

10/18/2004

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Troy Munson
Athea Laboratories, Inc.
P.O. Box 240014
Milwaukee, WI 53224

OCT 18 2004

Subject: Label Amendment
EPA Reg. No.: 10088-2/Non-Selective Herbicide #1

Dear Mr. Munson:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended has been compared to the label requirements in the bromacil RED and the label is acceptable provided you make the following label changes.

1. Revisions are needed to the "First Aid" statements, including the following:
 - A. Place the statement, "First Aid", on a separate line following "CAUTION" to serve as an information heading and separate from "If Swallowed".
 - B. Add the appropriate telephone number to replace, "...call 1-800-XXX-XXXX".
2. The "Hazards to Humans and Domestic Animals" statements must be modified to the following:
 - A. CAUTION
 - Harmful if swallowed.
 - Harmful if absorbed through the skin.
 - Causes moderate eye irritation.
 - Avoid contact with skin, eyes, or clothing.
3. It is recommended that the following "User Safety Requirements" text be added to the label:
 - A. 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.
4. It is recommended that the following text: "Wash hands, face and arms with soap and water as soon as possible after mixing, loading or applying this product. Wash hands, face and arms with soap and water before, eating, smoking or drinking. Wash hands and arms before using toilet. After work, remove all clothing and shower using soap and water. Clothing must be kept and

wash separately from other household laundry. Remove saturated clothing as soon as possible and shower.” be replaced with the following “User Safety Recommendations”:

A. User Safety Recommendations

- Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Users should 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.
- Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

5. The “Environmental Hazards” statement must be modified to the following:

- A. 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 cleaning equipment or disposing of equipment wash-waters.

6. Revisions are needed to the “Directions for Use” statements, including the following:

A. The following text must be moved from the section under “CAUTION” to the “Direction for Use” section: “The maximum number of broadcast applications per treatment site is 2 per year. If this container is over one gallon and less than five gallons, the person engaged in open pouring of this product must also wear coveralls or a chemical-resistant apron. If this container is five gallons or more in capacity, then a mechanical system (probe and pump) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.”.

B. The following text must be added following the last paragraph of the “Directions for Use” section:

- Entry Restriction
 - Do not enter or allow others to enter the treated area until dust has settled.
- Application Restriction
 - 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.
- Not to be used in any recreational areas or in or around homes.

7. A “Warranty Information” section should be added to the label.

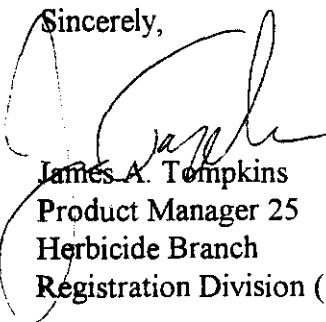
8. The advised layout of the label is the following order of sections:

- A. Product Name
- B. Ingredients
- C. EPA Registration and Establishment Numbers
- D. Company, Name, Address, Phone Number
- E. Net Contents
- F. Keep Out of the Reach of Children
- G. Signal Word

- H. First Aid
- I. Hazards to Humans and Domestic Animals
- J. PPE
- K. User Safety Requirements
- L. User Safety Recommendations
- M. Environmental Hazards
- N. Directions For Use
 - It is a Violation of Federal Law...
 - Storage and Disposal
 - General Information
 - Entry Restriction
 - Application Restriction
 - Application Instruction
- O. Warranty Statement

Amended labeling will supercede all previous accepted ones. A stamped copy of labeling is enclosed for your records. Submit one (1) copy of final printed labeling before you release the product for shipment. If you have any questions please contact Erik Kraft at 703-308-9358.

Sincerely,



James A. Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505C)

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Harmful or fatal if swallowed or absorbed through skin. Causes eye irritation. Causes skin irritation. Do not breathe vapors or mist. Do not get in eyes, on skin, or on clothing. When mixing, loading or applying this product or repairing or cleaning equipment used with this product, wear eye protection (face shield or safety glasses), long-sleeved shirt, long pants, socks, shoes and chemical-resistant gloves. Wash hands, face and arms with soap and water as soon as possible after mixing, loading or applying this product. Wash hands, face and arms with soap and water before eating, smoking or drinking. Wash hands and arms before using toilet. After work, remove all clothing and shower using soap and water. Do not re-use clothing worn during the previous day's mixing and loading or application of this product without cleaning first. Clothing must be kept and washed separately from other household laundry. Remove saturated clothing as soon as possible and shower.

The maximum number of broadcast applications per treatment site is 2 per year. Do not allow people (other than applicator) or pets on treatment areas during application. Do not enter treatment areas until spray has dried or dust has settled.

If this container is over one gallon and less than five gallons, the person engaged in open pouring of this product must also wear coveralls or a chemical-resistant apron. If this container is five gallons or more in capacity, then a mechanical system (probe and pump) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and nontarget plants. Do not apply directly to water when disposing of equipment wash water. 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 when weather conditions favor drift. Vapors from this product may injure susceptible plants in the immediate vicinity. Coarse sprays are less likely to drift. Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing, loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of groundwater supplies. Use of a closed system for mixing or transferring this product will reduce the probability of spills. Placement of mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

PHYSICAL OR CHEMICAL HAZARDS

Contains petroleum distillate. Do not use or store near heat or open flame.

NON-SELECTIVE HERBICIDE #1

ACTIVE INGREDIENTS:

Isocetyl (2-ethylhexyl) Ester of
2,4-dichlorophenoxyacetic acid 1.10%
Bromacil (5-Bromo-3-sec-butyl-6-methyluracil) 0.61%
INERT INGREDIENTS..... 98.29%
TOTAL..... 100.00%
2,4-dichlorophenoxyacetic acid equivalent 0.63%
Isomer specific: AOAC Method No. 6, DO 1-5.

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID: IF SWALLOWED: Immediately call a poison control center or doctor. 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 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 IN EYES: Hold eye 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 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 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 a poison control center or doctor, or going for treatment. For information on this pesticide (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378. For information on product, usage, etc., call 1-800-XXX-XXXX.

NOTE TO PHYSICIAN: Contains petroleum distillate - vomiting may cause aspiration pneumonia.

EPA REG. NO. 10088-2 EPA EST. NO. 10088-WI-1

Manufactured by:

Athea Laboratories, Inc.
P.O. Box 240014
Milwaukee, WI 53224

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its label.

This is a specially formulated, non-selective herbicide for controlling a wide variety of annual and perennial weeds and grasses. It is recommended for use only on non-cropland areas such as railroad rights-of-way, fence rows, parking lots, around buildings, loading ramps, storage yards, tank farms and industrial sites. The degree of control and duration of results depends on the amount of herbicide applied, soil type, rainfall and other conditions. This product is also highly recommended for municipal weed control and as a semi soil sterilant.

To control most weeds and grasses on non-cropland areas for an extended time, apply 1 gallon per 1000 square feet (43.5 gallons per acre) of undiluted weed killer after the most predominant weeds have emerged. No agitation is required. This herbicide should be applied with standard spraying equipment. For treating small areas, a tank type sprayer or sprinkling can may be used.

STORAGE AND DISPOSAL

Do not contaminate water, food, feed, or fertilizer by storage or disposal. Keep container tightly closed when not in use. If container is damaged or leaking, contain spill. Soak up spilled material with absorbent and place in closed, labeled container for proper disposal.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or residue is a violation of Federal law and may contaminate groundwater. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA regional office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

0315.051403

NET CONTENTS:

☐ 1 ☐ 5 ☐ 6 ☐ 15 ☐ 20
☐ 30 ☐ 35 ☐ 55 ☐ 250 Gallons

ACCEPTED
with COMMENTS
in EPA Letter Dated

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

OCT 18 2004
10088-2

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