

9198-215

01/30/2009

1/10



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mrs. Debbie Ziehr
Regulatory Administrator
The Andersons Lawn Fertilizer Division, Inc.
d/b/a Free Flow Fertilizer
P.O. Box 119
Maumee, Oh 43537

JAN 30 2009

Subject: Notification(s) for Label Revisions under PRN 98-10 and PRN 2007-4

Dear Mrs. Zieher:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notices (PRN) 98-10 and 2007-4 dated, December 30, 2008 for:

EPA Registration 9198-215

**The Andersons Fertilizer with 0.25%
Paclobutrazol**

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 98-10 and PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-98-10 and 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 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



United States
Environmental Protection Agency
Washington, DC 20460

| | |
|-------------------------------------|--------------|
| <input type="checkbox"/> | Registration |
| <input type="checkbox"/> | Amendment |
| <input checked="" type="checkbox"/> | Other |

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|--|--|--|
| 1. Company/Product Number 9198-215 | 2. EPA Product Manager Kish | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) The Andersons Fertilizer with 0.25% Paclobutrazol | PM# 22 | |
| 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)(ii), my product is similar or NOTIFICATION to: EPA Reg. No. <u>JAN 30 2009</u> Product Name _____ | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <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 changes per PR Notice 2007-4 and 98-10.

This notification is consistent with the guidance in PR Notices 98-10 and 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, 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 the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, 156.156, 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: | | | | 2. Type of Container | |
| 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 | <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 | | | |
| 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 Debbie Ziehr | Title Regulatory Administrator | Telephone No. (Include Area Code) 419-891-6671 |
| 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 both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature | 3. Title Regulatory Administrator | |
| 4. Typed Name Debbie Ziehr | 5. Date 12/30/08 | |



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

3/10

December 30, 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: The Andersons Fertilizer with 0.25% Paclobutrazol
EPA Reg. No. 9198-215

Per PR Notice 2007-4 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 have made the following changes:

1. As consistent with the guidance in PR Notice 2007-4, "Labeling Revisions Required by the Final Rule 'Pesticide Management and Disposal; Standards for Pesticide Containers and Containment'", we have added the following statements to our Storage and Disposal section: "Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available."
2. Revised 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.

5/10

THE ANDERSONS FERTILIZER WITH 0.25% PACLOBUTRAZOL

- Suppresses *Poa annua* growth in bentgrass, zoysiagrass, Kentucky bluegrass, perennial ryegrass and Kentucky bluegrass/perennial ryegrass fairways, tees, and roughs
- Encourages preferential and aggressive growth of bentgrass, zoysiagrass, Kentucky bluegrass, and perennial ryegrass into adjacent *Poa annua* areas
- Extends color response through controlled-release nitrogen feeding and growth modification

ACTIVE INGREDIENT:

| | | |
|--------------------------|--------|---------|
| Paclobutrazol* | 0.25% | |
| OTHER INGREDIENTS: | 99.75% | |
| Total | | 100.00% |

*CAS # 76738-62-0

EPA Reg. No. 9198-215

EPA Est No. 9198-OH-1M, 9198-OH-2B, 9198-AL-001A, 9198-PA-001P

Underlined letter is first letter used in run code on bag

NOTIFICATION

JAN 30 2009

US Pat Nos. 3,705,794 and 3,989,470

Product of USA

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals: CAUTION. Harmful if absorbed through skin. Harmful if swallowed. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Causes eye irritation. Do not contaminate feed or foodstuffs. Do not graze treated areas. Do not feed clippings to livestock.

| FIRST AID | |
|--|---|
| If in eyes | Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contacts, if present, after the first 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice |
| If swallowed | Call a poison control center or doctor for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a poison control center or doctor. Do not give anything by mouth to an unconscious 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 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 mouth-to-mouth if possible. Call a poison control center or doctor for treatment advice. |
| Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-757-8951 for emergency medical treatment information. | |

Personal Protective Equipment

Applicators and other handlers must wear: Long-sleeved shirt and long pants, chemical resistant gloves made of any waterproof material, shoes plus socks.

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

6/10

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.

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 apply to steep slopes near water or when weather conditions favor drift from target areas. Do not contaminate water when disposing of equipment washwaters.

Net Weight XX lbs. (XXX kg)
Covers XX,XXX sq. ft.

Guaranteed Analysis

| | |
|--|-----|
| Total Nitrogen (N) | XX% |
| Available Phosphate (P ₂ O ₅) | XX% |
| Soluble Potash (K ₂ O) | XX% |

Plant nutrients derived from:

For products being sold into states with mandatory metals statements:

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

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 made of any waterproof material such as barrier laminate or butyl, nitrile or neoprene rubber or polyethylene and 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 areas during application. Do not enter treatment areas until spray has dried or dusts have settled.

POA ANNUA CONTROL

For suppression of *Poa annua* in bentgrass, zoysiagrass, Kentucky bluegrass, perennial ryegrass and Kentucky bluegrass/perennial ryegrass fairways, tees and roughs. Repeat applications in a programmed approach will result in the gradual elimination of *Poa annua* as a major component of the turfgrass stand. Once the desired level of *Poa annua* is obtained, annual applications and appropriate management practices will help prevent *Poa annua* from reestablishing as a major management problem.

What to expect

The growth and competitive ability of *Poa annua* will be reduced within 1-2 weeks of an application. The shoot and leaf tissue will become discolored (yellow to brown) for 3-8 weeks following the onset of growth regulation. Growth reduction of *Poa annua* will last for at least 3-8 weeks. During this period, growth of bentgrass, zoysiagrass, Kentucky bluegrass, and perennial ryegrass will be stimulated to "crowd out" the weakened *Poa annua*. Creeping bentgrasses will be more effective than Colonial bentgrass varieties in aggressively encroaching *Poa annua* areas.

The formation of *Poa annua* seedheads will not be prevented, but spring and previous fall applications will stunt the growth of the seedhead stalk. Applications made just prior to seedhead emergence will greatly reduce the visibility of seedheads for 3-5 weeks.

Regreening/regrowth of *Poa annua* will occur 4-8 weeks after application. Bentgrass, Kentucky bluegrass, and perennial ryegrass color will be enhanced for 6-12 weeks under non-stress conditions.

Stress conditions following application may result in temporary undesirable color changes of bentgrass and Kentucky bluegrass. Avoid these conditions by irrigating and apply at the recommended time.

Treatments will not have any detrimental effects on turfgrass root growth under normal growing conditions and when used as directed.

The degree of *Poa annua* control will be influenced by turfgrass management practices, climate, soil type, turf variety, and *Poa annua* biotype.

Program scheduling

Use any time when *Poa annua* is actively growing. Avoid applications during stressful conditions since the extent of discoloration on *Poa annua* and other desirable grasses may be unacceptable.

Fairways and roughs: Repeat late summer/early fall followed by spring applications are recommended for gradual *Poa annua* control. Avoid applications during stressful conditions.

Tees: Apply one or two weeks prior to *Poa annua* seedhead emergence to reduce seedhead visibility and encourage turf growth and coverage. Repeat applications can be made under non-stress conditions at least two weeks after *Poa annua* has recovered from any discoloration.

8/10

For long-term control in areas containing a high initial percentage of *Poa annua* contamination, repeat applications over a 2 to 3 year period may be required before the desirable grasses predominate.

Moderate soil moisture conditions should be present before and after applications to achieve the best regulating effect (see precautions concerning saturated soil conditions). For best results, avoid applications during extreme soil temperature and moisture conditions.

Spring applications should be delayed until any observable effects from preemergent control applications on bentgrass growth, color and quality have subsided.

Where large areas of the desirable turf have been thinned from winter-damage, disease or insects, withhold application until desired fill-in and rooting of the turf stand is achieved.

When *Poa annua* populations have been reduced to the desired level, annual late summer/early fall applications are recommended where continuous long-term control is desired.

How to use

Apply to dry foliage. For best results, water in (at least ¼ inch) within 48 hours after application.

Adjust the application rate according to the percent of *Poa annua* contamination.

| | |
|---|---|
| <i>Poa annua</i> Contamination Level | Recommended Application Rate |
| High (50-70%) <i>Poa annua</i> population density | LOW -for less overall discoloration of <i>Poa annua</i> |
| Low (less than 50%) <i>Poa annua</i> population density | MEDIUM - for quicker removal |

Additional Program Scheduling

Overseeding is recommended to hasten conversion from *Poa annua* to the more desirable grasses. To avoid stunting growth of the desirable seedlings allow at least 2 weeks following treatment before overseeding, and in newly overseeded areas, make treatments at least 6 weeks after overseeding.

If crabgrass or other annual weeds have been a problem in the past, an application of the appropriate preemergent control product should be made before using this product.

If a weed, disease or insect problem occurs after application, apply a recommended control product in the same manner as is normally practiced, since the use of this product is compatible with the existing control products.

If Embark® is used for *Poa annua* seedhead control, apply this product at least 14 days after Embark® use to avoid potential discoloration of bentgrass and Kentucky bluegrass.

Avoid fall applications during onset of turfgrass dormancy to prevent fall and early spring discoloration of bentgrass and Kentucky bluegrass. Subsequent renewed growth and spring mowings will eliminate this potential discoloration.

Applications made in the fall after the desirable grasses have ceased growing may result in less color response and reduced or delayed activity in affecting *Poa annua* but will provide both a greening response on the desirable grasses as well as growth suppression of *Poa annua* the following spring.

Collecting clippings and the use of lightweight equipment throughout the year will enhance the long-term performance of treatments.

9/10

*Embark® is a registered trademark of PBI Gordon Corporation.

Precautions

Not for use on athletic fields where excessive wear is expected.

Do not apply to Kentucky bluegrass collars and other areas around greens where consistent turf height and color are desired.

Not for use around shrubs, fruit trees, flowers or vegetable plants; however, applications to turf areas under the tree canopies will not affect or harm trees.

Do not use during periods of extreme environmental stress, such as heat, drought, or cold, or during heavy insect or disease activity.

Frequent irrigation after application throughout hot and dry weather conditions will help prevent potential discoloration of bentgrass and Kentucky bluegrass and ensure continued aggressive growth of the desirable grasses into *Poa annua* areas.

Heavy rainfall or irrigation after application in areas where the soil is already saturated may cause the active ingredient to move laterally on steep slopes and collect in low areas. These areas may undergo more severe growth control for a longer period of time. To avoid this response, **do not** apply when soil is already saturated.

Do not use spreader settings other than those recommended. Improper rates may cause undesirable turf growth control and areas may discolor temporarily.

When large areas of the desirable turf have been thinned from winter damage, disease, or insects, withhold application until desired fill-in and rooting of the turf stand is achieved.

Use in areas containing greater than 70% *Poa annua* will result in more widespread discoloration and may not appear acceptable to the user. Use of other cultural techniques are encouraged to lower the percentage of *Poa annua* below the 70% level.

GROWTH REGULATION OF LAWN TURFGRASSES

For growth regulation of well-maintained, lawn-height commercial, industrial and residential bluegrass and ryegrass turfgrass areas that are on regular fertilizer programs.

What to Expect

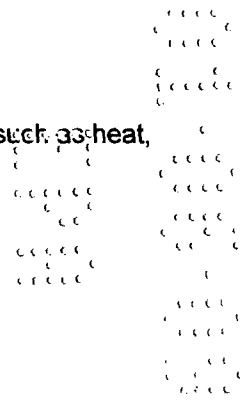
Applications made at the MEDIUM rate between March 1 and April 30 (Spring) or September 1 and October 31 (Fall) will result in reduced vertical growth, mowing frequencies and clipping yields of lawn-height bluegrass and ryegrass. *Poa annua* will be suppressed in treated turfgrass areas. Also realized will be improved and extended color and the overall improvement in turfgrass quality.

Precautions

Do not make more than 2 spring and 1 fall applications.

Do not make applications to turf areas containing more than 50% *Poa annua*.

Do not use during the recommended period if extreme environmental stresses such as heat, drought or cold or if heavy insect or disease pressures are present.



10/10

Storage and Disposal

Do not contaminate water, food, or feed by storage and disposal.

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 and 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. Do not reuse or refill this container. Offer for recycling, if available. 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.

| Spreader | Ground Speed | SPREADER SETTINGS | | | | | | | |
|-----------------------------|--------------|-------------------|------------------------|---------|------------------------|-----------|------------------------|---------|------------------------|
| | | LOW RATE | | | | HIGH RATE | | | |
| | | Setting | Full Width of Coverage | Setting | Half Width of Coverage | Setting | Full Width of Coverage | Setting | Half Width of Coverage |
| | X mph | X | X ft. | X | X ft. | X | X ft. | X | X ft. |
| | X mph | X | X ft. | X | X ft. | X | X ft. | X | X ft. |
| | X mph | X | X ft. | X | X ft. | X | X ft. | X | X ft. |
| APPLICATION INFORMATION | | | | | | | | | |
| Lb. Paclobutrazol / A | | 0.38 | | | | 0.5 | | | |
| Lb. product / 1,000 sq. ft. | | 3.5 | | | | 4.6 | | | |
| Bags / acre | | 3.0 | | | | 4.0 | | | |

Note to EPA: actual spreader models may vary depending on market demand and availability – available on final printed label

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:

NOTIFICATION
JAN 30 2009

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. (APnot123008)

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

c c c c
c c c c
c c c c
c c c c

| | |
|---------------|-----------------------------------|
| Date Printed | 12/30/08 notification |
| Date Approved | 10/4/04 |
| Supersedes | New |
| Label Changes | Notification – warranty, disposal |
| Filename | 9198-215 |
| Label Code | APnot123008 |

c c c c
c c c c
c c c c
c c c c