

10088-68

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 10088-68      Non-Selective Herbicide # 2**

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

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 10088-68	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Non-Selective Herbicide #2	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 _____	<b>NOTIFICATION</b>  MAY - 7 2010
<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.	

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 type="checkbox"/> Yes* <input checked="" 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				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	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, <b>35, 55 GA</b>		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
<p align="center"><b>Certification</b></p> <p>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.</p>		6. Date Application Received (Stamped)
2. Signature 	3. Title Regulatory Comp Spec.	
4. Typed Name Adam Swader	5. Date Apr 23, 2010	

3  
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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  
Non-Selective Herbicide #2  
EPA Registration No. 10088-68**

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,

A handwritten signature in black ink, appearing to read 'Adam Swader', with a long horizontal line extending to the right.

Adam Swader  
Regulatory Compliance Specialist  
Enclosures

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

**CAUTION**

Harmful if absorbed through the skin. Avoid contact with skin, eyes or clothing.

**PERSONAL PROTECTIVE EQUIPMENT (PPE):**

Some materials that are chemical-resistant are barrier laminate, nitrile or neoprene rubber, or viton. If you want more options, follow the instructions for category E 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, 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.

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 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.

**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. 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.

2,4-D 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:**

Combustible. 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.

Recommended for use on non-crop areas such as fence rows, parking lots, around buildings, loading ramps, storage yards, tank farms, along pipelines, industrial plant sites and other similar areas where grasses and weeds interfere with drainage, create a fire hazard or cause unsightly appearance.

This liquid weed killer is composed of 5-bromo-3-sec-butyl-6-methyluracil (Bromacil) and low volatile 2,4-D Ester. The low volume oil carrier provides rapid penetration and translocation in the plant. The insolubility of the herbicide in water assures full effect regardless of rainfall after application or stage of growth at time of application.

# NON-SELECTIVE HERBICIDE #2

NON-SELECTIVE PERSISTENT GENERAL HERBICIDE FOR  
USE WHERE CONTROL OF ALL VEGETATION IS DESIRED

**SOIL STERILANT**

**ACTIVE INGREDIENTS**

Isooctyl (2-Ethylhexyl) ester of	
2,4-Dichlorophenoxyacetic acid	1.09%
Bromacil (5-Bromo-3-sec-butyl-6-methyluracil)	0.98%
<b>INERT INGREDIENTS</b>	<b>97.93%</b>
<b>TOTAL</b>	<b>100.00%</b>

2,4-dichlorophenoxyacetic acid equivalent 0.63%  
Isomer specific AOAC Method No. 6, DO 1-5.  
Contains petroleum distillates, xylene, or xylene range aromatic solvent.

## KEEP OUT OF REACH OF CHILDREN CAUTION

**FIRST AID**

**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 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 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.

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

EPA REG. NO. 10088-68  
EPA EST. 10088-WI-1

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

This liquid weed killer may be applied at any time of the year except when the ground is frozen. Best results are obtained after predominant weeds have emerged and developed to a point where they present a problem. The product should be applied as is. No agitation or dilution is necessary and any equipment from sprinker can to large sprayer may be used. Equipment should be calibrated to assure application of the recommended amount of weed killer.

For annual weeds and grasses such as crabgrass, foxtail, barnyard grass, lambsquarter and pigweed, use 1 to 2 gallons per 1000 square feet (40 to 80 gallons per acre).

For perennial weeds and grasses such as smooth brome, quackgrass, Canada bluegrass, broomsedge, aster, dandelion, goldenrod, plantain, wild carrot and purpletop, use 2 to 4 gallons per 1000 square feet (80 to 160 gallons per acre).

For other hard-to-kill perennial weeds and grasses such as Johnsongrass, tallgrass, Bermudagrass, horsetail, bouncing bet and bracken fern, use 3 to 5 gallons per 1000 square feet (120 to 200 gallons per acre).

**Spray Drift Management**

A variety of factors including weather conditions (e.g., wind directions, wind speed, temperature, relative humidity) and method of application 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 S72) 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 S72) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

**Wind speed**

Do not apply at wind speed 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.

**For ground boom application:**

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

2,4-D esters may volatilize during conditions of low humidity and high temperatures. Do not apply during conditions of low humidity and high temperatures.

**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 one application per year. Maximum of 200 gallons/ Acre (equivalent to 2.0 lbs 2,4-D) annually. Minimum of 30 days between applications. Application to non-cropland areas are not applicable, to treatment of commercial timber 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 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.

0320.032210

**NET CONTENTS:**

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

**NOTIFICATION  
MAY - 7 2010**

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