

10088-88

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 10088-88 Vegetation Control

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,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



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<p style="margin: 0;">United States Environmental Protection Agency Washington, DC 20460</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><input type="checkbox"/> Registration</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Amendment</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> Other</td> </tr> </table>	<input type="checkbox"/> Registration	<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Other	OPP Identifier Number
<input type="checkbox"/> Registration					
<input type="checkbox"/> Amendment					
<input checked="" type="checkbox"/> Other					

Application for Pesticide - Section I

1. Company/Product Number 10088-88	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Vegetation Control	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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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~~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:						
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	2. Type of Container			
* Certification must be submitted			If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
			2. Type of Container <input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <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 1,55,250 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 checked="" 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 		
4. Typed Name Adam Swader	3. Title Regulatory Comp Spec.	
5. Date Apr 23, 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
Vegetation Control
EPA Registration No. 10088-88**

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

WARNING

Causes skin irritation. Harmful if absorbed through skin. Causes moderate eye irritation. Do not get on skin or on clothing. Avoid contact with eyes. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: Coveralls over short-sleeved shirt and short pants, chemical-resistant gloves (such as, barrier laminate, 14 mils and viton 12 mils), chemical resistant footwear plus socks. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USERS 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 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. Avoid spray drift to susceptible plants. Do not apply when conditions favor drift from area treated. Coarse sprays are less likely to drift. Avoid contamination of water used for domestic or irrigation purposes.

PHYSICAL AND CHEMICAL HAZARDS

Contains petroleum distillate. Combustible. Do not use or store the product 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.

GENERAL INFORMATION

To control most weeds and grasses for extended periods on non-cropland areas such as industrial plant sites, parking lots, loading ramps and around storage buildings and similar non-crop areas.

VEGETATION CONTROL

**READY TO USE SOLVENT BASE
NON-SELECTIVE RESIDUAL HERBICIDE**

ACTIVE INGREDIENTS:

Bromacil: (5-Bromo-3-sec-butyl-6-methyluracil) . . . 0.98%

INERT INGREDIENTS: 99.02%

TOTAL 100.00%

Contains 0.078 pounds of Bromacil per gallon.

Contains petroleum distillates, xylene, or xylene range aromatic solvent.

**KEEP OUT OF REACH OF CHILDREN
WARNING**

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.

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-XXX-XXXX.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. The product contains petroleum distillate, which may pose aspiration pneumonia hazard.

EPA REG. NO. 10088-88

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

Apply this herbicide after the most predominant weeds have emerged. No agitation is required. VEGETATION CONTROL can be applied with standard spray equipment. For treating small areas, a tank type hand sprayer or sprinkling-can may be used.

APPLICATION INSTRUCTIONS

Apply 1 to 3.56 gallons of VEGETATION CONTROL per 1000 square feet.

GENERAL PRECAUTIONS AND RESTRICTIONS

Aerial applications are prohibited. Not to be used in any recreational area or in or around homes. 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 area during application.

ENTRY RESTRICTIONS: Do not enter or allow others to enter the treated area until sprays have dried.

Do not apply to areas where roots of desirable plants will come into contact, as injury may result.

The maximum application rates must be not more than 12 lbs. ai/A per year for all uses except the under surface treatment for toxic waste holding ponds.

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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