

10088-5

11/03/2008

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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: 10088-5

Date of Issuance: NOV 3 2008

Term of Issuance:

Name of Pesticide Product: Selective Herbicide #3 Broadleaf Weed Killer

NOTICE OF PESTICIDE:
Registration
[X] 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.

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.

This product is reregistered in accordance with FIFRA section 4(g)(2)(C) provided you:

- 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 product chemistry review, the chemical name in the ingredient statement must be revised to read "Triisopropanolamine..."
3. Per the acute toxicity review, the signal word currently on the label "CAUTION" must be revised to read "DANGER" and "PELIGRO."
4. Based on toxicity ranking per the acute toxicity review, the First Aid statements should be placed on the label in the following order:

"IF IN EYES:...
IF SWALLOWED:...
IF ON SKIN OR CLOTHING:...
IF INHALED:..."

Signature of Approving Official:

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

Handwritten signature of Joanne I. Miller

Date:

NOV 3 2008

5. Per the acute toxicity review, a Note to Physician must be added to the label and must read:

“Note to Physician
Probably mucosal damage may contraindicate the use of gastric lavage.”

The Agency recommends that additional text be added to the Note to Physician that addresses eye irritation concerns.

6. Per the acute toxicity review, the Hazards to Humans and Domestic Animals must be revised to read:

“Corrosive. Causes irreversible eye damage. Harmful if swallowed. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.”

7. Per the acute toxicity review and the RED, the PPE section must be revised to read:

“Some materials that are chemical-resistant to this product are made of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

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

- Long-sleeved shirt and long pants,
- Shoes and socks,
- Chemical-resistant gloves,
- Goggles or face shield, and
- Chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.”

8. The heading in the box under the PPE section must be revised to read “User Safety Recommendations.” The User Safety Requirement text (“Follow manufacturer’s instructions for cleaning/maintaining PPE. If no such....Keep and wash PPE separately from other laundry”) must be removed from this box and should be placed below the PPE section (but not in the User Safety Recommendation box).

9. The first sentence of the Environmental Hazards section must be revised to read “This pesticide is toxic to fish and aquatic invertebrates.”

10. The text “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 the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal” is no longer needed and should be deleted from the label.

11. Per the product chemistry review, the text "Do not store near heat or open flame" appearing in the Physical or Chemical Hazards section of the label is duplicated elsewhere on the label. This text and the heading 'Physical or Chemical Hazards' should be deleted from the label.
12. It is unclear whether this product is intended for use on sod farm turf. You must either remove the product from the scope of WPS by adding the text below or add an Agricultural Use Requirements box with the appropriate REI (48 hours) and early-entry PPE (coveralls, chemical-resistant gloves made of any waterproof material, shoes plus socks, and protective eyewear) for sod farm use:

"Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes."

13. Revisions, as specified in the product chemistry review are needed to the storage and disposal section of the label.
14. Per the RED, spray drift text must be added to the label and should read:

"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 and airblast) 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 ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates."

15. Per the RED, the following revisions are needed to the directions for use:
 - The text "repeated treatments maybe necessary" appearing in the lawn and turf directions for use and "repeat when necessary" in the directions for use along fence rows and rights-of-way conflict with the limitations of 2 applications per year as required in the RED. The label must be revised.
 - Lawn and Turf:**
 - Add:
 - "Limited to 2 applications per year.
 - Maximum of 1.5 lbs ae per acre per application.
 - The maximum seasonal rate is 3.0 lbs ae per acre, excluding spot treatments."
 - For woody plants such as poison oak, brambles, poison ivy, sumac, honeysuckle:**
 - Add the following text to the label and deleted any conflicting text ("repeat application in four weeks if necessary"):
 - "Limited to one application per year.
 - Maximum of 4.0 lbs ae per acre per year."
16. Under Storage and Disposal, change to "**Pesticide Storage:** Do not store near heat or open flame."

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17. 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>.
18. Please add a warranty statement to the label.

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. Please note that final product registration cannot be considered until after all active ingredients in this product are eligible for reregistration. 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.

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

Enclosure

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

CAUTION

May cause skin irritation. Do not get in eyes or on clothing. Avoid contact with skin. Harmful if swallowed. Avoid breathing vapors or spray mist.

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.

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.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

CONTROLS THE FOLLOWING WEEDS:

Aspens, Bitter Sneezeweed, Bitterweed, Brambles, Broomweed, Burdock, Buttercups, Chervil, Chickweed, Chickory, Chokecherry, Clovers, Cocklebur, Coffeeweed, Cottonwood, Croton, Dandelion, Docks, Elms, Evening Primrose, False Strawberry, Fanweed, Ground Ivy, Heal All, Henbit, Honeysuckle, Jimsonweed, Knotweed, Kochia, Lambsquarters, Locust, Maples, Mustard, Oaks, Oxalis, Pennyworts, Peppergrass, Pigweed, Plantains, Plums, Poison Ivy, Poison Oak, Prickly Lettuce, Ragweed, Sassafras, Sheepsorrel, Shepherds Purse, Speedwell, Spotted Spurge, Sumac, Sunflower, Thistles, Vetch, Wild Carrot, Wild Onion, Wild Radish, Wild Roses, Willows, Yarrow, Yellow Rocket, and many others.

**SELECTIVE
HERBICIDE #3
BROADLEAF WEED KILLER**

ACTIVE INGREDIENTS:

Dimethylamine 2,4-Dichlorophenoxyacetic Acid 12.30%

Trisopropanolamine 2,4-Dichlorophenoxyacetic Acid . . 19.07%

INERT INGREDIENTS: 68.63%

TOTAL: 100.00%

2,4-dichlorophenoxyacetic acid equivalent 20.1% (1.9 pounds per gallon).
Isomer specific by AOAC method 6, DO 1-5.

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID:

IF SWALLOWED: Call a poison control center or doctor 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 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 1-800-743-0417.

EPA REG. NO. 10088-5
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 product will kill or seriously injure desirable forms of vegetation. Do not apply directly to ornamentals, flowers, fruits, vegetables, grapes, cotton, tobacco, carpet grass, St. Augustine grass, or other desirable plants.

LAWN AND TURF: To control dandelion, chickweed, plantains, Japanese clover, oxalis, wild onions and certain other weeds, dilute 2 quarts of this product with 200 gallons of water to treat one acre. Keep spray tank agitated during application. Wet foliage thoroughly with spray solution. Do not apply during the heat of day. If grass begins to yellow, water thoroughly and fertilize. Do not apply to grass less than 4 months old. Temporary burning or yellowing may occur to Bent and Fescue grasses. Do not use on clover, Dichondra or Lippia lawns. To control Oxalis, repeated treatments may be necessary. For best control of wild onions, treat while young and before bulbs are formed - usually in late fall or early spring. Do not apply through any type of irrigation system.

TO TREAT SMALL AREAS: Mix 1-1/2 ounces of this product in 4-1/2 gallons of water to treat 1000 square feet.

TO CONTROL DOCKS, THISTLES, MORNING GLORY ALONG FENCE ROWS AND RIGHTS OF WAYS: Mix 1 gallon of this product in 100 gallons of water to treat 1 acre. Wet plants thoroughly and repeat when necessary.

FOR WOODY PLANTS SUCH AS POISON OAK, BRAMBLES, POISON IVY, SUMAC, HONEYSUCKLE: Mix 8 ounces of this product per gallon of water and drench thoroughly while plants area in full leaf. Repeat application in four weeks if necessary.

TO KILL STUMPS: Mix 1 pint of this product in one quart of kerosene or diesel oil. Spray all of the stump area thoroughly.

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.

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.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Do not store near heat or open flame. Store above 32°F. If product freezes, mix thoroughly before using. This does not alter the product. 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 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 incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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NET CONTENTS:

1 5 6 15 20
 30 35 55 GALLONS

1/2 20-1-0 22

