

19713-528

2/14/2013

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Luz Chan
Drexel Chemical Company
P.O. Box 13327
Memphis, TN 38113-0327

FEB 14 2013

Subject: Notification per PR Notice 98-10 –Deletion of Dec. 31, 2013 restriction based on agreement between EPA and the Organic Arsenical Products Task Force and Additon of Restriction Management Language
Diumate
EPA Reg. No. 19713-528
Application Dated – February 13, 2013

Dear Ms. Chan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the subject product.

The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Maggie Rudick at (703) 347-0257 or rudick.maggie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Maggie Rudick".

Maggie Rudick
Herbicide Branch
Registration Division (7505P)
Office of Pesticides Program



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 19713-528	2. EPA Product Manager Kable Bo Davis	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) DREXEL DIUMATE	PM# 25/Herbicide Branch	
5. Name and Address of Applicant (Include ZIP Code) Drexel Chemical Company P.O. Box 13327 Memphis, TN 38113-0327 <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 type="checkbox"/> Amendment - Explain below.	<input checked="" 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

FEB 14 2013

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

Submission of revised label per previous discussion between the Organic Arsenical Product Task Force (OAPTF) counsel and Ms. Lois Rossi. Details are in the cover letter accompanying this submission.
 This notification is consistent with the provisions of PR Notice 98-10 and EPA Regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the Confidential Statement of Formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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.

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 type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted				<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 less than 5 gallons; 5 gallons and greater		5. Location of Label Directions <input checked="" type="checkbox"/> On the label	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Luz G Chan	Title Registration Manager	Telephone No. (Include Area Code) (901) 774-4370
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 Registration Manager	
4. Typed Name Luz G Chan	5. Date February 13, 2013	



Drexel Chemical Company

February 13, 2013

Document Processing Desk (NOTIF)
ATTN: MR. KABLE BO DAVIS (PM 25)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Rm S-4900, One Potomac Yard
2777 S Crystal Drive, Arlington, VA 22202

Re: Submission of Revised Label Deleting the December 31, 2013 Deadline for Group 2 Uses on MSMA Labels by Notification DREXEL DIUMATE (EPA Reg. No. 19713-528)

Dear Mr. Davis,

Reference is made to Bergeson & Campbell's (counsel for the Organic Arsenical Product Task Force to which Drexel is a member) prior communication with Ms. Lois Rossi and subsequently yourself regarding the above.

Submitted, herewith, are completed EPA form 8570-1 and a copy of the label (528SP-0213*P) with the December 31, 2013 deadline for use on highway rights-of-way deleted for your review and acceptance.

No other changes other than the deletion of the said December 31, 2013 deadline for use on highway rights-of-way were made on the label.

If you have questions/clarification regarding this submission or need anything further, I can be reached at (901) 774-4370 or e-mail Lchan@drexchem.com.

Thank you.

Respectfully yours,
FOR DREXEL CHEMICAL COMPANY


Luz G Chan
Registration Manager

NOTIFICATION
FEB 14 2013

GROUP 7 17 HERBICIDES

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Drexel

Diumate

Herbicide

For selective postemergent weed control in Cotton and Highway Rights-of-Way.

ACTIVE INGREDIENTS:

Monosodium acid methanearsonate..... 34.60%
Diuron..... 5.18%

OTHER INGREDIENTS: 60.22%

TOTAL: 100.00%

Total arsenic (as elemental) all in water soluble form is 16.00%. This product contains 4 pounds of MSMA plus 0.6 pound of Diuron per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See FIRST AID Below

SHAKE WELL BEFORE USING

[Optional: Recirculate Contents Before Use]

EPA Reg. No. 19713-528

EPA Est. No. 19713-XX-XXX

Net Content: _____

FIRST AID

IF SWALLOWED:

- Call a poison control center or doctor immediately for treatment advice.
- Have person sip a glass of water if able to swallow.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious or convulsing person.

IF IN EYES:

- 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 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.

IF ON SKIN OR CLOTHING:

- 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.

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 product (including health concerns, medical emergencies or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378.

528SP-0213*P

PRECAUTIONARY STATEMENTS

Hazards To Humans And Domestic Animals

CAUTION: Harmful if swallowed. Harmful if absorbed through skin. Harmful if inhaled. Avoid contact with eyes, skin or clothing. Avoid breathing spray mist.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are polyethylene or polyvinyl chloride. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

All pilots and flaggers must wear: Long sleeved shirt, long pants, shoes and socks.

All mixers, loaders, other applicators, and other handlers must wear: Long sleeved shirt, long pants, shoes plus socks, chemical-resistant gloves, NIOSH-approved dust/mist filtering respirator with N, R, P or HE filter or a NIOSH-approved dust/mist filtering respirator with approval number prefix TC-21C, and chemical-resistant apron when mixing, loading, or cleaning equipment or spills.

See "ENGINEERING CONTROLS" for additional 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

Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)].

Flaggers supporting aerial applications must use an enclosed cab that meets the definition in the WPS for agricultural Pesticides [40 CFR 170.240(d)(5)] for dermal protection. In addition, flaggers must wear long-sleeved shirt, long pants, shoes, and socks.

USER SAFETY RECOMMENDATIONS

Users should: 1) Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. 2) Remove clothing / PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. 3) 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

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. Apply this product only as specified on the label.

RESISTANCE MANAGEMENT

GROUP 7 17 HERBICIDES

This product is a Group 7 and Group 17 herbicides. Any weed population may contain or develop plants naturally resistant to this product and other Group 7 and Group 17 herbicides. Weed species with acquired resistance to Group 7 and Group 17 may eventually dominate the weed population if Group 7 and Group 17 herbicides are used repeatedly in the same field or in successive years as primary method of control for targeted species. This may result in partial or total loss of control of those species by this product or other Group 7 and Group 17 herbicides.

To delay herbicide resistance, consider:

- Avoiding the consecutive use of this product or other target site of action Group 7 and Group 17 herbicides that have a similar target site of action on the same weed species.
- Using tank mixtures or premixes with herbicides from different target site of action Groups as long as the involved products are all registered for the same use, have different sites of action, and are both effective at the tank mix or prepack rate on the weed(s) of concern.
- Basing herbicide use on a comprehensive IPM program.
- Monitoring treated weed populations for loss of field efficacy.

- Contacting your local extension specialist, certified crop advisors and/or manufacturer for herbicide resistance management and/or integrated weed management recommendations for specific crops and resistant weed biotypes.

DIRECTIONS FOR USE

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

DO NOT APPLY THIS PRODUCT THROUGH ANY TYPE OF IRRIGATION SYSTEM.

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 C01-0143C (W.D. WA). For further information, please refer to www.epa.gov/espp.

For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard (WPS), 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, 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 (REI). The requirements in this box only apply to uses of this product that are covered by the WPS.

Do not enter or allow worker entry into treated areas during the REI of 12 hours.

PPE required for early entry to treated areas that is permitted under the WPS and that involves contact with anything that has been treated, such as plants, soil or water is: Coveralls, chemical-resistant gloves made of any waterproof material and shoes plus socks.

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 sprays have dried.

USE INFORMATION

DIUMATE herbicide may be used for selective postemergent weed control for grassy weeds in Cotton and Highway Rights-of-Way. This product is a combination of herbicides and surfactant. It is unnecessary to add any other surfactant to the spray solution. Best results are obtained on young actively growing weeds at air temperature above 70°F.

This product applied properly will kill or control noxious weeds susceptible to MSMA such as:

Barnyardgrass Cocklebur Dallisgrass Goosegrass Johnsongrass	Nutsedge Puncturevine Sandbur Morningglory
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APPLICATION RESTRICTIONS

- Do not apply this product in Florida except on Cotton in the counties listed in the Cotton use section of this label.
- Aerial application is prohibited, except when applying to Cotton.

MIXING INSTRUCTIONS

This product must be thoroughly mixed before using. Fill the spray equipment reservoir about half-full with water and add the required amount of herbicide with agitation. Finish filling the reservoir with water, agitate, then apply. Use continuous mechanical or by-pass agitation during use. After use, clean equipment thoroughly by flushing with water. Do not store spray solution in tank for a prolonged period.

REQUIREMENTS FOR REDUCING SPRAY DRIFT FOR GROUND AND AERIAL APPLICATIONS

Use best practices to avoid drift to all other crops and non-target areas. Do not apply when conditions favor drift from target areas. The interaction of many equipment-and weather-related factors determine the potential for spray drift. Avoiding spray drift at the application site is the responsibility of the applicator. The applicator must follow the most restrictive precautions to avoid drift, including those found in this labeling as well as applicable state and local regulations and ordinances. A drift control agent may reduce drift, however it may also decrease weed control.

Make application only when the wind speed is less than or equal to 10 miles per hour.

Do not make applications into temperature inversions.

Apply with medium or coarser spray (according to ASABE standard S572.1) for standard nozzles.

When making ground application to cotton, apply with nozzle height no more than 2 feet above the ground or crop canopy. When applying to highway rights-of-way, use the lowest nozzle height consistent with safety and efficacy. Direct spray into target vegetation.

When making aerial application to cotton, do not release the spray at a height greater than 6 to 10 feet above the ground or crop canopy. Do not apply by air if sensitive non-target crops are within 100 feet of the application site. Do not apply by air to highway rights-of-way.

The spray boom should be mounted on the aircraft so as to minimize drift caused by wing tip vortices. The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter. Use upwind swath displacement.

COTTON

This product is useful for control of emerged weeds and grasses such as those listed under "USE INFORMATION" and many similar weeds in Cotton. The addition of surfactant to this product is not necessary.

POSTEMERGENT-DIRECTED

Mix this product at a rate of 2 quarts in 40 gallons of water for application as a directed broadcast spray to 1 acre when weeds are small. For band applications in 40-inch rows, apply 1 gallon of spray solution per inch of band width per acre. If a salvage operation is needed (i.e., if Pigweed escapes the first application), then a second or repeat application at 2 quarts per acre is allowed. A second or repeat application, if needed, should be timed 3 weeks after the first application. Apply only as a salvage operation. Apply only to healthy rapidly growing Cotton 3 inches high, but no later than 6 inches high or early square, whichever occurs first. Preference should be given to directed spray. In order to minimize injury, the second application should be made as a directed spray when possible. Keep spray off Cotton foliage. Apply only when Cotton is 6 inches high to first bloom. Do not apply after first bloom. Nozzles should be adjusted to direct spray to weeds to allow maximum coverage of weeds with no contact to Cotton foliage.

For Postemergent-Directed Banded Applications:

Band Size (in.)	Amount of this Product Per Acre (oz.)	Volume of Water Per Acre (gal.)
12	19.5	12
14	22.5	14

Off-center fan-type nozzles, 100 mesh screen, approximately 5 inches from the ground with 25 pound pressure may be used. Do not apply after first bloom.

Slight burning and a reddish discoloration of the Cotton leaf may occasionally occur following the recommended treatment, but the Cotton plant will fully recover.

USE RESTRICTIONS

- Do not apply when conditions favor drift from areas being treated as injury to non-target areas or adjacent crops may result.
- Do not feed treated foliage to livestock or graze treated area.
- Do not apply in Florida except on Cotton grown in the following counties: Calhoun, Columbia, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Okaloosa, Santa Rosa, Suwannee, Walton, and Washington.
Note: Applications to Cotton in Florida should be confined to band treatments.
- Only one application of this product (up to 2 qts. per acre) is allowed per season, except when a salvage operation is needed.
- If a salvage operation is needed (i.e., if Pigweed escapes the first application), then a second or repeat application of up to 2 quarts of this product per acre is allowed.
- Do not apply more than a total of 1 gallon of this product per acre per season when making a second (salvage) application.
- Do not apply preplant to Cotton.
- Do not make more than two applications per year. Minimum retreatment interval is 21 days.
- Do not apply within 50 feet of permanent water bodies or aquatic habitat, including, but not limited to lakes, reservoirs, rivers, streams, marshes, ponds, and estuaries.

HIGHWAY RIGHTS-OF-WAY

This product is useful in the control of emerged weeds and grasses such as those listed under "USE INFORMATION" and many similar weeds on highway rights-of-way. Applications should be made when weeds are small and conditions are favorable for good weed growth.

Mix this product at a rate of 2.5 gallons in 100 gallons of water. Spray unwanted vegetation thoroughly at a rate of about 50 gallons of spray solution per acre. Use spray equipment that gives good low volume coverage. If regrowth occurs, re-apply as required.

USE RESTRICTIONS

- Do not use this product in the State of Florida.
- Do not apply by air.
- Do not use on drainage ditch banks, railroad, pipeline, and utility rights-of-way, fence rows, storage yards, and similar non-crop areas.
- Do not feed treated foliage to livestock or graze treated areas.
- Do not make more than two broadcast applications per year. Minimum retreatment interval is 90 days.
- Do not apply within 100 feet of permanent water bodies or aquatic habitat, including, but not limited to lakes, reservoirs, rivers, streams, marshes, ponds, and estuaries.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Storage should be under lock and key and secure from access by unauthorized persons and children. Storage should be in a cool, dry area away from any heat or ignition source. High heat may form volatile arsenic compounds. Do not stack over 2 pallets high. Move containers by handles or in cases. Do not move containers from one area to another unless they are securely sealed. Keep container tightly sealed when not in use. Keep away from any puncture source. Avoid storage near water supplies, food, feed, seed, fungicides, insecticides and fertilizers to avoid contamination. Store in original containers only. If the contents are leaking or material is spilled, follow these steps while wearing protective clothing:

1. Contain spill. Absorb with an inert material such as sand or sawdust.
2. Collect and place in suitable containers for disposal.
3. Wash area with soap and water to remove remaining pesticide.
4. Follow washing with clean water rinse.
5. Place a leaking container in a plastic tub and transfer content as soon as possible, to an empty, original container.

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(continuation)

6. Do not allow runoff to enter sewer or contaminate water supplies.

7. Dispose of waste as indicated below.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. 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 (rigid material; less than 5 gallons): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean 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 one-fourth 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. Dispose of empty container in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Nonrefillable Container (rigid material; 5 gallons up to < 250 gallons): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill container one-fourth 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. Dispose of empty container in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Refillable Container (≥ 250 gallons & Bulk): Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

WARRANTY—CONDITIONS OF SALE

OUR DIRECTIONS FOR USE of this product are based upon tests believed reliable. Follow directions carefully. Timing and method of application, weather and crop conditions, mixtures with other chemicals not specifically recommended, and other influencing factors in the use of this product are beyond the control of the Seller. To the extent consistent with applicable law, Buyer assumes all risks of use, storage and handling of this material not in strict accordance with directions given herewith.

To the extent consistent with applicable law, in no case shall the Manufacturer or the Seller be liable for consequential, special or indirect damages resulting from the use or handling of this product when such use and/or handling is not in strict accordance with directions given herewith. The foregoing is a condition of sale by the Manufacturer and is accepted as such by the Buyer.

Manufactured By:



Drexel Chemical Company

P.O. BOX 13327, MEMPHIS, TN 38113-0327

SINCE 1972

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