

10404-44

4/14/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. John Olzinger, Manager
Regulatory Affairs
LESCO, Inc.
1385 East 26th Street
Cleveland, OH 44114-4114

APR 14 2011

Subject: Label Amendment –Signal Word Change from DANGER to CAUTION
Product Name: LESCO Eliminate-D Broadleaf Herbicide
EPA Registration Number: 10404-44
Submission Date: December 3, 2010
Decision Number: 442883

Dear Mr. Olzinger:

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable.

Products shipped after 18 months from the date on this notice or the next printing of the label whichever occurs first, must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA. Your release for shipment of this product constitutes acceptance of these conditions. This label supersedes all previously accepted labels. You must submit one copy of the final printed label before the product is released for shipment. One copy of the label stamped is enclosed for your records. If you have any questions, please contact Michael Walsh by phone at (703) 308-2972 or via email at "walsh.michael@epa.gov".

Sincerely,

Kathryn V. Montague
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

Enclosure

2 of 7
ACCEPTED
 with COMMENTS
 In EPA Letter Dated:
APR 14 2011
 Under the Federal Insecticide,
 Fungicide, and Rodenticide Act
 as amended, for the pesticide
 registered under EPA Reg. No.
10404-44



Eliminate-D™ Broadleaf Herbicide

NOT FOR USE on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

FOR USE ON ORNAMENTAL LAWNS AND TURFGRASSES

(such as residential and commercial sites, athletic fields, parks, and recreational areas)
 (Contains 0.19 pounds Dicamba; 0.73 pounds MECOPROP-p and 0.49 pounds 2,4-D per Gallon)

ACTIVE INGREDIENTS:

Dimethylamine Salt of Dicamba (3,6-Dichloro-o-anisic Acid)*	2.64%
Dimethylamine Salt of 2,4- Dichlorophenoxyacetic Acid**	6.61%
Dimethylamine Salt of (+)-R-2-(2-methyl-4-Chlorophenoxy) propionic acid***‡	9.97%
OTHER INGREDIENTS	80.78%
TOTAL	100.00%

(Isomer Specific Method by AOAC 14th Edition #6.321)

* Equivalent to 2.19% or 0.19 lbs. of (3,6,dichloro-o-anisic) acid per gallon.

** Equivalent to 5.49% or 0.49 lbs. of 2,4-Dichlorophenoxyacetic acid per gallon.

*** ‡ Equivalent to 8.24% or 0.73 lbs. of (+)-R-2-(2-methyl-4-chlorophenoxy) propionic acid per gallon.

‡ CONTAINS THE SINGLE ISOMER FORM OF MECOPROP-p

KEEP OUT OF REACH OF CHILDREN
CAUTION - PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
 (If you do not understand this label, find someone to explain it to you in detail.)

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> ▪ Hold eye open and rinse slowly and gently with water for 15 to 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 SWALLOWED:	<ul style="list-style-type: none"> ▪ Call a poison control center or doctor for treatment advice. ▪ Have person sip a glass of water if able to swallow. ▪ Do not induce vomiting unless told to do so by the poison control center or doctor ▪ Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> ▪ Take off contaminated clothing. ▪ Rinse skin immediately with plenty of water for 15 to 20 minutes. ▪ Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact CHEMTREC (800) 424-9300 for emergency medical treatment.	

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

CAUTION - PRECAUCION

Causes moderate eye irritation. Do not get in eyes, or on skin or clothing. Harmful if swallowed.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are Barrier Laminate, Viton ≥ 14 mils. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks,
- Protective eyewear (Goggles, face shield, or safety glasses)
- Chemical-resistant gloves and Chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

See engineering controls for additional requirements and exceptions.

User Safety Requirements

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.

Engineering Controls Statements:

When handlers use closed systems or enclosed cabs, in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should wash hands, before eating, drinking, chewing gum, using tobacco, or using the toilet. Users 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 is toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift or runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not apply when weather conditions favor drift from target area. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other spraying. When cleaning equipment, do not pour the washwater on the ground; spray or drain over a large area away from wells and other water sources. Do not contaminate water when disposing of equipment washwaters or rinsate. Do not contaminate domestic or irrigation waters.

This chemical 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.

Most cases of groundwater contamination involving phenoxy herbicides, such as 2,4-D and MCP-p, have been associated with mixing/loading and disposal sites. Caution should be exercised when handling these herbicides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Precautions and Restrictions

PLEASE READ ENTIRE LABEL BEFORE USING THIS PRODUCT.

USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

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.

Do not enter or allow people (or pets) to enter the treated area until sprays have dried.

CHEMIGATION: Do not apply this product through any type of irrigation system.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box apply only to uses of this product that are covered by the Worker Protection Standard.

DO NOT enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- coveralls worn over short-sleeve shirt and short pants,
- chemical-resistant footwear plus socks,
- chemical-resistant gloves made of any waterproof material
- chemical-resistant headgear for overhead exposure,
- protective eyewear

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses. Do not allow people (other than applicator) or pets on treatment area during application. Do not enter or allow people (or pets) to enter the treated area until sprays have dried.

USE PRECAUTIONS

Do not apply directly to or near water, storm drains, gutters, sewers, or drainage ditches. Do not apply within 25 feet of rivers, fish ponds, lakes, streams, reservoirs, marshes, estuaries, bays, and oceans. Do not apply when windy. To prevent product run-off, do not over-water the treated area(s) to the point of run-off or apply when raining or when rain is expected that day. Rinse applicator over lawn only.

Avoid drift of spray (coarse sprays are less likely to drift) onto vegetables, flowers, ornamentals, shrubs, trees, and other desirable plants. Do not contaminate domestic or irrigation waters. Do not pour solution used to clean sprayer near desirable plants or where it may contaminate water.

Do not use on carpetgrass or dichondra, nor on lawns or turf where desirable clovers are present. Some injury can be expected to turf when used on Centipedegrass or St. Augustinegrass lawns.

Use of this product on newly established Bentgrass may result in undesirable injury. Use of this product on "older" Bentgrass varieties may result in undesirable turf injury.

Do not apply to newly seeded turf until after the second or third mowing. Seed can be safely sown 3 to 4 weeks after application at recommended rates. A good rain or deep watering should occur before seeding

APPLICATION RATES

Bentgrass Lawns and Turf: Apply as a spot application with a hand held sprayer or to large area with a suitable power "boom-type" sprayer using 1 to 1.45 fl oz in 1 to 3 gallons of water per 1,000 sq ft (equivalent to 3 to 4 pints per acre). Apply as a foliar spray during growing season. Spray works faster when temperatures are over 65-70°F and weeds are young and actively growing. To avoid spray particle drift, adjust spray nozzles as close to turf as practical, spraying only when calm or wind is less than 5 mph. If hardy weeds persist, make a second application after three weeks. This rate, which provides ¼ lb of 2,4-D acid equivalent per acre per application per site, is the maximum allowable application rate for turf.

Maximum kill of weeds will be obtained from spring or early fall application when weeds are actively growing. Avoid spraying during long excessively dry or hot periods unless adequate irrigation is available. If application is made when soil is quite warm, use the lower rate to reduce potential injury.

Do not irrigate within 24 hours of application. Weeds that start growing in the fall, such as henbit, may be controlled more effectively if sprayed at that time. If dandelions persist as a special problem, individual spot treatment with a hand sprayer is recommended.

In closely mowed Bentgrass (putting and bowling greens) apply **LESCO Eliminate-D Broadleaf Herbicide** at a maximum rate of 1 fluid ounce per 1,000 sq. ft. preferably in May through September. Any yellowing will disappear after about one week. This rate, which provides 1/8 pound of 2,4-D acid equivalent per acre per application per site, is the maximum allowable application rate for turf.

Other Lawns and Turf: This product will control weeds in varieties of Bahiagrass, Bluegrass, Rye, Fescue, Bermuda and Zoysia grass. Apply using 1.45 to 2.2 fl. oz./1,000 sq. ft. (equivalent to 4 to 6 pints per acre). Hard-to-kill summer weeds may require up to 6 pints of this product per acre; however, do not apply this rate to Bentgrass. This rate, which provides 3/8 pound of 2,4-D acid equivalent per acre per application per site, is the maximum allowable application rate for turf. For weed control in St. Augustinegrass and Centipedegrass, use only the low rate (1-1.45 fl. oz. per 1,000 sq. ft.). Some temporary injury or discoloration should be expected following application.

Restrictions:

Do not apply more than 2 applications per year.
The minimum retreatment interval is 30 days.

WEEDS CONTROLLED

Bedstraw	Dandelion	Lespedeza	Poison ivy	Speedwell	
Black medic	Docks	Mallow	Poison oak	Spurge	
Buckhorn	Ground ivy	Morning glory	Purslane	Wild carrot	(and
Burdock	Heal-all	Oxalis	Ragweed	Wild garlic	many more
Chickweed	Henbit	Peppergrass	Sheep sorrel	Wild onion	broadleaf
Chicory	Knotweed	Pigweed	Shepherd's purse	Yarrow	weeds)
Clover	Lambsquarter	Plantain	Smartweed		

Use of this product in certain portions of California, Oregon, and Washington is subject to the January 22, 2004 Order of injunctive relief in Washington Toxics Coalition, et al. v. EPA, C01-0132C, (W.D. WA). For further information, please refer to <http://www.epa.gov/espp/wtcl/>

SPRAY DRIFT MANAGEMENT

Do not apply this product in a way that will contact workers or other persons, either directly or through drift.

A variety of factors, including weather conditions (e.g. wind direction, wind speed, temperature, relative humidity) and method of ground application can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Droplet Size: Use a medium or coarser spray nozzles according to (ASAE standard 572) definition of standard nozzles.

Wind Speed: Do not apply at wind speeds greater than 10 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 non-target species, non-target crops) within 250 feet downwind.

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

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

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal

Residential

Pesticide Storage: Store product in original labeled container in a cool, dry, locked place out of reach of children. Store in a separate area for herbicides. Store above 32° F.

Nonrefillable 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. Never place unused product down any indoor or outdoor drain.

Commercial

Pesticide Storage: Store product in original labeled container in a cool, dry, locked place out of reach of children. Store in a separate area for herbicides. Store above 32° F.

Pesticide Disposal: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law and may contaminate groundwater. 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 this container. Offer for recycling, if available.

Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the contents into application equipment or mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ 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 this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONDITION OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully and completely. It is impossible to eliminate all risks inherently associated with the use of this product. To the extent consistent with applicable law, Buyer and/or User assume all risks of ineffectiveness or other unintended consequences or damages that may result from conditions outside or beyond the control of LESCO, Inc. including but not limited to, such factors as manner of use or application, weather or weather conditions outside the range considered normal at the application site or for the time period in which the product is applied, the presence of other materials, incompatible products, or other influencing factors which are beyond the control of LESCO, Inc. To the extent consistent with applicable law, all such risks shall be assumed by Buyer and/or User, and Buyer and/or User agrees to hold LESCO, Inc. harmless for any claims relating to such factors.

LESCO, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with the Directions for Use under normal use conditions. To the extent consistent with applicable law, 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 LESCO, Inc. and Buyer and/or User assume the risk of any such use. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LESCO, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE BUYER AND/OR USER AND THE EXCLUSIVE LIABILITY OF LESCO, INC. FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF LESCO, INC. REPLACEMENT OF THE PRODUCT, OR IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL LESCO, INC. BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

LESCO, Inc. offers this product, and Buyer and/or User accepts it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of LESCO, Inc.

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EPA REG. NO. 10404-44

EPA EST. NO. 228-IL-1 (two letters)

First Letter(s) of lot number indicated manufacturing site
#XXXXXX

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