

S905-506

06-18-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms Cheryl Wagner
Helena Chemical Company
C/O Wagner Regulatory Associates, Inc
P.O Box 640
Hockessin, DE 19707

JUN 18 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated June 7, 2010 for:

EPA Registration 5905-506 Weed-Rhap MCPA Ester

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

<input checked="" type="checkbox"/> Registration	OPP Identifier Number
<input type="checkbox"/> Amendment	
<input type="checkbox"/> Other	

Application for Pesticide - Section I

1. Company/Product Number 5905-506	2. EPA Product Manager K. Montague	3. Proposed Classification
4. Company/Product (Name) Weed-Rhap MCPA Ester	PM# 23	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (Include Zip Code) Helena Chemical Company c/o Wagner Regulatory Associates, Inc. P.O. Box 640 Hockessin, DE 19707 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(1), my product is similar or identical in composition and labeling to: EPA Reg. No. Product Name	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION JUN 18 2010
<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.)
 Notification of label change per PR Notice 2007-4. This notification is consistent with the provisions of PR Notice 2007-4 and EPA Regulations at 40 CFR 156.10, 154.140, 156.144, 156.146, and 156.156. 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.

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) HDPE lined bags
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* Certification must be submitted

3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 2.5 gal., 30 gal., 250 gal. bulk	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
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6. Manner in Which Label is Affixed to Product
 Lithograph Other ___ adhesive backed label ___
 Paper glued Stenciled

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Cheryl Wagner	Title Agent for Helena Chemical Company	Telephone No. (Include Area Code) (302) 234 8551
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Certification
 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.

2. Signature <i>Cheryl Wagner</i>	3. Title Agent for Helena Chemical Company	6. Date Application Received (Stamped)
4. Typed Name Cheryl Wagner	5. Date June 7, 2010	

SPECIMEN LABEL

225 SCHILING BOULEVARD, SUITE 300
COLLIERVILLE, TENNESSEE 38017

WEED-RHAP®

MCPA ESTER

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 per gallon.

KEEP OUT OF REACH OF CHILDREN
CAUTION

NOTIFICATION
JUN 18 2010

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. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

FIRST AID

IF SWALLOWED:

- 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.
- Do not give any liquid to the person.
- Do not give anything to an unconscious or convulsing person.

IF ON SKIN OR CLOTHING:

- 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 IN EYES:

- 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 INHALED:

- 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.

Note to Physician: May pose an aspiration pneumonia hazard. Contains petroleum distillate.

See Inside Panel For Additional Precautionary Statements.

EPA REG. NO. 5905-506 NET CONTENTS:
EPA EST. NO. 228-IL-001 SN 030702/1102

MANUFACTURED FOR
HELENA CHEMICAL COMPANY

Disclaimer: Always refer to the label on the product before using Helena or any other product.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are Laminate, Nitrile rubber, Neoprene rubber, and Viton. If you want more options, follow the instructions for category F on an EPA chemical resistance category selection chart.

Mixers, Loaders, applicators, flaggers, and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves
- Shoes plus socks

Additional PPE requirements for mixers and loaders supporting aerial application to rangelands, pasturelands, or noncropland. These mixers/loaders must also wear:

- A chemical-resistant apron and
- A NIOSH-approved respirator with a dust/mist filter with MSHA/NIOSH approval prefix TC-21C or any N, R, P, or HE filter.

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.

See Engineering Controls for additional requirements.

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. Do not contaminate water when disposing of equipment wash-water or rinsate. Drift or runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

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SPECIMEN LABEL

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 table is shallow, may result in 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. Do not allow people or pets to enter the treated area until sprays have dried.

STORAGE AND DISPOSAL

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

PESTICIDE 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

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suitable sound containers and properly marked. Absorb any spill with a suitable clay absorbent and dispose of as indicated under the pesticide disposal section.

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:

NONREFILLABLE CONTAINER (EQUAL TO OR LESS THAN 5 GALLONS): Do not reuse or refill this container. Triple 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. Offer for recycling, if available.

NONREFILLABLE CONTAINER (GREATER THAN 5 GALLONS): Do not reuse or refill this container. Triple 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. Offer for recycling, if available.

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.

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

SPECIMEN LABEL

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.

Spray Drift Management:

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determine the potential for spray drift. The applicator and grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when wind speed is 2-10 mph at the application site.

WHERE TO APPLY:

MCP Ester is used to control broadleaf weeds in flax, small grains, grass pastures, and rangelands. 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
- Beggar Tick
- Burdock
- Cocklebur
- Croton (goatweed)
- Galinsoga
- Goatsbeard
- Jimsonweed
- Lambsquarters
- Marshelder
- Mint (dragonhead)
- Mustard
- Pennygrass (field)
- Pepperweed (field)
- Puncturevine
- Ragweed
- Redstem
- Shepherdspurse
- Sicklepod
- Sneezeweed
- Stinkweed
- Water Plantain
- Wild Radish
- Witchweed
- Yellow Rocket (winter cress)
- and many other species.

Less Susceptible Weeds:

- Burcucumber
- Buttercup
- Canada Thistle
- Catsear

Additional requirements for aerial applications:

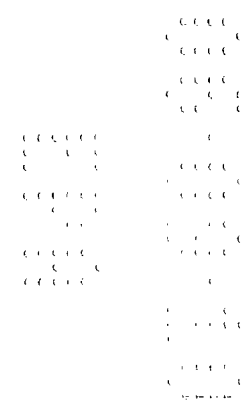
The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter.

Release spray at the lowest height consistent with efficacy and flight safety. Do not release spray at a height greater than 10 feet above the crop canopy.

When applications are made with a crosswind, the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind.

Do not make applications into temperature inversions.

Additional requirements for ground boom applications: Do not apply with a nozzle height greater than 4 feet above the crop canopy.



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SPECIMEN LABEL

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

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 1/2 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 1/4 to 1/2 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 1/2 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 1/2 to 1.5 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. Do not apply more than 1.5 pints (.75 lb. ae) acre per year during the boot-to-dough stage of the grain.

SOD FARMS: Do not apply more than 3 pints (1.5 lb. ae) per acre per year. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

GOLF COURSES: Do not apply more than 3 pints (1.5 lb.) per acre per year. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

RESIDENTIAL TURF: Do not apply more than 3 pints (1.5 lb. ae) per acre per year. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

GRASSES GROWN FOR SEED: Use 1 to 3 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. Do not apply more than 3 pints (1.5 lb. ae) per acre per year. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

PASTURE/RANGELAND: 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. Do not apply more than 3 pints (1.5 lb. ae) per acre per year. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days.

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

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SPECIMEN LABEL

grasses may be susceptible to injury. Do not use on newly seeded areas until grass is well established.

NON-CROP LAND RIGHTS-OF-WAY (BROADCAST TREATMENT)

: For control of susceptible weeds in fencerows, fallow lands, rights-of-way, roadsides and similar areas, use 3 pints of product per acre in enough water to give sufficient coverage. Do not apply more than 3 pints (1.5 lbs. ae) per acre per year. Do not apply more than 2 applications per year with a minimum retreatment interval of 21 days. NOTE: On fallowland, do not plant any crop until 3 months after treatment or until chemical has disappeared from soil.

NON-CROPLAND RIGHTS-OF-WAY SPOT TREATMENT: For weed control in pastures, rangelands, and in non-crop areas such as fence rows, farmyards, shelter-belts, and roadsides: Do not use more than 3 quarts (3.0 lb. ae) per acre per year 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. To the extent consistent with applicable law, 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.

To the extent consistent with applicable 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

Disclaimer: Always refer to the label on the product before using Helena or any other product.

accept it, subject to the foregoing conditions of sale and limitation of warranty, liability and remedies.

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