

13283-21

03-09-2011

17



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Kim Davis
RegWest Company LLC
Agent for: Rainbow Technology Corporation
8203 West 20th St, Suite A
Greeley, CO 80634-4696

MAR 9 2011

Subject: Rainbow Weed Killer 4049
EPA Registration Number 13283-21
Application dated December 29, 2010
Submission of label amendment following a denied notification on 12/13/2010

Dear Ms. Davis:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable, provided you make the following changes before you release the product for shipment.

1. Remove "It is recommended that you require....and limitations of the respirator" from the PPE section
2. Remove "General" from "General Precautions and Restrictions"
3. Move the Non-Agricultural use Requirements box to the beginning of the Directions For Use section before the heading NON-CROP WEED CONTROL
4. Remove "General" from "General Weed Control" on page 5

Submit one (1) copy of final printed labeling incorporating the above changes before you release the product for shipment. Amended labeling will supercede all previously accepted ones. A stamped copy of labeling is enclosed for your records. If you have any questions, please contact Hope Johnson at 703-305-5410.

Sincerely,

Meredith Laws
Acting Branch Chief
Herbicide Branch
Registration Division (7505P)

27

| | | |
|--|---|---|
| United States Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460-0001 | <input type="checkbox"/> Registration <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Other | OPP Identifier Number Amendment |
|--|---|---|

Application for Pesticide – Section I

| | | |
|--|---|--|
| 1. Company/Product Number EPA Reg. No. 13283-21 | 2. EPA Product Manager Jim Tompkins | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/ Product (Name) Rainbow® Weed Killer 4049 | PM # 25 | |
| 5. Name and Address of Applicant (Include ZIP Code) Rainbow Technology Corporation c/o RegWest Company, LLC 8203 West 20th St., Suite A Greeley, CO 80634-4696 <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. 34913-15 Product Name Sprakil SK-13 Granular Weed Killer | |

Section – II

| | |
|---|---|
| <input checked="" type="checkbox"/> Amendment – Explain below. <input checked="" type="checkbox"/> Resubmission in response to Agency letter dated 12/13/2010 <input type="checkbox"/> Notification – Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other – Explain below. |
|---|---|

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

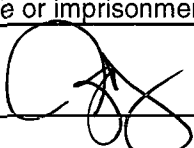
Submit Label Revision Amendment in response to the Agency letter dated December 13, 2010. Refer to the Reference Label for an illustration of all label revisions.

In response to EPA letter dated December 13, 2010 we are updating the Storage and Disposal to incorporate the verbiage that was previously accepted on November 18, 2010 EPA Reg. No. 13283-19, "Rainbow® Weed Killer 4031".

Section – III

| | | | |
|---|--|---|---|
| 1. Material This Product Will Be Packaged In: | | | |
| 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 | 2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify): _____ |
| *Certification must be submitted | If "Yes" Unit Packaging Wt. | No. Per Container | If "Yes" Packaging Wt. |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8 ounces through 20 pounds | |
| 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"/> Stenciled <input checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Other Printed; Self-adhesive | | | |

Section - IV

| | | |
|--|---|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application). | | |
| Name Kim Davis | Title Consultant/Agent | Telephone No. (Include Area Code) 970.353.0611 kim@regwest.com |
| Certification | | 6. Date Application Received (Stamped) _____ _____ _____ _____ _____ _____ |
| 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. | | |
| 2. Signature  | 3. Title Consultant/Agent | |
| 4. Typed Name Kim Davis | 5. Date December 29, 2010 | |

Label Revision Amendment



December 29, 2010

Mr. Jim Tompkins, Product Manager 25
Document Processing Desk - AMEND
Office of Pesticide Programs - 7504P
U.S. Environmental Protection Agency
One Potomac Yard (South Building), Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

Dear Mr. Tompkins:

Subject: Rainbow Technology Corporation
Rainbow® Weed Killer 4049
EPA Reg. No. 13283-21
Agency Letter Dated December 13, 2010

On behalf of Rainbow Technology Corporation, RegWest Company, LLC is submitting the attached documents in response to the Agency letter dated December 13, 2010. RegWest will act as sole agent in this endeavor.

Attached are the following documents:

- 1. Application for Pesticide: Amendment
2. A copy of the EPA letter dated December 13, 2010
3. One Reference Label (illustrating the label revisions)
4. Five New Labels (incorporating the revisions)

In response to EPA letter dated December 13, 2010 we are updating the Storage and Disposal language to incorporate the verbiage that was previously accepted on November 18, 2010 EPA Reg. No. 13283-19 "Rainbow® Weed Killer 4031". In addition, we are deleting "{logo}" and replacing it with the Rainbow logo graphic, among other minor changes. Please refer to the Reference Label for an illustration of all revisions.

We believe we have corrected the disposal directions per the Agency letter referenced above.

Please contact me or Dean Moser at 970.353.0611 or dean@regwest.com if you have any questions or comments concerning this submission.

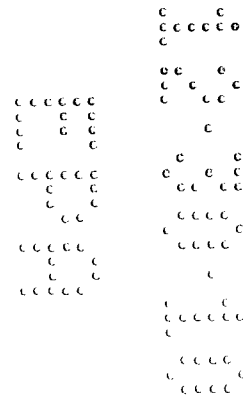
Regards,
RegWest Company, LLC

Handwritten signature of Kim Davis

Kim Davis,
Consultant/Agent

Attachments

cc: RTC - Schmidt, N.
dm



5

Rainbow® Weed Killer 4049

[[Select marketing claims from "Marketing Claims" section]]

Active Ingredients:

| | |
|--|-------------|
| Tebuthiuron (CAS No. 34014-18-1) | 1% |
| Diuron (CAS No. 330-54-1) | 3% |
| Other Ingredients | 96% |
| Total | 100% |

**Keep Out of Reach of Children
CAUTION**

See side panel for First Aid and additional Precautionary Statements.

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

MAR 9 2011

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

13283-21

EPA Reg. No. 13283-21

EPA Est. 13283-AL-1^A, 82013-AL-1^B
Superscript matches code on the bag

Net Wt. 20 lbs. [6 lbs.] [8 oz.]

{Side Panels}

First Aid

| | |
|--|--|
| If on Skin or Clothing: | <ul style="list-style-type: none"> • Take off contaminated clothing. • Immediately rinse skin with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice. |
| If in Eyes: | <ul style="list-style-type: none"> • 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. [You may also call 1-800-255-3924 for emergency medical treatment advice.] | |

(Note: The first aid statements' grid format will be used if market label space permits; otherwise a paragraph format will be used.)

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Thoroughly wash with soap and water after handling.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are butyl rubber > 14 mils, nitrile rubber > 14 mils or neoprene rubber > 14 mils. If you want more options follow the instructions for category C on an EPA chemical-resistance category selection chart. Loaders, applicators and other handlers must wear: Long-sleeved shirt and long pants; chemical resistant gloves; and shoes plus socks. In addition, all loaders must wear a NIOSH-approved particulate filtering respirator equipped with N, R or P class filter media. The respirator should have a NIOSH approval number prefix TC-84A. It is recommended that you require the respirator wearer be fit tested, and trained in the use, maintenance and limitations of the respirator. 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

Users should: thoroughly wash hands with soap and water after handling this product and before eating, drinking, chewing gum, using tobacco or using the toilet; immediately remove clothing/PPE if pesticide gets inside, then thoroughly wash and put on clean clothing; immediately remove PPE after handling this product. Wash the outside of gloves before removing. As soon as possible, thoroughly wash and change into clean clothing.

Environmental Hazards

For terrestrial uses: Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate. Apply this product only as specified on this label. In case of spills, collect, cover or incorporate granules/pellets spilled on the soil surfaces to prevent contamination to water.

Ground Water Advisory

This product is known to leach through soil into ground water under certain conditions as a result of registered (rangeland and non-crop) uses. Use of this product in areas where soils have rapid to very rapid permeability, particularly where the water table is shallow, may result in ground water contamination.

Use Restrictions for Ground Water Protection: Vulnerable Sites: To minimize any movement of tebuthiuron to subsurface water, do not exceed the application rates specified below on treatment sites where soils have a sandy or loamy sand texture throughout the soil profile and all of the following characteristics: 1) Rapid to very rapid permeability; 2) Absence of well-defined organic layers or a textural B-horizon (restricting layer of fine-textured soil); 3) The water table of an underlying aquifer is shallow.

An aquifer is defined as an "underground saturated, permeable geologic formation capable of producing significant quantities of water to a well or spring." It is the ability of the saturated zone, or portion of that zone, to yield water which makes it an aquifer (American Chemical Society, 1983). Local agricultural agencies can provide further information on the type of soil in your area and the location of shallow ground water aquifers.

Do not apply this product in areas where the water table is predominately shallow (5 feet or less), such as marshy or sub-irrigated areas, or areas immediately adjacent to streams or lakes which are periodically flooded, unless such use is allowed under a state-approved pesticide management program. **Note:** Also on such areas, woody plants rooted directly in a shallow water table are minimally affected by applications of tebuthiuron and poor woody plant control will result.

Do not apply this product within the areas identified by state or local authorities as protected ground water recharge zones.

DIRECTIONS FOR USE

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

NON-CROP WEED CONTROL

Only for Industrial Use

General Precautions and Restrictions

Do not apply on or near desirable woody or herbaceous plants or on areas where their roots may extend because of possible injury to such plants. Do not use on croplands or any land to be used for subsequent cropping. Do not use in any recreational areas or in or around homes. Do not use to treat berms of ditches, seasonally dry flood plains, deltas, marshes, swamps, bogs and/or transitional areas between upland and lowland sites. Do not contaminate irrigation ditches or water used for domestic purposes. Do not enter or allow others to enter treated areas until the dusts have settled. 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. Keep animals off treated areas. Application with a spoon or pump-feed/gravity-feed backpack spreader is prohibited.

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 enter or allow others to enter the treated area until dusts have settled.

This product is a nonselective herbicide for controlling a wide range of annual and perennial weeds and grasses. Use only for general weed control on non-cropland areas around buried cable closures, telephone booths, cross-connect boxes, transformer pads and fire plugs. The duration of nonproductivity is dependent upon rainfall, soil type and other conditions.

Application Rates: The maximum label rate and frequency of application is 0.46 lb. of this product per 100 sq. ft. applied once every three years for vulnerable areas (where soils are sandy and depth to water table is shallow). For all other areas, the maximum use rate and frequency of application is up to 0.92 lb. of this product per 100 sq. ft. applied only once per year; however, no more than 1.38 lb. of this product per 100 sq. ft. may be applied in any 3-year period. Spot treatments (hand-held equipment): This product may be applied at rates up to the equivalency of 0.92 lb. per 100 sq. ft. when needed.

How to Apply: Apply, as furnished, with a shaker-type applicator or with equipment that will uniformly distribute the product over the area to be treated. Application equipment is available from Rainbow Technology Corporation.

When to Apply: To obtain the best results, apply this product to the ground where it will be absorbed by the roots. Applications made early in the season have been found to give results superior to applications at a later seasonal date. This product may, however, be applied at any time of the year, except when the ground is frozen. Maximum effectiveness in arid regions is obtained when application is made just prior to the rainy season.

{For rigid non-refillable containers for non-dilutable product}

Storage and Disposal

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

Pesticide Storage: To maximize the shelf life of this product, store in a dry area where the container is not likely to come into contact with moisture. Do not store near fertilizers, seeds, insecticides or fungicides. Store this herbicide only in lined paper bags, stainless steel, fiberglass, plastic and plastic-lined containers. Do not store in unlined steel (except stainless steel) containers. Keep dry. **Pesticide Disposal:** Wastes resulting from the use of this product must be disposed of onsite or at an approved waste disposal facility. **Container Disposal:** Non-refillable container, do not reuse or refill this container. Completely empty container by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or by other procedures approved by state and local authorities.

{For non-refillable bags for granular, dry and non-dilutable formulations}

2
7

Storage and Disposal

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

Pesticide Storage: To maximize the shelf life of this product, store in a dry area where the container is not likely to come into contact with moisture. Do not store near fertilizers, seeds, insecticides or fungicides. Store this herbicide only in lined paper bags, stainless steel, fiberglass, plastic and plastic-lined containers. Do not store in unlined steel (except stainless steel) containers. Keep dry. **Pesticide Disposal:** Wastes resulting from the use of this product must be disposed of onsite or at an approved waste disposal facility. **Container Disposal:** Non-refillable container; do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available, or dispose of empty bag in a sanitary landfill.

{Per PR Notice 2007-4 the batch code/lot number will appear on the label or container.}

Notice of Warranty: Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on such label only when used in accordance with the directions under normal use conditions. To the extent consistent with applicable law, in no case shall Rainbow be liable for consequential or special damages resulting from the use or handling of this product. All such risks shall be assumed by the buyer. Rainbow makes no warranties of **Merchantability or Fitness for a Particular Purpose** or any other express or implied warranty except as stated above.

Product No. _____
{Code}



Manufactured [Sold] by:



©Rainbow Technology Corporation

261 Cahaba Valley Parkway

Pelham, AL 35124

Comments or Suggestions?

1.800.637.6047

{Marketing Claims}

**For General Weed Control Around
Buried Cable Closures, Telephone Booths, Cross-Connect Boxes, Transformer Pads and Fire Plugs
Granular Weed Killer**

{End of Marketing Claims}

[] Denotes alternate/optional language

{ } Denotes language that does not appear on the market label