

10807-144

03-08-2010

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Susan Watson  
Amrep, Inc.  
990 Industrial Park Drive  
Marietta, GA 30062

MAR 8 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Ms. Watson:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 dated January 29, 2010 for:

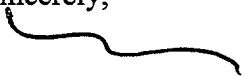
**EPA Registration 10807-144      Misty Ex-It Emulsifiable Concentrate**

The Registration Division (RD) has conducted a review of the request(s) for applicability under 2007-4 and finds that the label changes requested fall within the scope of 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 identify 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 Nicole Williams of my staff at 703-308-5551.

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  
Amrep01/29/10A

Application for Pesticide - Section I

1. Company/Product Number 10807-144	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Misty Ex-It Emulsifiable Concentrate	PM# #25	
5. Name and Address of Applicant (Include ZIP Code) Amrep, Inc. 990 Industrial Park Drive Marietta, GA 30062 <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: EPA Reg. No. _____ Product Name _____	

Section - II

<input checked="" type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	<b>NOTIFICATION</b>  MAR 8 - 2010
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)  
In response to PR Notice 2007-4 (highlighted in blue on proposed label).  
*"Notification"*  
Please provide us with EPA stamped "accepted" labeling so that we may comply with state regulatory agencies.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input 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
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gallon up to 55 gallon		5. Location of Label Directions <input checked="" type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Susan Watson	Title Regulatory Mgr. - Labels/Registrations	Telephone No. (Include Area Code) 770-422-2071 ex 12016
<b>Certification</b> 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 <i>Susan Watson</i>	3. Title Regulatory Mgr. - Labels/Registrations	
4. Typed Name Susan Watson	5. Date 01/29/10	



Notification/amendment of label change per PR Notice 2007-4. This notification/amendment 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 the 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 the 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.

*Susan Watson*

\_\_\_\_\_  
Susan Watson/Reg. Mgr.  
Amrep, Inc.

3/2/10

\_\_\_\_\_  
Date



4/5

January 29, 2010

US Environmental Protection Agency  
Office of Pesticide Programs (7504P)  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, Virginia 22202-4501

FedEx Tracking # 7203 0004 4855

Attn: Product Manager Team #25  
Herbicide Branch

Re: "Misty Ex-It Emulsifiable Concentrate," EPA Reg. No. 10807-144

Dear Product Manager,

- Cert Stmt  
- updated rinsing language

Enclosed you will find the following:

- 1) This transmittal letter.
- 2) EPA Application for Pesticide: Amendment ID# Amrep01/26/10A
- 3) Proposed label, 3 copies. *Areas in blue are revisions to comply with PR Notice 2007-4.*

*"Notification" Stamped*

Please provide us with an EPA stamped "accepted" label ~~to [redacted]~~, so that we may comply with state regulatory agencies.

Thank you for your consideration in this matter. If you have any questions or require additional information, please contact me at 1-800-241-7766 ext 12016, via fax #770-514-1876 or e-mail: susan.watson@amrep.com.

Sincerely yours,

Susan Watson  
Regulatory Mgr. - Labels & Registrations  
Amrep, Inc.

SW  
cc: file



# Ex-It Emulsifiable Concentrate

- Solvent Based • Water Emulsifiable
- Top Kill • Soil Sterilant
- Concentrated • Non-Selective

**ACTIVE INGREDIENTS:**

Bromacil (5-bromo-3-sec-butyl-6-methyluracil) ..... 2.30%

**INERT INGREDIENTS:** ..... 97.70%

**TOTAL:** ..... 100.00%

CONTAINS PETROLEUM DISTILLATES.

Contains 0.175 lbs. of active ingredient per gallon of undiluted product.

**B00584**

KEEP OUT OF REACH OF CHILDREN.

**WARNING:**

See side panel for additional precautionary statements.

**NET CONTENTS:**

**GALLONS**  5  55  Other  
**LITERS**  18.9  208  Specify

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

**WARNING:** Causes substantial but temporary eye injury. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin.  
**PERSONAL PROTECTIVE EQUIPMENT (PPE):** Applicators and other handlers must wear: - long-sleeved shirt and long pants - chemical resistant gloves - shoes plus socks - Protective eyewear. Remove contaminated clothing and wash clothing before reuse. Follow manufacturer's instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

**USER SAFETY RECOMMENDATIONS:**

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

**ENVIRONMENTAL HAZARDS:** 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 cleaning equipment or disposing of equipment washwaters.

**FIRST AID STATEMENT: 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 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 liquid to the person. Do not give anything by mouth to an unconscious person. **NOTE TO PHYSICIAN:** Contains petroleum distillates - vomiting may cause aspiration pneumonia. Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

**DIRECTIONS FOR USE:** It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**STORAGE & DISPOSAL: DO NOT CONTAMINATE WATER, FOOD, OR FEED**

**BY STORAGE OR DISPOSAL. PESTICIDE STORAGE:** Do not expose product to heat, spark or open flame. Store container in a cool dry location. Do not expose product to temperature extremes. Store product in original shipping container in a locked storage area. Keep container closed when not in use. **CONTAINER DISPOSAL:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. (For containers 5 gallons or less:) Triple rinse 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 this procedure two more times. (For containers greater than 5 gallons:) Triple rinse container promptly after emptying. Triple rinse as follows: Empty remaining contents into application equipment or a mix tank. Fill the 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 it 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. (For household/residential products only:) **CONTAINER DISPOSAL:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. **PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. In the event of a spill or leak, contain product with a dry absorbent and dispose of in accordance with state or local regulations. Wear protective clothing during clean up procedures.

**DESCRIPTION OF PRODUCT:** This liquid weed killer is composed of 5-bromo-3-sec-butyl-6-methyluracil (bromacil) in a phytotoxic oil. The oil carrier combines the properties of low volatility with 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 the time of application.

It produces rapid top kill of all succulent vegetation. Translocation and root absorption of component herbicides produce extensive root kill of weeds and provide long term residual control.

**GENERAL PRECAUTIONS AND RESTRICTIONS: ENTRY RESTRICTION:** Do not enter or allow others to enter the treated area until sprays have dried. Do not apply with 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 applications. Not to be used in any recreational areas or in or around homes. Do not apply more than 12 lbs. active ingredient per acre per year.

**GENERAL WEED CONTROL:** This product can be used to control most weeds for an extended period of time on non-cropland areas such as loading ramps, fence rows, railroad sidings, storage yards, parking lots, around buildings and industrial plant sites.

Do not apply this product to areas where the roots of desirable plants such as trees or ornamentals will come into contact with it; as injury might result. Do not use on lawns, driveways, walks or similar areas. Avoid spray drift to susceptible plants, as this product may injure cotton, beans, peas, grapes, ornamentals, etc. Do not contaminate domestic water or irrigation water and keep from contact with fertilizer, insecticides, fungicides and seeds. Vapors from this product may injure susceptible plants in the vicinity. Coarse sprays are less likely to drift. Thoroughly clean all traces of product from application equipment immediately after use a suitable chemical cleaner, then wash with detergent and rinse with clear water. Do not contaminate water sources by cleaning of equipment or disposal of wastes.

**APPLICATION INSTRUCTIONS:** Any application equipment such as: Power sprayers, Compressed air hand sprayers, Knapsack sprayers or Sprinkler cans, is suitable for applying this product. Equipment should be calibrated so as to assure application of the recommended amount of material.

To control annual weeds and grasses such as Foxtail, Ryegrass, Wildoats, Crabgrass, Cheatgrass, Broomsedge, Ragweed, Lambsquarters and Turkey mullen, dilute one gallon of this product to 9 gallons of water and apply 5 gallons of the diluted spray, per 1,000 square feet. For hard to kill perennial weeds and grasses such as Johnson grass, Salt grass, Bouncing Bet, Bracken fern, Horsetail, Smooth brooms, Canada bluegrass, Purpletop, Quackgrass, Broomsedge, Aster dandelion, Dog fennel, Goldenrod, Plantain and Wild carrot, dilute one gallon of this product to 9 gallons of water and apply 10 gallons of diluted spray per 1,000 square feet.

This concentrate 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.

**WARRANTY STATEMENT:** Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith.

EPA REG. NO. 10807-144

EPA EST. NO. 10807-TX-1

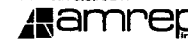
03/10p

HMIS RATING: Health-2; Flammability-2; Reactivity-0; Personal Protection-B.

**NOTIFICATION**

**MAR 8 - 2010**

MADE IN U.S.A. BY:



990 Industrial Park Drive  
 Marietta, GA 30062  
 770.422.2071 • 800.241.7766

**B00584**

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