

10088-5

05-07-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Adam Swader
Athea Laboratories, Inc
PO BOX 240014
Milwaukee, WI 53224

MAY 7 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant,

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated March 25, 2010 for:

EPA Registration 10088-5 Selective Herbicide # 3 Broadleaf Weed Killer

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of 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 Banza Djapao of my staff at 703-305-7269.

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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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0080



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 10088-5	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Selective Herbicide #3	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Athea Laboratories, Inc. P.O. Box 240014 Milwaukee, WI 53224 <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: <input checked="" type="checkbox"/> EPA Reg. No. _____ 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.

NOTIFICATION

MAY - 7 2010

Explanation: Use additional pages if necessary. (For section I and Section II.)

Notification of minor label changes per PR Notice 2007-4. See attached cover letter

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1,5,6,20,30,35, 55 GA		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product		<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled	<input checked="" type="checkbox"/> Other Silkscreened		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Adam Swader	Title Regulatory Comp Spec.	Telephone No. (Include Area Code) 414-354-6417
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 Comp Spec.	
4. Typed Name Adam Swader	5. Date Apr 23, 2010	



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March 25, 2010

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

**Subject: Storage and Disposal Update
Selective Herbicide #3 Broadleaf Weed Killer
EPA Registration No. 10088-5**

To Whom It May Concern:

Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or Confidential Statement of Formula for 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 requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 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.

If there are any questions in regards to this notification please contact me at 414-354-6417 ext. 215 or email me at aswader@athea.com.

Thank You,

A handwritten signature in black ink, appearing to read 'Adam Swader', written over a horizontal line.

Adam Swader
Regulatory Compliance Specialist
Enclosures

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER - PELIGRO**

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.

PERSONAL PROTECTIVE EQUIPMENT (PPE):
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.

USER SAFETY RECOMMENDATIONS

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.

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.

ENVIRONMENTAL HAZARDS:

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 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.

**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
DANGER/PELIGRO**

FIRST AID:

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 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 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.

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

For information on product, usage, etc., call 1-800-743-0417.

EPA REG. NO. 10088-5
EPA EST. 10088-WI-1

Manufactured By:
Athea Laboratories Inc
PO Box 240014
Milwaukee, WI 53224

CONTROLS THE FOLLOWING WEEDS:

Aspens, Bitter Sweets, Bittersweet, Brambles, Bromweed, Burdock, Buttercup, Chevil, 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, Pennycorns, Peppergrass, Pigweed, Plantains, Plums, Poison Ivy, Poison Oak, Prickly Lettuce, Ragweed, Sassafras, Sheepsorrel, Shepherds Purse, Speedwell, Spotted Spurge, Sunac, Sunflower, Thistles, Vetch, Wild Carrot, Wild Onion, Wild Radish, Wild Roses, Willows, Yarrow, Yellow Rocket, and many others.

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 dandelions, 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 bulbils are formed - usually in late fall or early spring. Do not apply through any type of irrigation system. Limited to 2 applications per year. Maximum of 1.5 lbs as per acre per application. The maximum seasonal rate is 3.0 lbs as per acre, excluding spot treatments.

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

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.

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 are in full leaf. Limited to one application per year. Maximum of 4.0 lbs as per acre per year.

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

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 applying 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 un sprayed at the downwind edge of 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.

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.

WARRANTY

Athea Laboratories, Inc. warrants that this product conforms to the chemical description on this label. To the extent consistent with applicable law Seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

STORAGE AND DISPOSAL

Do Not Contaminate Water, Food, or Feed By Storage or Disposal.
Pesticide Storage: Store in a dry place no lower in temperature than 50°F or higher than 120°F.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. 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: Nonrefillable container. Do not reuse or refill container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat procedure two more times.

Container Disposal For Greater than 5 gallons
Container Disposal: Nonrefillable container. Do not reuse or refill container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

0360.032210

NET CONTENTS:

(Insert container size here, expressed in gallons/ounces with the option to add the metric equivalent.)

NOTIFICATION

MAY - 7 2010

FLK