

9198-209

4.4.2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

APR 4 2008

Ms. Dawn L. Walters
Regulatory Administrator
The Andersons Lawn Fertilizer Division, Inc.
d/b/a Free Flow Fertilizer
P.O. Box 119
Maumee, OH 43537

RE: Notification to revise Warranty Statement per EPA Guidance
EPA Registration Number: 9198-209
Submission Dated: March 13, 2008

Dear Ms. Walters:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated, March 13, 2008, for the product, Andersons Fertilizer Plus Preemergent Weed Control. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

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

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	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 9198-209	2. EPA Product Manager Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Andersons Fertilizer Plus Preemergent Weed Control	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) The Andersons Lawn Fertilizer Division, Inc. d/b/a Free Flow Fertilizer PO Box 119 Maumee, OH 43537 <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 type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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NOTIFICATION

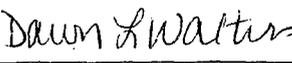
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Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Notification of Label change per PR Notice 98-10: Revised warranty per EPA guidance. Added optional marketing claims. See cover letter for details.
 This notification is consistent with the guidance of PR Notice 98-10 and the requirements of EPA's regulations at 40 CFR 156.10 and 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 guidance of PR Notice 98-10 and the requirements of 40 CFR 156.10 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 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"/> On Label		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 Dawn L. Walters	Title Regulatory Administrator	Telephone No. (Include Area Code) 419-897-6700
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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Regulatory Administrator	
4. Typed Name Dawn L. Walters	5. Date 3/13/08	

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ANDERSONS Fertilizer Plus Preemergent Weed Control

- preemergent control of crabgrass, goosegrass, foxtail, chickweed, oxalis, spurge, knotweed and *Poa annua*
- Provides a feeding of potassium
- provides quick green-up plus extended feeding with controlled release SREF nitrogen (slow release encapsulated fertilizer)
- Controlled release Poly-S*® nitrogen provides uniform growth with extended feeding
*A portion of the urea has been coated to provide 2.5% coated slow-release nitrogen.
- readily available potassium
- provides readily available iron
- provides a feeding of nitrogen and potassium
- provides a one-to-one feeding of nitrogen and potassium
- contains pendimethalin for season-long broad spectrum weed control
- small particle formulation provides high particle count for better herbicide distribution
- premium formula, designed for golf course use
- contains potassium for turf stress resistance

Net Weight XX.XX lbs (XX.X kg)
Treats up to XX,XXX sq. ft.
SGN XXX

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals: CAUTION, causes moderate eye irritation. Harmful if absorbed through the skin. Avoid contact with eyes, skin, or clothing. In case of contact, immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists. May be harmful if swallowed.

FIRST AID

If swallowed: Call a poison control center immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

If on skin: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling poison control center or doctor, or going for treatment.

Personal Protective Equipment

Applicators and other handlers must wear: Long-sleeved shirt and long pants, chemical resistant gloves such as butyl rubber, barrier laminate, or nitrile rubber \geq 14 mils (if you want more options, follow instructions for Category A on EPA chemical-resistant selection chart), shoes, plus socks.

Follow manufacturer's instructions for cleaning/maintaining personal protection equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash personal protection equipment separately from other laundry.

NOTIFICATION

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(Front Panel cont'd)

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.

Engineering Controls

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.

Environmental Hazards: This pesticide is toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes. In case of spills, either collect for use or dispose of properly.

ACTIVE INGREDIENT:

Pendimethalin†	0.84%
INERT INGREDIENTS:	99.16%
Total	100.00%

†CAS #40487-42-1
EPA Reg. No. 9198-209
EPA Est 538-OH-1

ANDERSONS Fertilizer Plus Preemergent Weed Control XX-XX-XX 643-XXXX

Guaranteed Analysis

Total nitrogen (N).....	XX%
0.6% ammoniacal nitrogen	
22.9% urea, methylene ureas nitrogen	
6.5% water insoluble nitrogen	
Available phosphate ((P ₂ O ₅).....	X%
Soluble potash (K ₂ O).....	X%
Derived from: urea, methylene ureas, monoammonium phosphate and potassium sulfate	

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-ap.com>

Product of USA
U.S. Patent No's 3,705,794; 3,989,470
*Licensed under one or more of the following U.S. Patents: 3,920,742; 4,066,441

The Andersons Lawn Fertilizer Division, Inc.
PO Box 119
Maumee, OH 43537
Recommended for Use by Professional Turfgrass Managers

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RIGHT GUSSET
XXXX

Andersons
Logo

XX-XX-XX
ANDERSONS Fertilizer
Plus Preemergent
Weed Control

LEFT GUSSET
XXXX

Andersons
Logo

XX-XX-XX
ANDERSONS Fertilizer
Plus Preemergent
Weed Control

BACK:

Prevents sprouting of the following grassy and dicot weeds and provides [a feeding of potassium
—OR— a controlled-release nitrogen feeding]:

Grassy Weeds

crabgrass
foxtail
goosegrass
Poa annua
barnyardgrass
fall panicum

Dicot Weeds

chickweed
oxalis
knotweed
prostrate spurge
purslane
cudweed
hop clover
henbit
eveningprimrose

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 Workers 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 24 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 butyl rubber, barrier laminate, or nitrile rubber \geq 14 mils (if you want more options follow instructions for Category A on EPA chemical-resistant selection chart), shoes plus socks.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to use of this product that are not within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The Worker Protection Standard applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried or dusts have settled.

For use on established turfgrasses including bentgrass, bermudagrass, and *Poa annua* (except putting greens and tees), Kentucky bluegrass, perennial ryegrass, fine fescue, tall fescue, St. Augustinegrass, bahiagrass, zoysiagrass, centipedegrass and blends of the grasses. See "Bermudagrass, Bentgrass and *Poa annua* Precautions" and "Limitation of Liability" statements.

Not for use on bentgrass, *Poa annua* and bermudagrass putting greens and tees, or on dichondra. Where bentgrass, bentgrass-containing turf and *Poa annua* are the desired species, a light rate application only is recommended.

How/When to Use

For control of annual grassy and broadleaf weeds such as crabgrass, goosegrass, foxtail, barnyardgrass, fall panicum, *Poa annua*, oxalis, knotweed, purslane, and prostrate spruce, apply in spring before they sprout.

To prevent *Poa annua* and fall germinating chickweed, apply product to dry foliage in late summer/early fall (before germination). Repeat application yearly for continued control. A repeat application made after *Poa annua* treatment should not be sooner than 4 months.

Where lower infestations are expected, the lighter rates may be used.

Apply product uniformly to dry foliage at the suggested rate with a properly calibrated spreader. For best results, water after application ($\frac{1}{4}$ - $\frac{1}{2}$ inch) to remove granules from the foliage and to move the product to the soil surface for an effective chemical barrier. Do not destroy the chemical barrier created at the soil surface by raking or aerifying as a segment to application. Allow at least a four month space between the applications except when repeat applications are necessary after 6-8 weeks.

Do not mow treated area until product has been watered in and turf foliage has dried.

Precautions

Do not use on bentgrass, *Poa annua* and bermudagrass putting greens and tees, or on dichondra. Where bentgrass and bentgrass-containing turf and *Poa annua* are the desired species, a light rate application only is recommended.

On cool season turfgrasses avoid applications when temperatures are regularly in the 80's.

This product may cause discoloration and thinning where overapplications have been made if the turfgrass is under severe stress conditions (disease, drought, low temperature - below 40°F, scalping, and excessive soil moisture).

Do not apply to dormant bentgrass and *Poa Annua* (turf that is not actively growing or has experienced frost).

When any preemergence herbicide is applied to dormant bermudagrass, green-up may be delayed 2 to 3 weeks in the spring. The delay in green-up may be extensive in low-cut bermudagrass and on sandy soils.

As with most other preemergence herbicides, application of this product to bermudagrass overseeded with cool season turfgrass species may injure and thin the overseeding.

Do not apply to bentgrass of *Poa annua* after late summer.

Avoid application to cement, stone, clothing or shoes. If contact occurs, brush off particles to prevent staining. If necessary, rinse with water.

If metallic surfaces (golf course equipment, automobiles, etc.) are present at the application site, do not use this product under windy conditions (5-10 MPH) due to its staining potential.

Do not contaminate feed or foodstuffs. Do not graze treated areas. Do not feed clippings to livestock.

Properties of All Dinitroaniline (DNA) Products

May cause temporary slowing of turf fill-in and stolon-rhizome rooting where turf has been thinned.

Requires a waiting period before seeding or sprigging.

Seeding or Sprigging Intervals after Treatment

Delay seeding by 4 months and sprigging by 5 months after application. Prior to planting, for best results, the soil surface should be disturbed or worked to dilute any remaining chemical residue.

Treatment Interval after Seeding or Sprigging

On newly planted areas, wait until the grass has been mowed at least 4 times and has filled in before making an application.

Notes

Do not apply more than a cumulative total of 349 lbs. of product/acre (3.0 lbs. active ingredient/acre) per year on bentgrass and *Poa annua*; 698 lbs. of product/acre (6.0 lbs. active ingredient/acre) per year on cool season turfgrass; and 1,046 lbs. of product/acre (9.0 lbs. active ingredient/acre) per year on warm season turfgrasses.

Warm Season Grasses Bermudagrass St. Augustinegrass Bahiagrass Zoysiagrass Centipedegrass (401 lbs./acre rate or less) Tall fescue (Not for use on greens and tees)	Crabgrass Foxtail <i>Poa annua</i> Barnyardgrass Fall panicum Oxalis Prostrate spurge Purslane Knotweed Chickweed	175 – 233 lbs./acre prior to weed germination OR (OPTIONAL WORDING) 233 lbs./acre may be used prior to weed germination with a repeat application of 175 lbs./acre after 4 months where weeds germinate over an extended period. (Do not use this high rate on centipedegrass)	Apply a repeat application of 145 - 175 lbs./acre after 6 – 8 weeks for extended control or where heavy weed infestations are expected.
	Goosegrass Cudweed Hop clover Evening-primrose Henbit	175 - 233 lbs./acre prior to weed germination with a repeat application of 175 – 233 lbs./acre after 6 – 8 weeks.	
OR (NOTE TO EPA – OPTIONAL WORDING)			
	Goosegrass	175 – 233 lbs./acre prior to weed germination	Apply a repeat application of 175 – 233 lbs./acre to extend control of goosegrass or if the lower rate was used initially
	Cudweed Hop clover Evening-Primrose Henbit	175 - 233 lbs./acre prior to weed germination	Apply a repeat application of 145 – 203 lbs./acre after 6 – 8 weeks if the lower rate was used initially

Storage and disposal

Do not contaminate water, food or feed by storage or disposal. Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available.

STORAGE: Store in a clean, dry place. Reseal opened bag by folding top down and securing.

PESTICIDE DISPOSAL: Do not contaminate water, food, or feed by storage or disposal.

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

CONTAINER DISPOSAL: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

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Suggested Spreader Settings

To provide proper distribution calibrate spreader before application.
Do not adjust rates in order to meet fertilizer requirements of your soil.
50 lbs. treat 10,729 ft² (1/4 acre) at the 203 lbs product/acre rate
(equivalent to 1.75 lbs active ingredient/acre and X lbs N/1,000 sq ft)

SPREADER	GROUND OR PTO SPEAD	WIDTH OF COVERAGE	RECOMMENDED RATE RANGE (lbs. product/acre)			
			145	175	203	233
Gandy – 30"	X mph	Overlap wheels	X	X	X	X
Scotts Rotaries* R-7, R-7X R-8, R-8A (cone 8)	X mph	XX feet	X	X	X	X
Lely Model	X mph	XX feet	X	X	X	X
Vicon	X mph	XX feet	X	X	X	X

*Use discharge hole cover #13030 (already attached to the PT-10 and PT-11 models).
For the R-7X model use with adjustable pattern slide 1/4 closed.
Lely models WTR, WFR, HR and 1250. PT) a t 450 rpm.

IMPORTANT: READ BEFORE USE:

Read the entire Directions for Use and the Warranty Disclaimer and Limitation of Liability before using this product. If terms are not acceptable, return the unopened product container at once. By using this product, user or Buyer accepts the following Warranty Disclaimer and Limitation of Liability:

WARRANTY DISCLAIMER and LIMITATION of LIABILITY:

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions. Manufacturer makes NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Where permissible, To the extent consistent with applicable law, it is Manufacturer's intent to LIMIT ANY LIABILITY FOR SPECIAL, CONSEQUENTIAL OR INCIDENTAL ECONOMIC DAMAGES to refund of purchase price or replacement of product, at Buyer's choice. To the extent consistent with applicable law, Manufacturer DISCLAIMS ANY LIABILITY FOR COMPENSATORY OR OTHER DAMAGES ARISING OUT OF ANY USE CONTRARY TO LABEL DIRECTIONS. Use contrary to label directions is not permitted.

LEGAL RIGHTS:

THIS LIMITED WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS; YOU MAY HAVE OTHER RIGHTS THAT VARY FROM STATE/JURISDICTION TO STATE/JURISDICTION. (APnot031308)

Manufactured by:

The Andersons Lawn Fertilizer Division, Inc.
d/b/a Free Flow Fertilizer
PO Box 119
Maumee, OH 43537

Date Printed	3/13/08
Date Approved	Transfer
Supersedes	Transfer
Label changes	Notification: warranty
Filename	9198-209
Label code	APnot031308



The Andersons, Inc.

P.O. Box 119 • Maumee, Ohio 43537 • 419/893/5050

March 13, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

RE: Notification of Minor Label Change

SUBJECT: Andersons Fertilizer Plus Preemergent Weed Control
EPA Reg. No. 9198-209

Per PR Notice 98-10 enclosed is EPA Form 8570-1, an application notifying the Agency of a revision to the labeling for the subject registration. A copy of the revised labeling is enclosed with the additions underlined and marked in blue and deletions marked in red strikeout.

We are proposing to revise the warranty statement per Agency's Guidance on Warranty Statements, dated October 10, 2006.

Previous warranty:

WARRANTY DISCLAIMER and LIMITATION of LIABILITY:

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions. Manufacturer makes **NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE**. Where permissible, it is Manufacturer's intent to **LIMIT ANY LIABILITY FOR SPECIAL, CONSEQUENTIAL OR INCIDENTAL ECONOMIC DAMAGES** to refund of purchase price or replacement of product, at Buyer's choice. Manufacturer **DISCLAIMS ANY LIABILITY FOR COMPENSATORY OR OTHER DAMAGES ARISING OUT OF ANY USE CONTRARY TO LABEL DIRECTIONS**. Use contrary to label directions is not permitted.

Revised warranty:

WARRANTY DISCLAIMER and LIMITATION of LIABILITY:

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions. Manufacturer makes **NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE**. To the extent consistent with applicable law, it is Manufacturer's intent to **LIMIT ANY LIABILITY FOR SPECIAL, CONSEQUENTIAL OR INCIDENTAL ECONOMIC DAMAGES** to refund of purchase price or replacement of product, at Buyer's choice. To the extent consistent with applicable law, Manufacturer **DISCLAIMS ANY LIABILITY FOR COMPENSATORY OR OTHER DAMAGES ARISING OUT OF ANY USE CONTRARY TO LABEL DIRECTIONS**. Use contrary to label directions is not permitted.

If there are any questions or comments regarding this notification, please contact me.

Sincerely,
The Andersons Lawn Fertilizer Division, Inc.

Dawn L. Walters

Dawn L. Walters
Regulatory Administrator
Phone: 419-897-6790
Fax: 419-891-2745
Email: dawn_walters@andersonsinc.com

Enclosures