

10088-114

5/14/2010

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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 14 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 10088-114      Non-Selective Herbicide Aerosol**

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



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 10088-114	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Non-Selective Herbicide Aerosol	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 _____
<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 14 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 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 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
<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>		<p>6. Date Application Received (Stamped)</p>
2. Signature 	3. Title Regulatory Comp Spec.	
4. Typed Name Adam Swader	5. Date Mar 25, 2010	



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

Application for Pesticide - Section I

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4. Company/Product (Name) Non-Selective Herbicide Aerosol	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 _____
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<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION  
MAY 14 2010

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Section - III

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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	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
				<input 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 20 oz		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
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 Apr 23, 2010	

5/4



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 Aerosol  
EPA Registration No. 10088-114**

To Whom It May Concern:

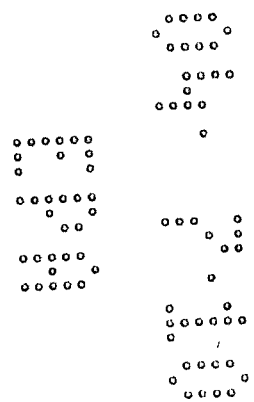
Please find the enclosed one label marked with changes and Form 8570-1 stating the following:

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



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

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

**PERSONAL PROTECTIVE EQUIPMENT (PPE):**

Some materials that are chemical-resistant to this product 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.

Applicators and other handlers must wear: long-sleeved shirt and long pants, shoes and socks, and chemical-resistant gloves made of barrier laminate, nitrile or neoprene rubber, or viton.

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.

**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 liquids 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. For information on product, usage, etc., call 1-800-743-6417.

**NOTE TO PHYSICIAN:** May pose an aspiration pneumonia hazard. Contains petroleum distillate.

**PHYSICAL OR CHEMICAL HAZARDS**

**FLAMMABLE:** Contents under pressure. Keep away from heat, sparks, and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

**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 2,4-D 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.

**NON-SELECTIVE  
HERBICIDE  
AEROSOL**

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

RAPID TOP KILL-SYSTEMIC  
HERBICIDE

READY-TO-USE

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%

**INERT INGREDIENTS: .....97.93%**  
**TOTAL .....100.00%**

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**

See side panel for further precautions  
and first aid instructions.

EPA REG. NO. 10088-114  
EPA EST. 10088-WI-1

NET CONTENTS: (x) oz. (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. **READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.**

Not to be used in any recreational areas or in or around homes. 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 appearances.

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.

This 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. Reapplication of product will depend on amount of product applied, soil conditions, rainfall and other environmental variables. Only spray while can is inverted.

(the word "Directions" and the numbered bullets are optional)

**Directions**

1) Remove cap. 2) Invert the can and point tip at weed(s) to be sprayed. 3) Depress button and spray weed(s) thoroughly. Be sure to completely cover the weed(s). Keep can close to weed(s) (1-2 feet) while spraying. Keep spray away from face.

See attachment A for additional options.

**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.

**Postemergence (annual & perennial weeds):** Limited to 2 applications per year. Maximum of 2.0 lbs. 2,4-D ac/acre per application. 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.

**USE PRECAUTIONS**

**IMPORTANT:** Do not use this product for controlling weeds on lawns, in flower or vegetation beds or around shrubs or ornamental plantings. Do not spray exposed roots of desirable plants or where chemical may be carried into contact with roots or vegetation. Product may stain surfaces (e.g. concrete, asphalt, tennis courts). Spray when air is calm to avoid spray drift that might injure desirable ornamental plants.

**NOTICE:** Buyer assumes all risks of use, storage and handling this product not in strict accordance with directions given herewith.

**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.  
Container Disposal: Do Not Puncture or Incinerate Non-refillable container. Do not reuse or refill this container. If empty, place in trash or offer for recycling, if available. If partly filled, call your local solid waste agency for disposal instructions.

8320.032210

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