

32802-78

10/12/2007

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

October 12, 2007

Ms. Janet P. Baguhn
Compliance Manager
HOWARD JOHNSON'S ENTERPRISES, INC.
700 W. Virginia Street
Milwaukee, WI. 53204-1548

Subject: Label Notification

Dear Ms. Baguhn:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 9/12/07 for **EPA Registration 32802-78**. The Registration Division (RD) has conducted a review of this request for applicability under PRN 98-10 and finds that the product name change from: Dimension 0.13 Plus to: **Dithiopyr 0.13 Plus** and other label changes requested fall within the scope of PRN 98-10. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact me directly at 703-305-6249 or Sherada Hobgood of my staff at 703-308-8893.

Sincerely,

A handwritten signature in black ink, appearing to be "LS/".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-29-



United States Environmental Protection Agency Washington, DC 20460

Registration [] Amendment [X] Other []

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 32802-78
2. EPA Product Manager JoAnne Miller
3. Proposed Classification [X] None [] Restricted
4. Company/Product (Name) Dithiopyr 0.13 Plus
5. Name and Address of Applicant (Include ZIP Code) Howard Johnson's Enterprises, Inc
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. OCT 12 2007

Section - II

[X] Amendment - Explain below. [] Resubmission in response to Agency letter dated [] Notification - Explain below. [] Final printed labels in response to Agency letter dated [] "Me Too" Application. [] Other - Explain below.

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

Change product name, add an inert ingredient, submit revised Basic Formulation CSE and Alternate Formulation CSE dated September 11, 2007, and revised label with optional marketing claim. This is a fast track Amendment (Minor Formulation Amendment per PR Notice 98-10) and is not subject to PRIA fee

Section - III

1. Material This Product Will Be Packaged in: Child-Resistant Packaging [X] No, Unit Packaging [X] No, Water Soluble Packaging [X] No, 2. Type of Container [X] Plastic, 3. Location of Net Contents Information [X] Container, 4. Size(s) Retail Container Various Sizes, 5. Location of Label Directions [X] On Label, 6. Manner in Which Label is Affixed to Product [X] Lithograph Paper glued

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. 414-276-1505
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete.
2. Signature Janet P. Baguhn, 3. Title Compliance Manager, 4. Typed Name Janet P. Baguhn, 5. Date September 12, 2007, 6. Date Application Received (Stamped)



September 11, 2007

Office of Pesticide Programs (AMEND)
U.S. Environmental Protection Agency
One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Registrant: Howard Johnson's Enterprises, Inc.
Product: DITHIOPYR 0.13 PLUS
EPA Reg No. 32802-78
Action: Change product name, add an inert ingredient, submit revised Basic Formulation CSF and Alternate Formulation CSF dated September 11, 2007, and revised label with optional marketing claims

This is a fast track Amendment (Minor Formulation Amendment per PR Notice 98-10) and is not subject to PRIA or a registration fee.

Enclosed are five (5) copies of the proposed labeling for the above-mentioned product. This label reflects the change to the generic name, Dithiopyr, for the active ingredient, and the optional marketing claims.

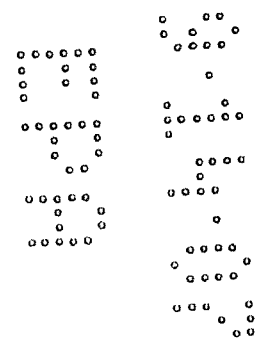
~~Additionally, two (2) copies of the Alternate Confidential Statement of Formulation, Form 8570-4, are submitted to show the alternate source if the active ingredient Dithiopyr and the addition of an inert ingredient. And two (2) copies of the Basic Formulation Confidential Statement of Formulation, Form 8570-4, are submitted to show the addition of an inert ingredient.~~

Also enclosed is the application for Amendment.

Thank you for your assistance. Please contact me if you have any questions: 414-276-1505 ext 104, or janet.baguhn@hjfertilizer.com.

Sincerely,

Janet P. Baguhn
Compliance Manager
Enclosure: Form 8570-1
Existing CSF
Revised Basic CSF
Alternate Formulation CSF
Revised Label



DITHIOPYR 0.13 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 0.13%

INERT INGREDIENTS: 99.87%
TOTAL: 100.00%

EPA Reg. No. 32802-78

EPA Est. No. 32802-WI-1 (A), 32802-MO-1 (B) **OCT 12 2007**

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

NOTIFICATION

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 8.8 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 Cohansey, 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, Ivako, Koket, Jamestown, Majenta, Mary, Pennlawn, Tamara, Tatjana, Walfort 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.

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 8.8 pounds per 1000 square feet (0.5 pounds AI per acre) per application. Do not apply more than 26.4 pounds per 1000 square feet (1.5 pounds AI per acre) per year. (In New York, do not apply more than 8.8 lbs per 1000 square feet per year.)

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

NET WEIGHT: 25 lbs, 40 lbs, 50 lbs, 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.

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.	

APPLICATION RATES for Crabgrass Control		
REGION	PROGRAM 1	PROGRAM 2
	PREEMERGENCE USE (high cut turfgrass)	PREEMERGENCE USE (low cut turfgrass) POSTEMERGENCE USE
North	2.2 lbs / 1000 sq ft (96 lbs / acre 0.125 lbs AI / acre)	4.4 lbs / 1000 sq ft (192 lbs / acre 0.25 lbs AI/acre)
Transition	3.25 lbs / 1000 sq ft (141 lbs / acre 0.183 lbs AI / acre)	6.5 lbs / 1000 sq ft (282 lbs / acre 0.366 lb AI / acre)
South	4.4 lbs / 1000 sq ft (192 lbs / acre 0.25 lbs AI / acre)	8.8 lbs / 1000 sq ft (384 lbs / acre 0.50 lbs / acre)
Coastal South	7.85 lbs / 1000 sq ft (342 lbs / acre 0.366 lb AI / acre)	8.8 lbs / 1000 sq ft* (384 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.		

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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, Shepherdspurse.

SPREADER SETTINGS	to apply at the listed pounds per 1000 square feet				
	2.2 lbs	3.25 lbs	4.4 lbs	6.5 lbs	8.8 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

(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 0.13 Dimenion®

PREVENTS CRABGRASS PLUS with 0.13 Dimenion®

DIMENSION® is a trademark of Dow AgroSciences.

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. 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: Do not reuse this container. Place in trash or 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.