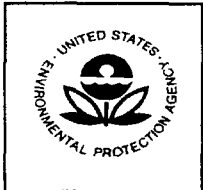


10088-2

12/23/2008

1/6

	U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505P) Ariel Rios Building 1200 Pennsylvania Ave., NW Washington, D.C. 20460	EPA Reg. Number: 10088-2	Date of Issuance: 23 DEC 2008
		Term of Issuance:	
		Name of Pesticide Product: Non-Selective Herbicide #1	
NOTICE OF PESTICIDE: <input type="checkbox"/> Registration <input checked="" type="checkbox"/> Reregistration (under FIFRA, as amended)			
Name and Address of Registrant (include ZIP Code): Athea Laboratories, Inc. P.O. Box 240014 Milwaukee, WI 53224			
Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.			
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>This product is reregistered in accordance with FIFRA section 4(g)(2)(C) provided you:</p> <ol style="list-style-type: none"> 1. Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data. 2. Per the acute toxicity review, the "IF ON SKIN" heading in the First Aid Statements must be revised to read "IF ON SKIN OR CLOTHING" and based on toxicity ranking the First Aid statements should be placed on the label in the following order: "IF IN EYES:..." "IF ON SKIN OR CLOTHING:..." "IF SWALLOWED:..." "IF INHALED:..." 			
Signature of Approving Official: Joanne I. Miller Product Manager 23 Herbicide Branch Registration Division (7505P)		Date: 23 DEC 2008	

3. The following revisions are needed to the PPE section:

- Per the acute toxicity review, gloves are required for all handlers. The text “when applying with any handheld nozzle or equipment, mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate” must be deleted from the glove statement currently on the label.
- Because aerial application is prohibited and no mixing is required for this product the text “All mixers, loaders, applicators, flaggers and other handlers...” must be revised to read “All loaders, applicators and other handlers.”

4. The mechanical transfer engineering control text is no longer needed and may be deleted from the label.

5. The text (“Follow manufacturer’s instructions for cleaning/maintaining PPE. If not such...Keep and wash PPE separately from other laundry”) currently on the label must be moved out of the box entitled ‘User Safety Requirements’ and should be placed directly below the PPE. The heading on the box must be revised to read ‘User Safety Recommendations.’

6. The first 2 sentences of the Environmental Hazard section must be revised to read:

“This pesticide *is* toxic to fish and aquatic invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark.”

7. Per the product chemistry review, the Physical or Chemical Hazards text currently on the label must be revised to read:

“Combustible. Do not use or store the product near heat or open flame.”

8. Per the product chemistry review, revisions are needed to the storage and disposal section. After the first statement under the heading of Storage and Disposal, change to read “Pesticide Storage: Keep container tightly...disposal.”

9. Per the RED, the following spray drift text must be added to the label:

“Spray Drift Management

A variety of factors including weather conditions (e.g., wind directions, wind speed, temperature, relative humidity) and method of application (e.g., ground, airblast, chemigation) can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Droplet Size

When applying sprays that contain 2,4-D as the sole active ingredient, or when applying sprays that contain 2,4-D mixed with active ingredients that require a coarse or coarser spray, apply only as a coarse or coarser spray (ASAE standard 572) or a volume mean diameter of 385 microns or greater for spinning atomizer nozzles.

When apply sprays that contain 2,4-D mixed with other active ingredients that require a medium or more fine spray, 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.

Wind Speed

Do not apply at wind speeds greater than 15 mph. Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind. If applying a medium spray, leave one swath unsprayed at the downwind edge of the treated field.

Temperature Inversions

If applying at wind speeds less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

Susceptible Plants

Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption. Susceptible crops include, but are not limited to, cotton, okra, flowers, grapes (in growing stage), fruit trees (foliage), soybeans (vegetative stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that might not be visible may injure susceptible broadleaf plants.

Other State and Local Requirements

Applicators must follow all state and local pesticide drift requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed.

Equipment

All application equipment must be properly maintained and calibrated using appropriate carriers or surrogates."

For ground boom application:

"Do not apply with a nozzle height greater than 4 feet above the crop canopy."

10. Add the following statements to the labeling:

Use of this product in certain portions of California, Oregon and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition, et al.v.EPA, C01-0132C, (W.D. WA). For further information, please refer to EPA Web Site: <http://www.epa.gov/espp>.

4/6

11. The Warranty is unacceptable since it makes no warranty or claim for fitness which negates the precautionary statements and directions for use required by FIFRA. Update the Warranty Statement. Refer to EPA Guidance on Warranty Statements at the following web site:

<http://www.epa.gov/pesticides/regulating/labels/pdf/warranty.pdf>

A stamped copy of your labeling is enclosed for your records. Submit one copy of the revised final printed label for the record before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Enclosure

Secondary Review of 10088-2

In paragraph 8 specify the changes required by the product chemistry review or rewrite the sentence to read "Revise the storage and disposal section as specified in the attached product chemistry review".

On page 4 delete the sentence "Please note that the final product reregistration cannot be considered until after all active ingredients in this product are eligible for reregistration". This product is eligible for reregistration and this is a Notice of Reregistration.

The duplicate signature block on page 4 is not required.

Add the paragraphs:

11. Add the following statements to the labeling:

Use of this product in certain portions of California, Oregon and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition, et al. v. EPA, C01-0132C, (W.D. WA). For further information, please refer to EPA Web Site: <http://www.epa.gov/espp>.

12. The Warranty is unacceptable since it makes no warranty or claim for fitness which negates the precautionary statements and directions for use required by FIFRA. Update the Warranty Statement. Refer to EPA Guidance on Warranty Statements at the following web site:

<http://www.epa.gov/pesticides/regulating/labels/pdf/warranty.pdf>

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are barrier-laminate, nitrile rubber, viton. If you want more options, follow the instructions for category E on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators, flaggers, and other handlers must wear: long-sleeved shirt and long pants, shoes and socks, plus chemical resistant gloves, when applying with any handheld nozzle or equipment, mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate, chemical resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

USER SAFETY REQUIREMENTS

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.

User should wash hands before eating, drinking, chewing gum, tobacco use, or using the toilet.

User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. If pesticide gets on skin, wash immediately with soap and water.

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.

ENVIRONMENTAL HAZARDS:

This pesticide may be toxic to fish and aquatic invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark except as noted on appropriate labels. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

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 water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

PHYSICAL OR CHEMICAL HAZARDS

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

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

NON-SELECTIVE HERBICIDE #1

ACTIVE INGREDIENTS:

Isooctyl (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 1-800-743-6417.

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

EPA REG. NO. 10088-2

EPA EST. NO. 10088-WI-**ACCEPTED**

with **COMMENTS**

In EPA Letter Dated:

23 DEC 2008

Under the Federal Insecticide,
P.O. Box 240014
Milwaukee, WI 53204
as amended, for the pesticide
registered under EPA Reg. No.

0315.022108_2.4-D RED

NET CONTENTS:

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

10088-2

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.

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.

Application Restrictions: 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.

Postemergence (annual & perennial weeds): Limited to 2 applications per year. Maximum of 2.0 lbs. ae/acre per application. Minimum of 30 days between applications. Application to non-cropland areas are not applicable, to treatment of commercial times or other plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.

Entry Restrictions: Do not enter or allow people (or pets) to enter the treated areas until sprays have dried.

Prohibited for aerial applications.

WARRANTY DISCLAIMER

Seller 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, subject to the inherent risks set forth below. SELLER MAKES NO EXPRESS NOR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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 rinsate 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.

10088-2