



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Janet P. Baguhn
Howard Johnson's Enterprises, Inc.
700 West Virginia Street, #222
Milwaukee, WI 53204

JAN 29 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2008-1, 2007-4, and 98-10

1. Updated warranty statement
2. Added Optional marketing claims
3. Other minor changes

Dear Ms. Baguhn:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2008-1, 2007-4, and 98-10 dated November 12, 2009 for:

EPA Registration 32802-68	Dithiopyr 0.086 Plus
EPA Registration 32802-69	Dithiopyr 0.172 Plus
EPA Registration 32802-71	Dithiopyr 0.107 Plus
EPA Registration 32802-73	Turf Food With Crabgrass Preventer
EPA Registration 32802-78	Dithiopyr 0.13 Plus

The Registration Division (RD) has conducted a review of the request(s) for applicability under 2008-1, 2007-4, and 98-10 and finds that the label changes requested fall within the scope of 2008-1, 2007-4, and 98-10. 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



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Date: November 12, 2009

Product: Dithiopyr 0.107 Plus
EPA Reg. No 32802-71

Registrant: Howard Johnson's Enterprises, Inc.
700 W. Virginia St., Suite 222
Milwaukee, WI 53204-1548

RE: Notification of Minor Label Changes

Action: Notification of updated Pesticide Management and Disposal; Standards for Pesticide Containers and Containment PR Notice 2007-4, Update to Environmental Hazard General Labeling statement on Outdoor Residential Use Products PR Notice 2008-1, Updated Warranty Disclaimer Statement Agency Policy Dated October, 2006, Additional Optional Fertilizer Marketing Claims, Additional Marketing Claims, and addition of a Guaranteed Analysis box for Fertilizer guarantee.

"Notification of label change per PR Notice 2007-4. This notification 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."

And

Notification of label change relative to PR Notice 2008-1. This notification is consistent with the guidance in PR Notice 2008-1 and the requirements of EPA's regulations at 40 CFR 156.10,



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40 CFR 156.80 and 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 guidance of PR Notice 2008-1 and the requirements of 40 CFR 156.10, 40 CFR 156.80 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.

Per PR Notices 2007-4 and 2008-1 enclosed is EPA Form 8570-1 and application notifying the Agency of revisions to the labeling for the product registration. This registration has both homeowners and commercial versions on the labeling. Copies of the revised labeling are enclosed with the additional lines hi-lighted.

Additional Marketing claims, Fertilizer Guaranteed Analysis box, and updated Warranty Disclaimer Statement per agency letter dated October 2006 have been added. These are also hi-lighted on the label.

If you have any questions or comments regarding this notification please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Janet P. Baguhn', is written over the typed name.

Janet P. Baguhn

Compliance Manager

Phone: 414-276-1505 ext 104

Fax: 414-276-04184

E-mail janet.baguhn@hjfertilizer.com

Enclosures: EPA Form 8570-1
Copy of Product Label
Certification

6098

DITHIOPYR 0.107 PLUS

SELECTIVE HERBICIDE PLUS FERTILIZER FOR
PREEMERGENCE CONTROL OF LISTED
ANNUAL GRASSES AND BROADLEAF WEEDS
IN ESTABLISHED LAWNS & ORNAMENTAL TURF

ACTIVE INGREDIENT:

Dithiopyr: 3,5-pyridinedicarbothioic acid, 2-(difluoromethyl)-4-(2-methylpropyl)-6-(trifluoromethyl)-S,S-dimethyl ester 0.107%
INERT INGREDIENTS: 99.893%
TOTAL: 100.000%

EPA Reg. No. 32802-71

EPA Est. No. 32802-MO-1 (B)

First letter of bag code shows establishment where manufactured.
See tag attached to bag for fertilizer guaranteed analysis.

Manufactured by:

HOWARD JOHNSON'S ENTERPRISES, INC.
700 W. Virginia Street, Milwaukee, WI 53204-1548

KEEP OUT OF REACH OF CHILDREN
CAUTION: See (back, side, other) panel for further cautions, first aid information and directions for use.

NET WEIGHT: 10, 12, 13, 14, 15, 16, 18, 20, 22, 24, 25, 26, 27, 28, 30, 32, 33, 35, 36, 39, 40, 42, 44, 45, 46, 49, 50, etc.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes eye irritation. Harmful if inhaled. Avoid contact with eyes or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

ENVIRONMENTAL HAZARDS: This pesticide is toxic to fish and highly toxic to other aquatic organisms including oysters and shrimp. Use with care when applying to turf areas adjacent to any body of water. Drift or runoff may adversely affect aquatic organisms in adjacent aquatic sites. 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 from treated areas. Do not contaminate water when disposing of equipment washwaters.

(Alternate wording for household use:)

ENVIRONMENTAL HAZARDS:

To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

Guaranteed Analysis

Total Nitrogen (N) XX.XX%
Available Phosphate (P2O5) XX.XX%
Soluble Potash (K2O) XX.XX%

Derived from:

Chlorine (Cl), not more than XX.XX%

First Aid	
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.
If inhaled	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Call a poison control center or physician 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 the poison control center or physician. Do not give anything by mouth to an unconscious person.
Hot line number:	
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 Telecommunications Network at 1-800-858-7378.	

NOTIFICATION
JAN 29 2010

Read The entire "Directions for Use" and "Warranty Statement" before using this product. If terms are not acceptable, return the unopened product container at once to the seller.

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

In the State of New York: For use by professional turf applicators only, at no more than 10.74 lbs per 1000 square feet per year (0.5 pounds AI per acre per year). Not for use in Nassau or Suffolk Counties. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

GENERAL INFORMATION: This product contains turf fertilizer plus a selective herbicide for control of crabgrass and other annual grasses and broadleaf weeds in established lawns and ornamental turf. Apply this product only to seeded, sodded, or sprigged turf that is well established. Turf must develop a good root system and uniform stand, and have received at least two mowings following seeding, sodding or sprigging before making the first application of this product. Use of this product on turf that is not well established, or weakened by weather, pests or other stress, may increase the chance of turf injury.

This product provides pre-emergence control of crabgrass (large, smooth, and southern species) when applied prior to emergence of crabgrass from the ground. In addition, this product provides "early post-emergence" control during the early stages of growth after crabgrass emerges from the ground. This early post-emergence crabgrass control is limited, and post-emergence applications are only effective if applied before crabgrass has displayed its fifth leaf or first tiller (which generally corresponds to time when you can first see the crabgrass plants in the lawn). The benefit of this post-emergence activity is that it gives the user a 2 to 4 week longer period of time to make applications for effective control of crabgrass.

WHERE TO USE: This product may be used on the following established turfgrasses: Creeping Bentgrass* (*Agrostis palustris*), Kentucky Bluegrass (*Poa pratensis*), Fine Fescue** (*Festuca rubra*), Tall Fescue (*Festuca arundinacea*), Perennial Ryegrass (*Lolium perenne*), Bahiagrass (*Paspalum notatum*), Bermudagrass (*Cynodon dactylon*), Buffalograss*** (*Buchloe dactyloides*), Carpetgrass (*Axonopus compressus*), Centipedegrass (*Eremochloa ophiuroides*), Kikuyugrass (*Pennisetum clandestinum*), St. Augustinegrass (*Stenotaphrum secundatum*), Zoysiagrass (*Zoysia japonica*).

*Turfgrass injury may result from use of this product on certain varieties of creeping bentgrass, such as Cohansy, Carmen, Seaside and Washington. Not all varieties of creeping bentgrass have been tested. Do not apply this product to Colonial Bentgrass (*Agrostis tenuis*) varieties.

**Turfgrass injury may result from use of this product on the following Fescue varieties which are sensitive to this product: Atlanta, Banner, Beauty, Bilgart, CF-2, Enjoy, HF-93, Highlight, Ivalo, Koket, Jamestown, Majenta, Mary, Pennlawn, Tamara, Tajana, Wallfort and Waldina. Not all varieties of fescue have been tested.

***Do not use this product on seedling Buffalograss in the spring of the first year of establishment until the turfgrass is fully green and has established new roots.

SPRING APPLICATIONS: For single applications in the spring or early summer, use the appropriate rate from "Application Rates" table (depending on user's location, mowing height, pre- or post-emergent use). The duration of residual weed control is directly related to the total rate applied, but varies depending on weather, weed pressure and location. Use "Program 1" for preemergence control on areas where turf is cut high (home lawns) for 3 to 5 months of crabgrass control. This program should not be used for postemergence crabgrass control.

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APPLICATION RATES for Crabgrass Control		
REGION	PROGRAM 1	PROGRAM 2
	PREEMERGENCE USE (high cut turfgrass)	PREEMERGENCE USE (low cut turfgrass) POSTEMERGENCE USE
North	2.68 lbs / 1000 sq ft (117 lbs / acre 0.125 lbs AI / acre)	5.37 lbs / 1000 sq ft (234 lbs / acre 0.25 lbs AI / acre)
Transition	3.93 lbs / 1000 sq ft (171 lbs / acre 0.183 lbs AI / acre)	7.85 lbs / 1000 sq ft (342 lbs / acre 0.366 lb AI / acre)
South	5.37 lbs / 1000 sq ft (234 lbs / acre 0.25 lbs AI / acre)	10.74 lbs / 1000 sq ft (468 lbs / acre 0.50 lbs / acre)
Coastal South	7.85 lbs / 1000 sq ft (342 lbs / acre 0.366 lb AI / acre)	10.74 lbs / 1000 sq ft* (468 lbs / acre* 0.50 lbs AI / acre*)

North: All other areas.
Transition: DE, KS, KY, MD, MO, NJ, VA, southeastern PA, southern areas of IL, IN, OH, and coastal areas of CT, NY and RI
South: AL, AR, AZ, CA, GA, LA, MS, NC, NM, NV, OK, SC, TN and TX
Coastal South: HI, FL, southern coastal areas of AL, GA, LA, MS, NC, SC, TX
*May require split or sequential applications for full control.

Use "Program 2" for preemergence control where turf is cut low (golf course fairways) or where weed control was not conducted the previous year. This program provides 4 to 6 months of preemergence weed control, and also for early postemergence control of crabgrass.

This product may be applied as a single application or as a split application for crabgrass control in the spring, summer or fall.

FALL APPLICATION: This product can also be applied in late summer or early fall (late August through November) at the "Program 2" rates for crabgrass control through the early part of the next spring. Fall applications must be followed by an appropriate spring application to provide season-long control.

USE PRECAUTIONS: Do not apply more than 10.74 pounds per 1000 square feet (0.5 pounds AI per acre) per application. Do not apply more than 32.2 pounds per 1000 square feet (1.5 pounds AI per acre) per year. (In New York, do not apply more than 10.74 lbs per 1000 square feet per year.)

Cultural practices such as aeration and de-thatching should be completed, and the turf allowed to recover before application of this product. Do not use clippings from treated turf for animal feed or for mulching around vegetables or fruit trees. Do not allow domestic animals to feed or forage on treated turf. Keep people and pets off treated areas until dust has settled. Do not use on golf course putting greens.

TIPS FOR IMPROVED CONTROL: For best results, apply this product within a few days after mowing and delay mowing again for a few days after the application. Irrigation or rainfall within 7 days after application may improve weed control. Use of split (half rate) applications spaced 6-8 weeks apart may provide improved weed control.

RESEEDING, OVERSEEDING, OR SPRIGGING: Reseeding, overseeding, or sprigging of treated areas within 4 months after application of this product may inhibit the establishment of desirable turfgrasses. When seeding, follow good cultural practices such as soil cultivation, irrigation and fertilization. For best results, use "slit seeders" for good seed-to-soil contact.

CONTROL OF OTHER GRASS AND BROADLEAF WEEDS:

SPRING APPLICATIONS: Used as directed for crabgrass control in spring, this product will also control or suppress the following weeds when applied prior to their emergence: Barnyardgrass, Bluegrass (annual, roughstalk), Crowfootgrass, Foxtail (yellow & green)*, Goosegrass, Kikuyugrass, Lespedeza (common), Oxalis (buttercup, creeping & yellow woodsorrel), Purslane (common), Ryegrass (annual & perennial), Smutgrass, Speedwell (corn), Spurge (prostrate and spotted).

*Foxtail is also controlled at the program 2 rates.

FALL APPLICATIONS: Used as directed in late summer or early fall, for crabgrass control through the early part of the next spring, this product will also control or suppress the following weeds when applied prior to their emergence: Bluegrass (annual, roughstalk), Bittercress, Chickweed, Geranium (Carolina), Henbit, Parsley-piert, Pineappleweed, Shepherd's purse.

SPREADER SETTINGS	to apply at the listed pounds per 1000 square feet				
	2.68 lbs	3.97 lbs	5.37 lbs	7.85 lbs	10.47 lbs
Spreader A	X	X	X	X	X
Spreader B	X	X	X	X	X
Spreader C	X	X	X	X	X
Spreader D	X	X	X	X	X

May contain additional spreader brands/models, spreader settings and spreader use instructions as appropriate for the product)

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
STORAGE: Store in original container in a locked storage area out of reach of children and domestic animals.
PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
CONTAINER DISPOSAL: Completely empty bag into application equipment. Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If not available then dispose of empty bag in a sanitary landfill, or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.
(Alternate wording for household use:)
IF EMPTY: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. **IF PARTLY FILLED:** Call your local solid waste agency for disposal instructions. Never place any unused product down any indoor or outdoor drain or toilet.

GUARANTEE: This product is unconditionally guaranteed.

(Alternate wording for warranty statement:)

GREEN GUARANTEED: Your satisfaction is guaranteed when this product is used in accordance with instructions. If product performance is less than satisfactory, seller will refund the full purchase price with evidence of purchase.

(Alternate wording for warranty statement:)

NOTICE: Buyer and user assumes all risks and liability of use, storage and/or handling of this product not in accordance with the terms of this label.

(Alternate wording for warranty statement:)

WARRANTY AND DISCLAIMER: Manufacturer/seller warrants that this product conforms to the ingredient statement on the label, and that the product is reasonably suited for the labeled use when applied according to directions. Buyer and user assumes all risks and liability of use, storage and/or handling of this product not in accordance with the terms of this label. Manufacturer/seller makes no other warranty, expressed or implied, and shall not be liable for indirect or consequential damages.

(Alternate wording for warranty statement:)

WARRANTY AND DISCLAIMER: Manufacturer/seller warrants that this product conforms to the ingredient statement on the label, and that the product is reasonably suited for the labeled use when applied according to directions. Buyer and user assumes all risks and liability of use, storage and/or handling of this product not in accordance with the terms of this label. No other warranty, expressed or implied, is made concerning the merchantability or fitness for a particular purpose. Manufacturer/seller's liability shall be limited to the purchase price of the product. In no case shall manufacturer/seller be liable for consequential or incidental damages or loss.

(Alternate wording for warranty statement:)

NOTICE: Manufacturer/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 directions under normal use conditions. It is impossible to eliminate all risks inherently associated with the use of this product. Plant injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of manufacturer/seller. In no case shall manufacturer/seller be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the buyer. Except as expressly provided, manufacturer/seller makes no other warranties or representations, expressed or implied, or by usage of trade, statutory or otherwise, including, but not limited to, merchantability, fitness for a particular purpose, use or eligibility of the product for any particular trade usage. Buyer's or user's exclusive remedy for loss or damage resulting from this product shall be limited to the cost of the product.

Warranty. The directions for use of this product are believed to be adequate and must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result due to such factors as weather conditions, presence or absence of other materials, or the manner of use or application, all of which are beyond the control of Howard Johnson's Enterprises, Inc. the manufacturer, or the seller.
 To the extent consistent with applicable law, the products sold to you are furnished "as is" by Howard Johnson's Enterprises, Inc. The manufacturer and the seller are subject only to the manufacturer's warranties, if any, which appear on the label of the product sold to you, except as warranted by this label. Howard Johnson's Enterprises, Inc. the manufacturer, or the seller, makes no warranties, guarantees, or representations of any kind to the buyer or the user, either express or implied, or by usage of trade, statutory or otherwise, with regard to the product sold or use of the product, including, but not limited to, merchantability, fitness for a particular purpose, use or eligibility of the product for any particular trade usage, to the extent consistent with applicable law. Buyer's or user's exclusive remedy, and Howard Johnson's Enterprises, Inc. the manufacturer's or the seller's total liability, shall be limited to damages not exceeding the cost of the product. No agent or employee of Howard Johnson's Enterprises, Inc. or the seller is authorized to amend the terms of this warranty/disclaimer or the product's label or to make a representation or recommendation different from or inconsistent with the label of this product.

To the extent consistent with applicable law, Howard Johnson's Enterprises, Inc. the manufacturer, or the seller, shall not be liable for consequential, special or indirect damages resulting from the use, handling, application, storage, or disposal of this product or for damages in the nature of penalties, and the buyer and the user waive any right that they may have to such damages.

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(Optional wording for use with fertilizer inerts that may cause staining;)
This product may stain driveways, walks, patios, pools, etc. Wash or sweep off thoroughly immediately after each use.

(Optional wording for compliance with Kentucky fertilizer registration;)
When soil testing or professional advice indicates the need for additional plant nutrients, make additional applications of fertilizer products over the growing season. Do not exceed the annual rate of 1.5 lbs active ingredient of this pesticide product.

Optional Marketing Claims:

PCT (Poly-Coated Technology) Slow-Release Nitrogen for extended feeding.

Premium Fertilizer.

Sweep: Fertilizer may stain driveways, walks, patios, pools, etc. Sweep off thoroughly immediately after each use.

Information received by the Washington State Department of Agriculture regarding the components in this product is available on the Internet at <http://www.wa.gov/agr/>. Information about the contents of this product may be obtained by calling 1-800-298-4656 or by writing to Howard Johnson's Enterprises, Inc. 700 W. Virginia Street, Milwaukee, WI 53204

Information regarding the contents and levels of metals in this product is available on the internet at

<http://www.aapfco.org/metals.htm>

Contains 0.107 Dimension®

PREVENTS CRABGRASS PLUS with 0.107 Dimension®

DIMENSION® is a trademark of Dow AgroSciences.

Prevents Crabgrass, annual blusgrass, foxtail and More
Slow-release nitrogen for extended feeding
Provides 3-5 months control
No Phosphate Formula
Bio-Degradeable bag
Phosphate Free Fertilizer
Prevent crabgrass with Dimension
Stop crabgrass before it grows.
Provides Vital nutrients to your lawn.
Apply in early spring, or before germination.
controls germinating crabgrass for 12 weeks
Step 1