

7969-150

0.6-26-2008

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

26 JUN 2008

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

David G. Bolin  
BASF Corporation  
Agricultural Products  
P.O. Box 13528  
Research Triangle Park, NC 27709

Dear Mr. Bolin:

Subject: Add Use on Sweet Corn  
Distinct Herbicide  
EPA Registration No. 7969-150  
Your Submissions Dated April 4, 2007

The amendment referred to above, submitted in connection with registration under section 3(c)(7)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you:

1. Submit 3 additional field residue trials in corn, one each in Regions 1, 5, and 11.
2. Submit/cite all data required for registration/reregistration of your product under FIFRA section 3(c)(5) or 4(a) when the Agency requires all registrants of similar products to submit such data.
3. Make the following label changes listed below to the master label before you release the product for shipment:
  - a. Change the Re-entry Interval (REI) to 24 hours based on the acute toxicology profile of this product, as well as requirements in the Dicamba Reregistration Eligibility Decision (RED).
  - b. Personal Protective Equipment: This section should read as follows: "Some materials that are chemical-resistant to this product are [*registrant inserts correct chemical-resistant material*]. If you want more options, follow the instructions for category [*registrant inserts A,B,C,D,E,F,G or H*] on an EPA chemical-resistance selection chart.

All mixers, loader, applicators, and other handlers must wear:

- i. Long-sleeved shirt and long pants
- ii. Shoes plus socks, and
- iii. Chemical-resistant gloves (except for applicators using groundboom equipment, pilots, and flaggers)

See engineering controls for additional requirements and exceptions."

- c. User Safety Requirements: Retain the section beginning, "Follow the manufacturer's instructions for cleaning and maintaining PPE..."
- d. User Safety Recommendations: In the second bulleted statement, change "clothing" to "clothing/PPE."
- e. In the Environmental Hazards section, add the words, "or rinseate" at the end of the sentence, "Do not contaminate water when disposing of equipment washwaters."
- f. In the Engineering Controls section, add the following sentence: "Pilots must use cockpits in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)]."
- g. Agricultural Use Requirements box: Replace the current early entry PPE requirements section with the following: "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 worn over short-sleeve shirt and short pants, \* chemical resistant footwear plus socks \* chemical-resistant gloves made of any waterproof material \* chemical-resistant headgear for overhead exposure. \* protective eyewear. Notify workers of the application by warning them orally and by posting warning signs at entrances to treated area."
- h. The annual maximum of 2 applications per year must be clearly stated in the use directions on both the master label and the supplemental labeling.

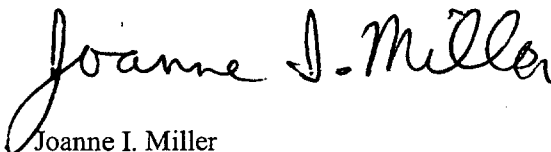
3. Submit one copy of the final printed label before releasing the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

If you have any questions concerning this letter please contact Kathryn Montague at 703-305-1243.

Sincerely yours,



Joanne I. Miller  
Product Manager (23)  
Herbicide Branch  
Registration Division (7505P)

Enclosure

# Distinct®

herbicide

ACCEPTED  
with COMMENTS  
In EPA Letter Dated:

26 JUN 2008

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

## For use in Popcorn, Sweet Corn and Pasture or Rangeland

EPA Reg. No 7969-150

7969-150

All applicable directions, restrictions, precautions and **Conditions of Sale and Warranty** on the EPA-registered label are to be followed. This labeling must be in the possession of the user at the time of application.

### 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.

### Application Instructions

#### Popcorn

Apply 4 to 6 ounces of **Distinct** per acre for control or suppression of weeds listed in the General Weed List Table in the Directions for Use container label. Follow the recommended application rates, timings and spray additives given for **Distinct** use in field corn in the Directions for Use container label.

#### Restrictions and Limitations

Do not apply to popcorn without first verifying with your local seed supplier the selectivity of **Distinct** on your specific hybrid.

Do not apply within 32 days of forage harvest or within 72 day of grain or stover harvest.

#### Sweet Corn

Apply 2 to 4 ounces of **Distinct** per acre for suppression of broadleaf weeds listed in the General Weed List Table in the Directions for Use container label. Make applications when weeds are less than 3 inches tall and when sweet corn is from 4 to 24 inches tall. For improved spray coverage of weeds and to minimize risk of crop injury, use drop nozzles that direct the spray away from the whorls and beneath the leaves of sweet corn that is greater than 10 inches tall. Use only a non-ionic surfactant at a rate of 0.25 % v/v (1 quart per 100 gallons) as the spray additive when applying this product on sweet corn.

#### Restrictions and Limitations

Do not apply to sweet corn without first verifying with your local seed supplier the selectivity of **Distinct** on your specific hybrid.

Do not use **Distinct** on sweet corn grown for seed production.

If sequential applications are used, applications must be separated by a minimum of two weeks and must not exceed a total 6 ounces per acre per season. Sweet corn ears or forage may be harvested at 32 or more days after application.

Do not apply within 72 days of dry grain or stover harvest.

#### Tank Mixes

**Distinct** may be tank mixed with atrazine, **Basagran**® or **Laddok**® S-12 for improved broadleaf weed control in sweet corn. Tank mixtures with other herbicides or insecticides are not recommended when using this product in sweet corn.

#### Pasture and Rangeland

Apply 4 to 8 ounces of **Distinct** per acre for control or suppression of broadleaf weeds listed in the General Weed List Table of the Directions for Use container label and the weed species listed in Table 1, below. Applications should be made to established grasses when weeds are actively growing. For biannual or perennial weeds, make application when weeds are in the rosette stage before bolting, in the bud stage or in the fall prior to a killing frost. Temporary injury in the form of chlorosis or leaf twisting may occur. Use the spray additives recommended in the Directions for Use container label unless using in combination with **Paramount** (see special use directions for **leafy spurge** control). Sequential applications may be used. Do not exceed 8 ounces of **Distinct** per acre per calendar year.

#### Restrictions and Limitations

Areas treated with **Distinct** may be grazed or harvested for feed immediately after application.

#### Tank Mixes

For improved control or suppression of listed species or control of additional species, use 2 to 8 ounces of **Distinct** per acre in tank mixes with other herbicides registered for use in pasture and rangeland such as: **Ally**®, **Amber**®, **Banvel**®, **Clarity**®, **Curtail**®, **Grazon**® P+D, **Paramount**®, **Rave**™, **Remedy**®, **Tordon**®, **Weedmaster**® or 2,4-D.

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