

32802-77

5/29/2014

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Wendy Danowski  
Howard Johnson's Enterprises, Inc.  
9675 S 60th Street  
Franklin, WI 53132

MAY 29 2014

Subject: Notification per PR Notice 98-10 – Addition of Nitrogen restrictions etc.  
Prevents Garden Weed Preventer  
Application Dated: April 28, 2014  
EPA Reg. No.: 32802-77  
Decision No.: 490676

Dear Ms. Danowski:

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 feel free to contact Shanta Adeeb at (703) 347-0502 or [adeeb.shanta@epa.gov](mailto:adeeb.shanta@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "K. Montague".

Kathryn Montague  
Product Manager 23  
Herbicide Branch  
Registration Division (7505P)

(A)

EPA

United States Environmental Protection Agency  
Office of Pesticide Programs (H7505C)  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

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Application for Pesticide:

Section I

1. Company/Product Number Howard Johnson's Ent./32802-77	2. EPA Product Manager Kathryn Montague	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Howard Johnson's Ent / Prevents Garden Weed Preventer	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Howard Johnson's Enterprises, Inc 9675 S 60th Street, Franklin, WI 53132 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRT Section 30(3) (b)(I), my product is similar or identical in composition and labeling to:  EPA Reg. No. _____ Product Name _____	

Section II

NOTIFICATION

<input type="checkbox"/> Amendment - Explain below	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	MAY 29 2014
<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.	

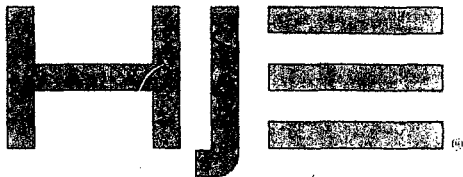
**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.) Notification per PR 98-10  
**Addition of language to allow for nitrogen restrictions as required by Florida and several other states. Addition of footnotes to check with local extension agents regarding the maximum rate in their area. Addition of EPA Establishment number, address change, minor label changes.** 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. Since this is a notification, we expect no PRIA fee is required. For further information, please contact Wendy Danowski: E-mail: wdanowski@central.com; Telephone: (414) 304-3590

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 Package wgt.	No. per container
		If "Yes," Package wgt.	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container 10# - 50#	
6. Manner In Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product Other (paper in clear poly envelope)	

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Wendy Danowski	Title Regulatory Specialist	Telephone No. (Include Area Code) (414) 304-3590
<b>Certification</b> 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 Regulatory Specialist	
4. Typed Name Wendy Danowski	5. Date 4-28-14	



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Wendy Danowski  
Regulatory Specialist

Howard Johnsons Enterprises  
9675 S. 60<sup>th</sup> Street  
Franklin, WI, IL 53132-9113

847-330-5369 phone  
414-304-3585 fax

[wdanowski@central.com](mailto:wdanowski@central.com)  
[www.hjefertilizer.com](http://www.hjefertilizer.com)

April 28, 2014

Document Processing Desk  
Office of Pesticide Programs (7504P) (NOTIF)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

ATTENTION: K. Montague, PM23

SUBJECT: Per PRN 98-10 NOTIFICATION  
For HOWARD JOHNSON'S PREVENTS GARDEN WEED PREVENTER  
EPA Reg. No. 32802-77

Dear Ms. Montague,

Please find materials to support a notification to add language to allow for nitrogen restrictions as required by Florida and several other states. We have added footnotes to request that users check with local extension agents regarding the maximum rate in their area. (This is regarded as the only practical way to allow for the variety of state regulations that are proliferating). Since these restrictions are being required by state governmental authorities, we contend (as was agreed by phone on September 6<sup>th</sup>), that these changes can qualify as a notification.

We have changed our address and added several additional EPA Establishment numbers. We have several other minor label changes, changed "Inert" to "Other" under the Active Ingredients. Have added "Pesticide" to Storage, under the Storage and Disposal statement, which is now EPA standard language for consumer products. And we have added several additional marketing claims.

Finally, optional claims to comply with various state initiatives are grouped at the end of the label so they can be reviewed together.

Changes made for Notification

1. Added language to allow for nitrogen restrictions.
2. Changed Manufactured by: address.
3. Added additional EPA Establishment numbers.
4. Changed "Inert" to "Other".
5. Added "Pesticide to Storage in Storage and Disposal Box.
6. Added additional marketing claims.
7. Added minor label changes

Enclosed please find:

- One copy of completed EPA form 8570-1
- One copy of marked up label showing changes
- One copy of clean label.

If you have any questions or need further assistance please contact me directly at 414-304-3590, or at wdanowski@central.com.

Thank you for your assistance.

Sincerely,



Wendy Danowski  
Regulatory Specialist

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# PREVENTS GARDEN WEED PREVENTER

CONTAINS TREFLAN\* PLUS FERTILIZER

PREVENTS WEEDS (CRABGRASS AND MOST OTHER ANNUAL WEED GRASSES) IN ORNAMENTAL FLOWER BEDS, AROUND ROSES, SHRUBS AND TREES, AND IN HOME VEGETABLE GARDENS

**ACTIVE INGREDIENTS:**

trifluralin:  
α,α,α-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine ..... 0.74%  
**OTHER INERT INGREDIENTS:** ..... 99.26%  
**TOTAL:** ..... 100.00%

EPA Reg. No. 32802-77

EPA Est. No. 59144-GA-1 (A), 32802-MO-1 (B), 37351-CO-1 (C)  
8378-IN-1(D), 9404-FL-1(E)

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

\*TREFLAN is a trademark of Dow AgroSciences LLC

Manufactured by:

HOWARD JOHNSON'S ENTERPRISES, INC.  
700 W Virginia St, Milwaukee, WI 53204 1548  
9675 S 60th Street, Franklin, WI 53132

Agricultural Chemical: Do not ship or store with food, feed, drugs or clothing.

Covers up to XX,000 sq.ft. (XXXX'xxx') and/or This bag covers XX,000 sq.ft.

In the state of Florida, do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn/garden, and sweep any product that lands in the driveway, sidewalk, or street back onto your lawn/garden.

(Brackets [ ] contain optional language for use in state(s) where the maximum application rate is limited by N restrictions.

### KEEP OUT OF REACH OF CHILDREN WARNING - AVISO

Precaucion al usuario: Si usted no lee ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

#### PRECAUTIONARY STATEMENTS

##### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes substantial but temporary eye injury. Harmful if swallowed or absorbed through skin. Do not get in eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some persons. Wear goggles or face shield when handling. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing wash clothing before reuse.

**ENVIRONMENTAL HAZARDS:** This pesticide is extremely toxic to freshwater, marine and estuarine fish, and aquatic invertebrates including shrimp and oyster. 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 will help to ensure that wind not blow 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.

### NOTIFICATION

MAY 29 2014

First Aid	
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>Call a poison control center or physician immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by the poison control center or physician.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>Hot line number:</b>	
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.	
Note to physician: Probable mucosal damage may contraindicate the use of gastric lavage.	

**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.

Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application. This product is not for use on lawns. Do not use indoors or in greenhouses.

Entry restrictions: Do not allow people or pets to enter the treated area until dusts have settled.

This product is a "two way" product that feeds your plants with a quality fertilizer, and at the same time it prevents weeds from sprouting around flowers, roses, shrubs, trees and home vegetable gardens. It prevents weed seeds from sprouting, for season-long weed control without difficult and time-consuming hand weeding. Without weeds to compete for space, nutrients and water, your valuable plants can grow faster, larger and stronger.

#### WEEDS CONTROLLED:

Grassy weeds: annual bluegrass (*Poa annua*), crabgrass, barnyardgrass (watergrass), brachiaria (signal grass), bromegrass, cheatgrass, foxtail, goosegrass, johnsongrass (from seed), junglerice, panicum (fall, Texas), sandbur, sprangletop, stinkgrass, wildcane.

Broadleaf weeds: carellessweed, carpetweed, chickweed, Florida pusley, goosefoot, knotweed, kochia, lambsquarters, pigweed, puncture vine, purslane, Russian thistle, stinging nettle.

#### WHERE TO APPLY:

**ROSES AND OTHER ESTABLISHED FLOWERS:** African daisy, achillea, ageratum, arctosis, aster (perennial), balsam, blackeyed susan, calendula, California poppy, calliopsis, carnation, centaurea, coreopsis, cornflower, chrysanthemum, cosmos, dahlia, dianthus, dimorthea, dusty miller, four o'clock, galliardia, gladiolus (corms larger than 1" diameter), golden glow, hollyhock, impatiens, ixora, lobelia, lupine, marigold, morningglory, nasturtium, nicotiana, petunia, phlox, pincushion flower, portulaca, salvia, scabiosa, shasta daisy, snapdragon, snow on the mountain, stock, sunflower, sweet alyssum, sweet pea, sweet sultan, sweet william, tulip, vinca, yarrow, zinnia.

**ESTABLISHED SHRUBS:** arborvitae, azalea, barberry, boxwood, camellia, cherry laurel, cinquefoil, common lilac, cotoneaster, deutzia, elaeagnus, euonymus, firethorn, forsythia, holly, honeysuckle, India hawthorn, Japanese andromeda,

Directions for Use continued on back side of package

juniper, mock orange, mountain laurel, pineapple guava, privet, rhododendron, spiraea, viburnum, weigela, willow, yew.

**ESTABLISHED ORNAMENTAL TREES:** almond, bald cypress, blackgum, black locust, black walnut, Canada hemlock, Chinese chestnut, cherry, cottonwood, dogwood (flowering, kousa), European white birch, fir (balsam, Douglas), honey locust, Japanese larch, London plane tree, maple (Norway, red, silver, sugar), oak (pin, scarlet), peach, plum, pine (Austrian, eastern white, Japanese black, loblolly, red, Scotch), redbud, spruce (Colorado blue, Norway, white)sweetgum, sycamore, tulip tree, white ash.

**ESTABLISHED ORNAMENTAL GROUND COVERS:** aaronsbeard, asparagus fern, bellflower, big blue lilyturf, bunge, ceanothus, crown vetch, coyote brush, gazania, germander, ice plant, ivy (Algerian, English), lily-of-the-Nile, marigold, myoporum, plumbago, rockrose, rosemary, rupturewort, St. Johnswort, sedum, snow-in-summer, speedwell, strawberry (beach), thrift, trailing African daisy, verbena, wirevine, woolly yarrow. Do not apply to ajuga, myrtle or pachysandra as injury may result.

**WHEN TO APPLY:** This product may be applied any time during the growing season around established ornamentals and any time prior to setting transplants. Apply as early as possible in the growing season, before weed seeds germinate, to take advantage of the season-long weed control it provides. This product will not control established weeds. Do not apply on flower seeds. For best results, follow directions carefully.

**APPLICATION RATES:**

**FOR ORNAMENTAL FLOWERS, SHRUBS AND TREES:** Before setting transplants: Remove existing weeds and cultivate soil to a smooth surface. Apply 1 pound to cover 160 square feet (10 ounces per 100 square feet), and gently mix into top layer of soil before setting transplants. Do not apply on flower seeds. Gladiola corms smaller than 1 inch may be injured by pre-plant application, so use a post-emergence application on these plants.

Established plantings: Apply 1 pound to cover 160 square feet (10 ounces per 100 square feet), sprinkled evenly over the soil surface. Do not apply directly to plant foliage, and do not apply when foliage is wet.

The best weed control will be obtained when the application is followed by irrigation or rainfall within a few hours. In areas with extended growing seasons, or where desired, a second application at the recommended rates may be made 10 to 12 weeks after the initial application.

**FOR HOME VEGETABLE GARDENS:**

This product will provide long-lasting control of many annual grasses and broadleaf weeds, and give vegetable plants a basic starter plant food. It controls weeds as they germinate - will not control established weeds. Apply anytime prior to setting transplants. For direct seeding of vegetables, application of this product should be made at least 10 weeks prior to direct seeding.

The application rate depends on the type of soil:

Heavy clay soils, use 1 lb to cover 320 sq. ft. (5 ounces / 100 sq. ft.)

Medium loam soils, use 1 lb to cover 480 sq. ft. (3.3 ounces/100 sq. ft.)

Light sandy soils, use 1 lb to cover 640 sq. ft. (2.5 ounces/100 sq. ft.)

Remove existing weeds and cultivate soil to a smooth surface. Apply this product at the recommended rate, then gently rake into the top 1-3 inches of soil within 24 hours after application.

Do not use on vegetables other than those listed on this label. Do not over-dose, as injury may occur to subsequent plantings which are sensitive to this product. Not recommended for use on "muck" soils that contain more than 10% organic matter. Do not use indoors or in greenhouses. The best weed control will be obtained when application is followed by irrigation or rainfall within a few hours.

**VEGETABLES FROM SEED:** Use on carrots, celery, okra, southern peas, green peas, lima beans, snap beans, broccoli, brussels sprouts, cabbage, cauliflower, turnip greens, mustard greens, collards, kale. Apply to soil at least 10 weeks prior to planting vegetable seeds.

**SOIL TREATMENT BEFORE TRANSPLANTING "SETS":** Use on celery, broccoli, brussels sprouts, cabbage, cauliflower, peppers, tomatoes. Apply to the prepared soil bed and mix into the top 1-3 inches of soil before "sets" are placed.

**POST-EMERGENCE ON CANTALOUPE, CUCUMBERS, WATER- MELONS:** Apply after plants have emerged and reached the 3 to 4 true leaf stage. Apply when foliage is dry.

**FOR ASPARAGUS:** Apply in late winter or early spring, after ferns are removed but prior to spear emergence.

**FOR POTATOES (except Maine):** Make application after planting "seed pieces," before or after emergence of the plants. Do not apply to the plant foliage. Cultivate and mix the granules into the soil after application, using care not to damage seed pieces or emerged plants.

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

**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%

May contain additional fertilizer Guaranteed Analysis information as required by fertilizer composition and state registration and labeling requirements. (Guaranteed analysis may be printed on a separate tag and sewn on bag).

**STORAGE AND DISPOSAL**

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

**PESTICIDE 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: 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, 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'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 presentation 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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