

10088-107

5/7/2010

1 of 5



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 10088-107

**Contact Herbicide # 2 Concentrate Grass and
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

Please read instructions on reverse before completing form.

Form Approved EPA Form No. 2070-0080

Print Form



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 10088-107	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Contact Herbicide #2 Concentrate Grass and Weed Killer	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: <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 _____	NOTIFICATION 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 type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		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 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	



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
Contact Herbicide #2 Concentrate Grass and weed Killer
EPA Registration No. 10088-107

To Whom It May Concern:

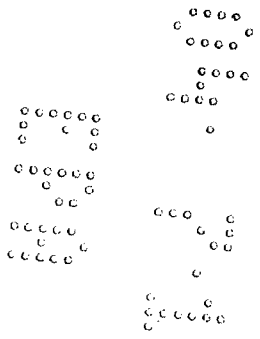
Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

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,

Adam Swader
Regulatory Compliance Specialist
Enclosures



PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling. *Keep people and pets out of treated areas until sprays have dried.*

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. Have the product container or label with you when calling a poison control center or doctor or going for treatment.

For Emergency Medical Information, call the National Pesticide Information Center at 1-800-858-7378.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

PRODUCT INFORMATION

Treats up to 3,000 Square Feet [Quart]
Treats up to 6,000 Square Feet [1/2 Gallon]
Treats up to 12,000 Square Feet [1 Gallon]

KILLS ALL TYPES OF WEEDS AND GRASSES
[pictures of representative weeds]

WHERE TO USE:

- Around patios, walkways, driveways and fences.
- In vegetable or flower gardens and around trees and shrubs and other landscaped areas.
- In large areas:
 - For lawn renovation or replacement.
 - To prepare garden plots for planting.

AMOUNT TO USE:

For Best Results: 6 fl.oz. (12 Tbs) per gallon of water.
For areas with small or seedling weeds: 3 fl.oz. (6 Tbs) per gallon of water per 300 square feet.

For Questions or Comments, contact us at www.xxx.xxx

NOTICE: Read the entire label. Use only according to label directions. Before using this product, read "Warranty Disclaimer", "Inherent Risks of Use", and "Limitations of Remedies". If terms are unacceptable, return at once unopened.

CONTACT HERBICIDE #2 CONCENTRATE GRASS AND WEED KILLER

NOTIFICATION
MAY 7 2010

Concentrated Weed Killer
For Control of all Types of Broadleaf Weeds and Grasses
For Outdoor Use Only
Easy To Use
Kills Weeds, Roots and All
Rainproof in 2 Hours
Apply and Irrigate Later the Same Day

Treats up to 3,000 Square Feet [Quart]
Treats up to 6,000 Square Feet [1/2 Gallon]
Treats up to 12,000 Square Feet [1 Gallon]

Active Ingredient(s)	
glyphosate†: N-(phosphonomethyl) glycine, isopropylamine salt	18.0%
Inert Ingredients	82.0%
Total Ingredients	100.0%
† Contains 1.6 pounds per gallon glyphosate, isopropylamine salt (1.2 pounds per gallon glyphosate acid).	

KEEP OUT OF REACH OF CHILDREN CAUTION

Refer to back label for Precautionary Statements and Directions for Use, including Storage and Disposal instructions.

EPA REG. NO. 10088-107
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 labeling. Read all Directions for Use carefully before applying.

This is an end-use product. The manufacturer does not intend and has not registered it for reformulation.

General Information

This product kills most broadleaf and grass weeds. This product may be used for non-selective weed control around patios, walkways, driveways and fences, in vegetable or flower gardens and around trees and shrubs and other landscaped areas, in large areas for lawn removal prior to replacing turfgrasses, and for weed control in garden plots prior to planting. Applications to plant foliage are rainfast in approximately two hours and afterward will not be affected by rainfall or irrigation.

How This Product Works

The active ingredient in this product is active against a substance found only in plants. It enters the plant through foliage and is translocated throughout the plant, killing both roots and top growth. This product is not active in soil and cannot move through the soil to damage desirable plants. Sprays not absorbed by plants are broken down into natural materials.

What To Expect

Weeds may begin to wilt within a few hours, but complete kill may require 1 to 2 weeks. Small, rapidly growing weeds may be killed with a single application while older, mature weeds may require re-application. If re-application is necessary, wait until new growth appears.

Important Use Precautions

Do not spray during windy conditions or allow the spray to contact desirable plants such as flowers, ground covers or lawn areas, as they will be severely damaged or killed. In situations where weeds and desirable plants are in close proximity, use a piece of cardboard or plastic to shield desirable plants from the spray. If a desirable plant is sprayed by mistake, immediately rinse the plant with water. Before sprays have dried, avoid inadvertent transfer of the spray solution from treated plants to desirable plants or tracking spray from treated areas onto lawns or other desirable vegetation. Do not apply through any type of irrigation system.

Keep people and pets out of treated areas until sprays have dried.

SPRAYER CLEANUP

Rinse sprayer and all sprayer parts three times with water. Apply rinse waters to bare soil or graveled area away from desirable vegetation. After careful cleaning, sprayer may be used for other products.

4045

MIXING INSTRUCTIONS

Tank Sprayer† (Plastic, aluminum or stainless steel):

- Use 6 fl. oz. (12 Tbs) per gallon of water.
- Spot treat or spray evenly over 300 sq. ft.

Ortho® Dial 'n Spray®:

- Set dial to 5 fl.oz.
- Use 6 fl. oz. (12 Tbs) per 300 sq. ft. (Do not add water).
- Spray evenly over measured area.

1 Tablespoon(Tbs) = 3 teaspoons (tsp)

1 fl. oz. = 2 Tbs = 6 tsp

† This product can react with certain metal surfaces and should not be applied with galvanized or unlined steel sprayers.

APPLICATION

For Best Results

- Apply when weather is warm (above 60°F) and sunny to stimulate systemic movement from foliage to roots.
- To avoid spray drift to desirable vegetation, adjust spray nozzle to produce large droplets and spray when wind is calm.
- Spray foliage until thoroughly wet, but not past the point of runoff.
- Apply when weeds are small and actively growing, before seeds develop.

Treatment of Vines

To control vines growing on fences, mature trees, or poles, cut the vines back to a height of 3 to 4 feet and spray thoroughly. Avoid spray contact with desirable plants or lawn.

For control of vines climbing on trees or shrubs with green bark, remove vines by cutting off at the base of the plant and spray after the vines have begun to regrow. Shield trees or shrubs with a sheet of cardboard or plastic to prevent contact with spray.

Turf Replacement

To kill an existing lawn prior to replacement skip one mowing before spraying and apply at the higher rate to 6 fl. oz. (12 Tbs.) per gallon of water. Control will be better if the grass is actively growing, so water 2 to 3 days before and after application if the soil becomes dry.

Reapply to any green patches that remain after 7 days.

Wait an additional 7 days after the last application before raking, tillage prior to reseeding or sodding.

Harvesting

If used to control weeds around fruit or nut trees, caneberries, or grapevines, allow 21 days before harvesting.

Replanting

Flowers, shrubs, and trees may be planted 1 day after application.

These fruits, vegetables, and herbs may be planted 3 days after application:

Beans, beet greens, broccoli, brussels sprouts, cabbage, carrot, cauliflower, celery, chard(Swiss), chicory, collards, corn, cucumber, eggplant, endive, garlic, gourds, horseradish, Jerusalem artichoke, kale, kohlrabi, leek, lentils, lettuce, melons, mustard greens, okra, onion, rape greens, parsley, parsnips, peas, pepper, potato, pumpkin, radish, rhubarb, rutabaga, spinach, squash, sweet potato, tomatillo, tomato(from seed), turnip, watercress and yams.

Lawn grass and the following caneberries may be planted 7 days after application:

Blackberry, blueberry, boysenberry, currant, dewberry, elderberry, gooseberry, huckleberry, loganberry, olallieberry, and raspberry (black and red).

Tomatoes from transplant and unlisted fruits, vegetables and herbs may be planted 30 days after application.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty Disclaimer

Seller warrants that this product conforms to the chemical description of the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. SELLER MAKES NO EXPRESS NOR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Lack of performance, or other unintended consequences may occur due to such factors as use of the product contrary to label instructions (including adverse conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as extreme weather conditions), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Seller. All such risks shall be assumed by Buyer.

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.

0155.031610

50455