

10807-204

11/14/2008

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:

10807-204

Date of Issuance:

NOV 14 2008

Term of Issuance:

Name of Pesticide Product:

Misty Repco Kill LF

NOTICE OF PESTICIDE:

Registration
[x] Reregistration
(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

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

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is reregistered in accordance with FIFRA section 4(g)(2)(C) provided you:

- 1. Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data.
2. Per the 2,4-D RED, the text "chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate" must be added the PPE section.
3. Per the 2,4-D RED label table, the text in bold type below must be added to the following User Safety Requirements:
"...If no such instructions for washables exist, use detergent and hot water..."
4. Per the 2,4-D RED, the Environmental Hazard statements currently on the label must be revised to read:

"This pesticide is 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.

Signature of Approving Official:

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

Handwritten signature of Joanne I. Miller

Date:

NOV 14 2008

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."

5. Per the product chemistry review, the text "Keep container tightly closed...proper disposal" should be preceded by the subheading "Pesticide Storage."
6. Per the 2,4-D RED, spray drift text must be added to the label and should read:

"Spray Drift Management

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

Droplet Size

When applying sprays that contain 2,4-D as the sole active ingredient, or when applying sprays that contain 2,4-D mixed with active ingredients that require a coarse or coarser spray, apply only as a coarse or coarser spray (ASAE standard 572) or a volume mean diameter of 385 microns or greater for spinning atomizer nozzles.

When apply sprays that contain 2,4-D mixed with other active ingredients that require a medium or more fine spray, apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Wind Speed

Do not apply at wind speeds greater than 15 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 nontarget species, nontarget crops) within 250 feet downwind. If applying a medium spray, leave one swath unsprayed at the downwind edge of the treated field.

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 stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that might not be visible may injure susceptible broadleaf plants.

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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.

2,4-D esters may volatilize during conditions of low humidity and high temperatures. Do not apply during conditions of low humidity and high temperatures.”

7. Per the 2,4-D RED, the rate restrictions specified below are required for noncrop use and must be added to the label. The directions to apply up to 2 gallons of product per 1000 square feet (~4.5 lbs ae 2,4-D per acre) exceeds the allowable rate for treatment of annual and perennial weeds. The label must be revised.

“Annual and perennial weeds:

Limited to 2 applications per year.

Maximum of 2.0 lbs ae 2,4-D per acre per application.

Minimum of 30 days between applications.

Woody plants:

Limited to 1 application per year.

Maximum of 4.0 lbs ae per acre per year.”

8. Add the following statements to the labeling:

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

9. Assure that the required acid equivalents per acre (lbs ae/A) restrictions are expressed as product volume or product weight per unit area that are in the same units as the registered application rate already on the label. Assure that the revised maximum application restrictions do not exceed the highest currently registered rate for each appropriate application site. Finally, ensure that the most restrictive of the required limitations for the active ingredients in this product are placed on the labeling.
10. The first aid statements appear under either of the following headings: “First Aid” or “Statements of Practical Treatment.” [PR Notice 2001-1]. The heading “First Aid” is preferred by the Agency.
11. Please add a warranty statement.

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A stamped copy of your labeling is enclosed for your records. Submit one copy of the revised final printed label for the record before you release the product for shipment. Please note that final product registration cannot be considered until after all active ingredients in this product are eligible for reregistration. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

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

Enclosure

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EPA DRAFT LABEL 2/15/2007

MISTY® (LOGO)
Repco Kill LF

ACTIVE INGREDIENT:

Isooctyl: (2-Ethylhexyl ester)
of 2,4-Dichlorophenoxyacetic acid*: 1.09%
Bromacil (5-bromo-3-sec-butyl-6-methyluracil): 0.61%
OTHER INGREDIENTS:** 98.30%
TOTAL: 100.00%

*2,4-Dichlorophenoxyacetic acid equiv. 0.7%.

Isomer specific AOAC Method No. 6 DO-1-5.

**Contains petroleum distillates, xylene, or xylene range aromatic solvent.

ACCEPTED
with COMMENTS
In EPA Letter Dated:
NOV 14 2008

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

10807-204

B00577

KEEP OUT OF REACH OF CHILDREN.

CAUTION:

See back panel for additional precautionary statements.

SCIENTIFICALLY FORMULATED FOR INDUSTRIAL and INSTITUTIONAL USE

NET CONTENTS GALLON(S)

LITER(S)

Back Panel

PRECAUTIONARY STATEMENTS: HAZARDS TO HUMANS AND DOMESTIC ANIMALS:

CAUTION: Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. When mixing, loading, or applying this product or repairing or cleaning equipment used with this product, wear eye protection (face shield or safety glasses), chemical resistant gloves (barrier laminate, nitrile rubber, vitron, selection category E), long-sleeved shirt, long pants, socks, shoes, and chemical-resistant gloves. Wash hands, face and arms with soap and water as soon as possible after mixing, loading, or applying this product.

USER SAFETY REQUIREMENTS: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, 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, using tobacco, or using the toilet. • User should remove clothing/PPE 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. After work, remove all clothing and shower using soap and water. Do not reuse clothing worn during the previous day's mixing and loading or application of this product without cleaning first. Clothing must be kept and washed separately from other household laundry. If this container is over one gallon and less than five gallons, then persons engaged in open pouring of this product must also wear coveralls or a chemical resistant apron. If this container is five gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal.

FIRST AID STATEMENT: 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 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 SWALLOWED:** Immediately call poison control center or doctor. Do not induce vomiting unless told to 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. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact xxx-xxx-xxxx for emergency medical treatment information. (Private labels must use own phone number. Misty brand to show 1-800-255-3924).

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

ENVIRONMENTAL HAZARDS: This product is toxic to aquatic invertebrates. Drift or runoff may adversely affect aquatic invertebrates and non-target plants. Do not contaminate water when disposing of equipment washwaters. 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 apply when weather conditions favor drift. Vapors from this product may injure susceptible plants in the immediate vicinity. Coarse sprays are less likely to drift. Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of groundwater supplies. Use of a closed system for mixing or transferring this product will reduce the probability of spills. Placement of mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

PHYSICAL OR CHEMICAL HAZARDS: Contains petroleum distillates. Do not use or store near heat or an open flame.

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

This product is a specially formulated non-selective vegetation killer for controlling a wide range of annual and perennial weeds and grasses. Apply undiluted as a spray on non-cropland areas where bare ground is desired. Control will vary with the amount of chemical applied, soil type, rainfall and other conditions. This product is non-corrosive to metal surfaces. Especially compounded for industrial and municipal weed control.

APPLICATION RESTRICTIONS: NOT FOR USE IN AERIAL APPLICATIONS. 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. Not to be used in any recreational areas or in or around homes.

ENTRY RESTRICTIONS: Do not enter or allow others to enter the treated area until sprays have dried.

GENERAL WEED CONTROL: To control most weeds on non-cropland areas such as parking lots, fence rows, railroad sidings and storage yards, spray at the rate of 1 to 2 gallons for each 1000 square feet (40 to 80 gallons per acre).

DIRECTIONS: This product may be applied at any time of the year, EXCEPT when ground is frozen. Best results are obtained after vegetation has emerged, in late spring or early summer. Use power sprayers, compressed air hand sprayers, or an ordinary sprinkling can. No dilution or agitation is required.

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CAUTION: Vapors from this product may injure susceptible plants, as this product may injure cotton, beans, peas, grapes, ornamentals, etc.

STORAGE & DISPOSAL: Do not contaminate water, food, feed or fertilizer by storage or disposal. Keep container tightly closed when not in use. If container is damaged or leaking, contain spill. Soak up spilled material with absorbent and place in closed, labeled container for proper disposal.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law and may contaminate ground water. 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 your EPA Regional Office for guidance.

CONTAINER DISPOSAL:

(For 1 gallon plastic containers)

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.

(For 5 to 55 gallon metal containers)

Triple rinse (or equivalent). Then offer for recycling, or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

EPA REG. NO. 10807-204 EPA EST. NO. 10807-TX-1

PRT4953 2/07 Pending

MADE IN U.S.A. BY:

AMREP, INC. (LOGO)

390 Industrial Park Drive
Marietta, GA 30067

770.422.7071 • 800.241.7766

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