dandelion	Plantain	Sunflower
Buttercup	Hempnettle	Pigweed	Vetch
Canada Thistle	Hoary Cress	Purslane	White Top
Catsear	Honeysuckle	Sow Thistle	
Chervil	Miner's Lettuce	Stinging Nettle	

WHEN TO APPLY:

Apply the product during warm weather when weeds are young and actively growing. Uniform spray coverage is necessary for best results. Generally the lower dosages listed will be satisfactory for young, succulent growth of sensitive weed species. For less sensitive species and under conditions where control is difficult, the higher doses will be needed.

HOW TO APPLY:

PREPARING THE SPRAY: Mix the MCP ester with water unless otherwise indicated on the label. Fill the mixing tank or spray tank with approximately ½ the amount of water to be used for spraying. Add the required amount of product with agitation. Add the remainder of the water while continuing to agitate. Note: Adding oil, wetting agents, or other adjuvants to the spray may reduce selectivity to crops, possibly causing crop damage.

SPRAYING CONDITIONS: Use a moderate spray pressure of approximately 20 PSI. Enough spray volume should be used to give good coverage of the weeds being sprayed. This is usually 5 to 30 gallons by ground application or 3 to 10 gallons by air. Higher spray volumes may be useful in some situations to provide better spray coverage when weeds are especially dense and/or to reduce spray drift.

WEED CONTROL APPLICATIONS

FLAX: Use ¼ to ½ pint per acre. Apply by ground sprayer or by airplane. Use sufficient water to give uniform and adequate coverage. Apply only when weeds are up and when flax is 4 to 8 inches high and before it comes into bud. Treatment after early bud stage may result in severe damage. If Canada thistle is present, it may be necessary to go as high as ¾ pint per acre to prevent seed head production. Some injury to the flax may result. Flax varieties may vary in tolerance to MCP. Consult local Extension Service or University Specialists for advice on herbicide use in flax. Do not forage or graze meat animals on treated areas within seven days of slaughter.

WEED CONTROL IN SMALL GRAINS: NOTE: Do not permit dairy animals or meat animals being finished for slaughter to forage or graze treated grain fields within 2 weeks after treatment. Do not forage or graze meat animals on treated areas within 7 days of slaughter.

Wheat, Barley, Oats and Rye: Use ½ to 1 pint of MCP ester per acre for the more susceptible weeds when grains are in the 3 to 4 leaf stage or up to early boot stage. Apply when weeds are very small for best results. Use up to 3 pints MCP ester per acre for the less susceptible weeds after crop has tillered but not later than early boot stage. Do not apply during the boot-to-dough stage of the grain.

ESTABLISHED GRASSLANDS: Use 1 to 3 pints of MCP ester per acre. Apply when weeds are small and actively growing for best results. Use the higher rates for whitetop, Canada thistle, buttercup and other more difficult to control weeds. Spray perennials in early bud to full bloom stage and regrowth in the fall. Legumes may be injured or killed.

GRASSES GROWN FOR SEED: Use 1 to 2 pints per acre, the 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. Do not use from early boot to milk stage.

NOTE FOR WEED CONTROL IN GRASSES: Do not use this treatment where legumes, especially alfalfa, are present and desirable. In some areas, bent, buffalo, carpet, and St. Augustine grasses may be susceptible to injury. Do not use on newly seeded areas until grass is well established.

NON-CROP AREAS: For control of susceptible weeds in fencerows, fallow lands, rights-of-way, roadsides and similar areas, use 6 pints of product per acre in enough water to give sufficient coverage. NOTE: On fallowland, do not plant hay crop until 3 months after treatment or until chemical has disappeared from soil.

SPOT TREATMENT: For weed control in pastures, rangelands, and in non-crop areas such as fence rows, farmyards, shelter-belts, and roadsides: Use ¼ pint of MCP ester in 3 gallons of water to control weeds such as Canada thistle, white top, meadow buttercup, and Texas blueweed. Apply when weeds are growing vigorously, usually prior to bloom, and spray fall regrowth if necessary.

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

Read the Conditions of Sale - Warranty and Limitations of Liability and Remedies before using this product. If the terms are not acceptable, return the product, unopened, and the full purchase price will be refunded.

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 or 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 product, 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 shall be limited to, at Helena Chemical Company's election, one of the following:

1. Refund of the purchase price paid by buyer or user for product bought, or
2. Replacement of the product used

To the extent allowed by law, 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.

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