

10088-98

09/24/2003

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 24 2003

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mr. Troy Munson
Athea Laboratories, Inc.
P.O. Box 240014
Milwaukee, WI 53224

Dear Mr. Munson:

Subject: Correction of Agency Approval Letters in Response to
Label Amendments Dated May 15, 2003
Conkill
EPA Registration No. 10088-13
Contact Herbicide #1
EPA Registration No. 10088-35
Diquat 4.35%
EPA Registration No. 10088-98

This is in response to your inquiries to the Agency regarding our label acceptance letters of August 12, 2003 for the referenced products. A complete label review was conducted for these labels, unfortunately, our response letter did not indicate this fact. This follow-up letter corrects the record regarding these label amendments. We regret any inconvenience this issue may have caused you.

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. The amended label supersedes all previously accepted labels. A stamped copy of the label is enclosed for your records. Please submit one copy of the final printed label before you release the product for shipment.

Sincerely yours,

A handwritten signature in cursive script that reads "Joanne I. Miller".

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

Enclosures

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

Harmful if swallowed, inhaled or absorbed through skin. Causes skin irritation. Do not get on skin, in eyes or on clothing. Avoid breathing spray mist. Do not feed forage from treated crops to livestock. Keep livestock and pets out of treated areas.

Applicators and other handlers must wear:

- Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.
- Coveralls over long sleeved shirt and long pants.
- Shoes plus socks.
- 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.
- Protective eyewear.
- Chemical-resistant apron when cleaning equipment, mixing and loading.

Application Restrictions: Do not apply this product in a way that will contact any person or pet, either directly or through drift. Only persons applying this product may be in the area during application.

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 gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS (Aquatic and Nonaquatic Uses)

This pesticide is toxic to aquatic invertebrates. For terrestrial uses, 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 when disposing of equipment washwaters. For aquatic uses, do not apply directly to water except as specified on this label. Treatment of dense weed areas may result in oxygen loss from decomposition of dead weeds. This loss of oxygen may cause fish suffocation. Therefore, treat only 1/3 to 1/2 of the water body area at one time, especially if dense areas of weeds and/or algae exist, and wait 14 days between treatments.

Necessary approval and/or permits should be obtained prior to application if required. Consult the responsible State Agencies (i.e., Fish and Game Agencies or Department of Natural Resources) before making applications to public waters.

DIQUAT 4.35%

ACTIVE INGREDIENT:

Diquat dibromide [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium dibromide] 4.35%

INERT INGREDIENTS: 95.65%

TOTAL 100.00%

Contains 0.2 lbs. diquat cation per gallon as 0.371 lbs. salt per gallon.

KEEP OUT OF REACH OF CHILDREN WARNING

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.

IN 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-XXX-XXXX.

NOTE TO PHYSICIANS: To be effective, treatment for diquat poisoning must begin IMMEDIATELY. Treatment consists of binding diquat in the gut with suspensions of activated charcoal or bentonite clay, administration of cathartics to enhance elimination, and removal of diquat from the blood by charcoal hemoperfusion or continuous hemodialysis.

EPA REG. NO. 10088-98

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 labeling.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

TO PREVENT ACCIDENTAL POISONING, NEVER PUT INTO FOOD, DRINK OR OTHER CONTAINERS AND USE STRICTLY IN ACCORDANCE WITH ENTIRE LABEL

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climactic modifications and being grown in interior plantscapes, ornamental gardens or parks, or on golf courses or lawns and grounds.

REENTRY STATEMENT

Do not allow people or pets to touch treated plants until the sprays have dried.

For terrestrial uses, do not allow entry of maintenance personnel into treated areas, or allow contact with treated vegetation wet with spray, dew or rain, without appropriate protective clothing until spray has dried.

For aquatic uses, do not enter treated areas while treatments are in progress.

Do not allow swimming in treated areas within 24 hours after treatment.

Certain states may require more restrictive reentry intervals; consult your State Department of Agriculture for further information.

Written or oral warnings regarding use of protective clothing and accidental exposure must be given to workers who are expected to be in treated areas or in areas about to be treated. Oral warnings must be given if there is reason to believe that written warnings cannot be understood by workers.

When oral warnings are given, warnings shall be given in a language customarily understood by workers and must indicate the specific period of time that treated areas may not be entered without protective clothing. Oral warnings must also include appropriate first aid instructions in case of accidental exposure. These instructions are given in the FIRST AID at the beginning of this label.

Written warnings must include the following information, "WARNING: Area treated with Diquat Herbicide on (date of application). Do not enter treated areas without appropriate protective clothing until spray has dried (or other reentry interval if your State has a more restrictive interval for this product). If accidental exposure occurs, follow the instructions below." (Written warnings must include the FIRST AID given at the beginning of this label).

DIRECTIONS

DIQUAT 4.35% is recommended for use as a general weed killer and as an aquatic weed killer. Absorption and herbicidal action is usually quite rapid with effects visible in a few days. Rinse all spray equipment thoroughly with water after use. AVOID SPRAY DRIFT to crops which may be damaged during application. Always add a 75% nonionic spreader. Do not use dirty or muddy water for Diquat dilution as Diquat will be inactivated. Do not mix or apply with any other desiccant, pesticide or fertilizer.

NONCROP OR NONPLANTED AREAS (applied as spot sprays):

Rights-of-Way, including Railroads, Highways, Roads, Dividers and Medians, Pipelines, Public Utility Lines, including Pumping Stations, Transformer Stations and Substations, around Electric Utilities, Commercial Buildings, Manufacturing Plants, Storage Yards, Rail Yards, Fence Lines and Parkways, Edges and Nonflooded Portions of Ponds, Lakes and Ditches. Also Around Ornamental Gardens, Walkways, Patios, Beneath Greenhouse Benches, Along Driveways and Around Golf Courses. To Kill Undesirable Above-Ground Grass and Broadleaf Weed Growth - 2-1/2 to 5 gallons plus 8 to 16 oz. of a nonionic surfactant per 100 gallons of water (6-2/3 oz. DIQUAT 4.35% plus 1/2 teaspoon of a nonionic surfactant to 1 gallon water). Apply for full coverage and thorough weed contact. Apply to young weeds since control decreases as weeds mature. Retreatment may be necessary to control grasses and established weeds. Avoid spray contact with foliage of food crops or ornamental plants.

AQUATIC USE DIRECTIONS:

For application only to ponds, lakes, and drainage ditches where there is little or no outflow of water and which are totally under the control of the product's user. Do not apply to muddy water. Avoid creating muddy water during application. Do not apply where plants are covered with mud deposits. Do not use the treated water for animal consumption, spraying, irrigation, or domestic purposes for 14 days after treatment.

Weed Species	Gallons/Surface Acre
Submersed Weeds (Infesting Still Ponds, Lakes, Ditches or Portions Thereof):	
Bladderwort (<i>Utricularia spp.</i>)	10-20
Coontail (<i>Ceratophyllum demersum</i>)	20
Elodea (<i>Elodea spp.</i>)	20
Naiad (<i>Najas spp.</i>)	10
Pondweeds (<i>Potamogeton spp.</i>)*	20
Watermilfoil (<i>Myriophyllum spp.</i>)	10-20

* Except *P. robbinsii*; also Richardson Pondweed (*P. richardsonii*) in Minnesota

APPLICATION:

In early season where submersed weed growth has not reached the surface, apply DIQUAT 4.35% by pouring directly from the container into the water while moving slowly over the water surface in a boat. Distribute evenly over infested areas in strips 40 feet apart. In mixed weed populations, use the high rate of application as indicated by weeds present.

In late season or where submersed weed growth has reached the water surface throughout the area to be treated, apply DIQUAT 4.35% by pouring as above or injecting below the water surface in strips no more than 20 feet apart. Use the high rate of application as indicated by the weeds present. Where algae are present along with the submersed weeds, pre-treatment with Copper Sulphate at recommended rates is advised for best results with DIQUAT 4.35%.

Floating Weeds	Gallons/Surface Acre
Pennywort (<i>Hydrocotyle umbellata</i>)	5 - 7.5
Salvinia (<i>Salvinia rotundifolia</i>)	5 - 7.5
Waterhyacinth (<i>Eichhornia crassipes</i>)	5 - 7.5
Waterlettuce (<i>Pistia Stratiotes</i>)	5 - 7.5

APPLICATION: 150 to 200 gallons of water plus 1 pint of a nonionic surfactant should be applied as an overall spray for control of the above weeds. The high rates of DIQUAT 4.35% should be used for late season application.

Weed Species	Gallons/Surface Acre
Duckweed (<i>Lemna spp.</i>)	10

APPLICATION: For control, apply DIQUAT 4.35% as an overall spray in 50 to 150 gallons of water per acre. Care should be taken to thoroughly cover all plants on water and on damp marginal areas. Reinfestation of Duckweed occurs readily from untreated areas. Retreatment with DIQUAT 4.35% may be necessary to obtain season-long control.

Weed Species	Gallons/100 Gallons Water
Marginal Weeds (Infesting the Edges and Other Portions of Ponds, Lakes & Ditches):	
Cattails (<i>Typha spp.</i>)	10

APPLICATION: For top kill, apply DIQUAT 4.35% in 100 gallons of water, plus 1 pint of a nonionic surfactant for full coverage and thorough weed contact. Repeat treatment as necessary to control regrowth. For best results, apply before flowering.

ALGAE: DIQUAT 4.35% will control certain filamentous algae. For *Spirogyra spp.* and *Pithophora spp.*; Apply 0.5 to 1.5 ppm. Application methods as for submersed weeds.

Formula for Parts Per Million (PPM) Recommendations

Gallons to use = ppm recommended x acreage of water x average depth of water x 14.

For Example - 1/2 ppm recommendations; two acre pond; 4 feet average depth, $1/2 \times 2 \times 4 \times 14 = 56$ gallons required.

Do not apply under conditions involving possible drift to food, forage or other plantings that might be damaged or the crops thereof rendered unfit for sale, use or consumption.

IMPORTANT: Read the Entire Directions for Use and the Conditions of Sale and Warranty before using this product.

CONDITIONS OF SALE AND LIMITED WARRANTY:

The Directions of Use of this product are believed to be reliable and

should be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as timing and method of application, weather and crop conditions, mixture with other chemicals not specifically recommended or other influencing factors in the use of the product, all of which are beyond the control of the seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label, subject to the inherent risks referred to above, when used in accordance with directions under normal conditions of use. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller and Buyer and User assume the risk of any such use. SELLER DISCLAIMS ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING ANY WARRANTY OF FITNESS OR MERCHANTABILITY.

When Buyer or User claims losses or damages resulting from the use or handling of this product (including claims based on contract, negligence, strict liability or other legal theories). Buyer or User must promptly notify in writing Seller of any claims to be eligible to receive either of the remedies set forth below. The EXCLUSIVE REMEDY OF BUYER OR USER and the LIMIT OF LIABILITY of Seller will be, at the election of the Seller, refund of the purchase price paid for product bought, or replacement of amount of product used. SELLER SHALL NOT BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT AND SELLER'S SOLE LIABILITY AND BUYER'S AND USER'S EXCLUSIVE REMEDY SHALL BE LIMITED TO THE REFUND OF THE PURCHASE PRICE.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment.

STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Do not contaminate feed, foodstuffs or drinking water. Do not store or transport near feed or food. Store at temperature above 32°F.

PESTICIDE DISPOSAL: This product is 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: Do not reuse container. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

134.051403

NET CONTENTS:

1 5 6 20 30 35 55 Gallons

ACCEPTED
~~XXXXXXXXXXXX~~
In EPA Letter Dated

SEP 24 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

10088-98