



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
EPA Registration 32802-69
EPA Registration 32802-71
EPA Registration 32802-73
EPA Registration 32802-78

Dithiopyr 0.086 Plus
Dithiopyr 0.172 Plus
Dithiopyr 0.107 Plus
Turf Food With Crabgrass Preventer
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.

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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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Please read instructions on reverse before completing form.

Form Approved OMB No. 2070-0060

Print Form



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 32802-73	2. EPA Product Manager JoAnne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Turf Food With Crabgrass Preventer	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Howard Johnson's Enterprises, Inc. 700 West Virginia Street #222, Milwaukee WI 53204 <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 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

JAN 29 2010

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

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

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 checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* 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 type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 10# up to 2000#		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 checked="" type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Janet P. Baguhn	Title Compliance Manager	Telephone No. (Include Area Code) 414-276-1505
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 (Stamp)
2. Signature 	3. Title Compliance Manager	
4. Typed Name Janet P. Baguhn	5. Date November 12, 2009	



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✓

Date: November 12, 2009

Product: Turf Food With Crabgrass Preventer
EPA Reg. No 32802-73

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@hjefertilizer.com

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

TURF FOOD WITH CRABGRASS PREVENTER

CONTAINS DITHIOPYR

A SELECTIVE HERBICIDE THAT PROVIDES CONTROL OF LISTED ANNUAL GRASSES AND BROADLEAF WEEDS IN ESTABLISHED LAWNS & ORNAMENTAL TURF
CONTAINS A COMPLETE LAWN FOOD

ACTIVE INGREDIENT:

Dithiopyr: 3,5-pyridinedicarbothioic acid, 2-(difluoromethyl)-4-(2-methylpropyl)-6-(trifluoromethyl)-S,S-dimethyl ester ... 0.06%

INERT INGREDIENTS: 99.94%

TOTAL: 100.00%

EPA Reg. No. 32802-73

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 while handling this material 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%

NOTIFICATION

JAN 29 2010

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.	

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. Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.

GENERAL INFORMATION: This product controls crabgrass and other annual grasses and broadleaf weeds, and also contains fertilizer for proper turf growth in established lawns. It can be applied 2 to 4 weeks later than other crabgrass preventers, and provides up to 3 to 5 months control of crabgrass and other weed grasses and broadleaf weeds in home lawns. It can be applied according to these directions to the following turfgrasses:

Cool season grasses: creeping bentgrass, Kentucky bluegrass, fine fescue, tall fescue, perennial ryegrass;
Warm season grasses: bahiagrass, bermudagrass, buffalograss, carpetgrass, centipedegrass, kikuyugrass, St. Augustinegrass, zoysiagrass.

Apply only to lawns that are well established. Use of this product on lawns that are not well established, or weakened by weather, pests or mechanical stress, may increase the chance for turf injury. This product will not harm nearby established ornamentals when used according to label directions.

When to apply: This product can be applied 2 to 4 weeks later than other crabgrass preventers, because Dimension® herbicide in this product provides preventive (pre-emergence) control when spread on lawns prior to germination of the weed seeds. It also provides post-emergence control of crabgrass when applied 2 to 4 weeks after crabgrass germination. Post-emergence control is limited to crabgrass only. Application of this product later than 4 weeks after crabgrass germination will result in reduced control of crabgrass. For control of the weed grasses and broadleaf weeds listed on this label (other than crabgrass), it must be applied as a preventative treatment before the weed seeds germinate. ONLY crabgrass can be controlled with delayed application after germination.

APPLICATION DIRECTIONS: This product can be applied in the spring, before weeds become established in the lawn, or in the fall for pre-emergence crabgrass control through the early part of the next spring. Fall applications should be followed by a second (sequential) application the following spring to provide season-long control. Do not apply more than 9.6 pounds per 1000 square feet per year. Do not make more than one application of this product per year.

Length of weed control: The length of time of weed control is directly related to the amount applied to the lawn. Use the application rates in Table 1 to provide 2 to 3 months of weed control. Use the application rates in Table 2 for 3 to 5 months of weed control. The actual length of weed control will vary depending on weather, weed pressure, and your

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location in the north or south region.

USE PRECAUTIONS: DO NOT apply more than 9.6 pounds of this product per 1000 square feet per year. DO NOT apply to flowers, vegetables or fruit trees. DO NOT use clippings from treated turf for mulching around flowers, vegetables or fruit trees. DO NOT apply this product to pastures. Keep people and pets off treated areas until dust has settled. 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" designed to give good seed-to-soil contact.

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. For improved weed control, water or irrigate treated areas within a few days after application. Aeration, raking or dethatching of lawns should be done before application of this product.

WEEDS CONTROLLED: This product will control (at post-emergence rates) or suppress (at pre-emergence rates) these weed grasses and broadleaf weeds when applied before weeds emerge in lawns: crabgrass, annual bluegrass (*Poa annua*), barnyardgrass, crowfootgrass, foxtail (yellow & green)*, goosegrass, kikuyugrass (seedling), common lespedeza, buttercup oxalis, creeping oxalis, yellow woodsorrel, pineappleweed, purslane (common), ryegrass (annual & perennial), smutgrass (seedling), corn speedwell, prostrate spurge, spotted spurge, bittercress, chickweed, Carolina geranium, henbit, parsley-piert.

*Foxtail is also controlled at the pre-emergence rates.

TABLE 1: RATES FOR 2 TO 3 MONTHS OF CRABGRASS CONTROL*

Region	Preemergence	Postemergence
North	3.6 pounds per 1000 square feet	7.2 pounds per 1000 square feet
South	7.2 pounds per 1000 square feet	9.6 pounds per 1000 square feet

TABLE 2: RATES FOR 3 TO 5 MONTHS OF CRABGRASS CONTROL*

Region	Preemergence	Postemergence
North	4.8 pounds per 1000 square feet	9.6 pounds per 1000 square feet
South	9.6 pounds per 1000 square feet	9.6 pounds per 1000 square feet

*Southern states include AL, AR, AZ, CA, FL, GA, HI, LA, MS, NC, NM, NV, OK, SC, TN, TX, VA, and southern areas of IL, IN and OH. All other states included as North Region.

SPREADER SETTINGS to apply at the listed pounds per 1000 square feet

	3.6 lbs	4.8 lbs	7.2 lbs	9.6 lbs
Spreader A	X	X	X	X
Spreader B	X	X	X	X
Spreader C	X	X	X	X
Spreader D	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.

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 or use, or eligibility of the product for any particular trade usage. To the extent consistent with applicable law, Buyer or user's exclusive remedy, and Howard Johnson's Enterprises, Inc. the manufacturer 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

(Optional wording for fertilizer registration in various states:)

When soil testing or professional advice indicates the need for additional plant nutrients, make additional applications of fertilizer products over the growing season.

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

Optional Marketing Claims:

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

Premium Fertilizer

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.aapco.org/metals.htm>

Contains 0.06 Dimenion®

PREVENTS CRABGRASS PLUS with 0.06 Dimenion®

DIMENSION® is a trademark of Dow AgroSciences.

Prevents Crabgrass, annual bluegrass, foxtail and More

Slow-release nitrogen for extended feeding

Provides 3-5 months control

No Phosphate Formula

Bio-Degradeable bag

Phosphate Free Fertilizer

Specially formulated for Minnesota

Prevent crabgrass with Dimenion

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

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 directions for use on 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 directions for use on 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 directions for use on 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.

(Label for EPA Reg. No 32802-73, PAGE 2 OF 2)

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