

10088-55

5/7/2010

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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 10088-55      Non-Selective Herbicide # 3**

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. 2070-0060



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 10088-55	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Non-Selective Herbicide #3	PM# 25	
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: 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 page(s) 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 <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	If "Yes" Package wgt.    No. per container		
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container N/A		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 checked="" 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 Mar 25, 2010	

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060



United States  
Environmental Protection Agency  
Washington, DC 20480

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

OPP Identifier Number

### Application for Pesticide - Section I

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		If "Yes" Package wgt.	No. per container	<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 1,5,6,15,20,30,35,55 GA		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
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2. Signature 	3. Title Regulatory Comp Spec.	
4. Typed Name Adam Swader	5. Date Apr 22, 2010	



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  
Non-Selective Herbicide #3  
EPA Registration No. 10088-55**

To Whom It May Concern:

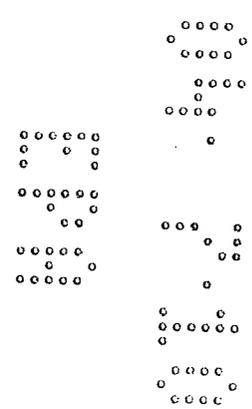
Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

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](mailto:aswader@athea.com).

Thank You,

Adam Swader  
Regulatory Compliance Specialist  
Enclosures



Items in italics are for reference only.  
Items in { } are alternative language.

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

Harmful if swallowed. May cause skin irritation. Do not get in eyes, on skin or clothing. Wash thoroughly after handling. Avoid inhalation of spray mist.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Applicators and other handlers must wear; Butyl gloves, or nitrile gloves, or other gloves that glove selection charts or guidance indicate are chemical-resistant to the pesticide for the period of time required to perform the task, long-sleeved shirt and long pants, socks and shoes, protective eyewear.

**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 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.

**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.

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:** Contains petroleum distillate - vomiting may cause aspiration pneumonia.

**USER SAFETY RECOMMENDATIONS**

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of the gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**ENVIRONMENTAL HAZARDS**

This product is toxic to fish, birds, and other wildlife. 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 by cleaning of equipment or disposal of wastes. Do not apply to area where roots of desirable plants will come into contact, as injury may result. Avoid contamination of water used for domestic or irrigation purposes. Do not store near foodstuffs.

**PHYSICAL AND CHEMICAL HAZARDS**

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

**NOTIFICATION**  
**MAY - 7 2010**

# NON-SELECTIVE HERBICIDE #3

**ACTIVE INGREDIENTS:**

Prometon: 2,4-bis(isopropylamino)-6-methoxy-s-triazine ..... 3.73%

**INERT INGREDIENTS:** ..... 96.27%  
**TOTAL** ..... 100.00%

This product contains 0.3 pounds per gallon of Prometon.  
Contains petroleum distillates, xylene, or xylene range aromatic solvent.

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**

See side panel for additional precautionary statements.

EPA Reg. No. 10088-55  
EPA Est. 10088-WI-1

**NET CONTENTS:**

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

Manufactured By:  
**Athea Laboratories Inc**  
**PO 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 is designed for non-selective weed control in non-cropland areas such as parking lots, fence rows, railroad sidings, storage yards, around buildings or industrial sites.

Mix 1 gallon of this herbicide with 10 (20) gallons of water and apply uniformly over 1000 square feet of soil surface. Thoroughly wet all foliage to insure contact action. Best results are obtained when the applications are made during or after weed emergence while growth is succulent. Where vegetation is tall and dense, use 1-1/2 gallons of this product with 10 (25) gallons of water per 1000 square feet.

For control of hard-to-kill perennial weeds and grasses such as johnsongrass, bindweed and wild carrot, use 1-1/2 to 1-2/3 gallons of this herbicide mixed with 10 (25) gallons of water per 1000 square feet. Although this product has considerable activity through foliar contact, much of its activity is through the roots and, therefore, adequate rainfall is necessary to move the herbicide into the root zone.

For faster top kill of existing vegetation, apply product diluted with diesel oil, fuel oil or weed oil.

Care must be taken to keep this herbicide away from desirable flower beds, lawns and shrubs. Do not apply over roots of valuable trees, shrubs or woody ornamental plants. Only apply this herbicide outside the dripline of trees. Avoid spray drift to desirable plants.

For all applications, do not apply more than 74 gallons of this product per acre per year.

**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.

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