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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.

Dithiopyr 0.13 Plus

Application Dated: April 28, 2014

EPA Reg. No.: 32802-78 Decision No.: 490677

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.

Sincerely,

Kathryn Montague Product Manager 23

Herbicide Branch

Registration Division (7505P)

| (A) | United States E | | rotection | R€stra | | |
|--|---|--|--|---|---|--|
| EPA | Office of Pestici | Agency ide Programs (H gton, DC 20460 | | Amendm Other | ent 2/ /7 | |
| | Applicati | on for Pes | sticide: | | | |
| | | Sec | tion I | | | |
| Company/Product Number | | - | EPA Product Kathryn Montagu | | Proposed Classification | |
| Howard Johnson's Ent./3 | 2802-78 | | | | None Restricted | |
| Company/Product (Name) Howard Johnson's Ent / Dithic | opyr 0.13 Plus | | PM# 23 | | | |
| 5. Name and Address of Applicant (<i>Include ZIP Code</i>) Howard Johnson's Enterprises, Inc 9675 S 60th Street, | | 6. Expedited Review. In accordance with FIFRT Section 3©(3) (b)(l), my product is similar or identical in composition and labeling to: | | | | |
| Franklin, WI 53132 | . at also a la <u>a</u> | | EPA Reg. No. | | | |
| Check if this is a ne | w address | Sec | Product Name | | | |
| | | 360 | RIOH II | - <u></u> | NOTIFICATION | |
| Amendment - Explain below Resubmission in response to A Notification - Explain below. | Agency letter dated | _ | Agency I | ed labels in response etter dated "Application. explain below. | | |
| | This notification is consis e labeling or the confider ment to EPA. I further un on of FIFRA and I may b | tent with the prontial statement of nderstand that if he subject to enf information, ple | ovisions of PR Notic of formula of this pro this notification is r orcement action an | ee 98-10 and EPA regroduct. I understand that of consistent with the dipenalties under section. | ulations at 40 CFR 152.46, and no at it is a violation of 18 U.S.C. Sec. terms of PR Notice 98-10 and 40 CFR tions 12 and 14 of FIFRA. Since this is | |
| Material This Product Will Be Pace | kaged In: | 360 | uon m | | | |
| Child-Resistant Packaging Yes* No. | Unit Packaging Yes No | | Water Soluble Pa | ackaging 2. | Type of Container Metal Plastic Glass | |
| *Certification must be submitted. | If "Yes," Unit Package wgt. | No. per container | If "Yes," Package wgt. | No. per container | Paper Other (Specify) | |
| Location of Net Contents Inform Label | | 4. Size(s) (10# - 50# | of Retail Container | ⊠ On | cation of Label Directions Label Control of Labeling accompanying product | |
| Manner In Which Label is Affixe Product | d to Litho | graph er glued | | | lear poly envelope). | |
| | Stend | | tion IV | | cooc curre | |
| Contact Point (Complete items dir | ectly below for identificat | | l to be contacted, if | necessary, to process | s this application.) | |
| Name Wendy Danowski | | | Title Regulatory Specia | list | . Telephone No. (Include Area Code) (414) 304-3590 | |
| I certify that the statements I have ma I acknowledge that any knowingly fal- both under applicable law. | ade on this form and all a | | | | C.C. Date Application Received (Stamped) | |
| 2. Signature | M | | Title Regulatory Specia | liet | | |
| 4. Typed Name Wendy Danowski | | | 5. Date | -28-14 | | |



Wendy Danowski

Regulatory Specialist

Howard Johnsons Enterprises

9675 S. 60th Street Franklin, WI, IL 53132-9113

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

wdanowski@central.com 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 DITHIOPYR 0.13 PLUS

-EPA Reg. No. 32802-78

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^{th}), 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

100.000% EPA Reg. No. 32802-78

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.

HOWARD JOHNSON'S ENTERPRISES, INC. 700 W. Virginia Street, Milwaukee, WI -53204 1 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 states where the maximum application rate is limited by N restrictions

NOTIFICATION

MAY 29 2014

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.

(Alternate wording for household use:)

ENVIRONMENTAL HAZARDS:

To protect the environment, do not allow this product 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 does not blow this product off the treated 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) Available Phosphate (P2O5) XX.XX% XX.XX% Soluble Potash (K2O) XX.XX%

Derived from:

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

| | First Aid |
|------------------------|--|
| If in eyes | 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 | Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to- mouth, if possible. Call a poison control center or doctor for further treatment advice. |
| If on skin or clothing | Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice. |
| If swallowed | 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. |
| ŀ | łot 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.

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 Al 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.

PRODUCT 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 house according to the control of the 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, 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 tiler (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.

make applications for effective control of crabgrass.

WHERE TO USE: This product may be used on the following established turgrassess: Creeping Bentgrass' (Agrostis pailustr's), Kentucky Bluegrass (Poa pratensis), Fine Fescue* (Festuca rubra), Tall Fescue (Festuca arundinacea), Perennial Ryegrass (Lolium perenne), Bahiagrass (Paspaium notatum), Bermudagrass (Cyngctoc dactylon), Buffalograss*** (Buchloe dactyloides), Carpetgrass (Axonopus compressus), Centipedegrass (Eremochloa ophiuroides); Kikuyugrass (Pennisetem clandestinum), St. Augustinegrass (Stenotaphrum secundatum), Zoysiagrass (Zoysia japonica). Carpetgrass soft as Cohansey, Carmen, Seaside and Washington. Not all varieties of creeping bentgrass have been tested. Do not apply this product to Colonia. Bentgrass (Agrostis tenuis) varieties.

*Turgrass injury may result from use of this product on the following Fascue varieties which are sensitive to this product: Atlanta, Banner, Beauty, Bilgart C-22. Enjoy, HF-93, Highlight, Ivalo. Koket, Jamestown, Majenta, Mary, Pennlawn, Ta. mara, 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 turgrass is fully green and has established new roots.

establishment until the turfgrass is fully green and has established new roots.

(Label for EPA Reg. No 32802-78, **PAGE 1 OF 2**) 06-15-2010A Rev 42814

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| | 7 |

| APPLI | PLICATION RATES for Crabgrass Control | | |
|---------------|--|---|--|
| REGION | PROGRAM 1 | PROGRAM 2 | |
| <u> </u> | 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 Al / acre) | 4.4 lbs / 1000 sq ft (192 lbs / acre 0.25 lbs Al/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 Al / acre) | |
| South | 4.4 lbs / 1000 sq ft (192 lbs / acre 0.25 lbs Al / 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 Al / 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.

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 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 [where prohibited by fertilizer use restrictions **) more than 8.8 pounds per 1000 square feet (0.5 pounds Al per acre) per application. Do not apply [to areas prohibited by fertilizer use restrictions] more than 26.4 pounds per 1000 square feet (1.5 pounds Al per acre) per year. (In New York, do not apply more than 8.8 lbs per 1000 square feet per year.)

**Consult your State Cooperative Extension Service for current information on annual application limitations for lawn fertilizers in your

(X depends on N formulation levels)

(Note: If registered in the state of Florida, any of the following statements may be added as appropriate.)

In Florida, do not exceed X applications per year on Bahiagrass in the North, and X applications per year in Central and South Florida.

n Florida, do not exceed X applications per year on Bermudagrass in the North, and X applications per year in Central and South Florida.

n Florida, do not exceed X applications per year on Centipedegrass in the North, and X applications per year in Central and South Florida.

n Florida, do not exceed X applications per year on Zoysiagrass in the North, and X applications per year in Central and South Florida.

(Note: May also be express in tabular format)

Cultural practices such as aerification 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

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:

APPLICATION LIMITS: Certain state(s) [list] have limits on application rates and timing. Consult your local State Cooperative Extension Service for current information on application limits for [turf/lawn] fertilizers in your area.

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 snotted) 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: Bicgrass (annual, roughstalk), Bittercress, Chickweed, Geranium (Carolina), Henbit, Parsley-piert, Pineappleweed, Shepherdspurse.

| SPREADER SET | 2.2 fbs | 3.25 lbs | 4.4 lbs | 6.5 lbs | 8.8 lbs |
|--|-------------|-------------|-------------|-------------|-------------|
| Spreader A Spreader B Spreader C Spreader D | X X X | X X X | X X X | X 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. **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: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available or 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:)

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or

IF EMPTY: 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.

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 fur, hished "as is" by Howard Johnson's Enterprises, Inc. The manufacturer and the seller are subject only to the manufacturer, or warrantes, if any, which appear on the labed of the product sold to you. Except as warranted by this label Howard Johnson's Centerprises, Inc, the manufacturer, or the seller makes no warrantes, guarantees, or representations of any kind to the buyer or the user, either express or implied, or 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 centent consistent with applicable law, Buyer's or user's exclusive remedy, and Howard Johnson's Enterprises, Inc, the manufacturers or the seller's total liability. Command the terms of this warranty disclaimer or the product's label or to make a product. In the terms of this warranty disclaimer or the product's label or to make a product. To the extent consistent with applicable law, Howard Johnson's Enterprises, Inc, the seller is authorized to make a product. To the extent consistent with applicable law, Howard Johnson's Enterprises, Inc, the seller is authorized to make a product. To the extent consistent with applicable law, Howard Johnson's Enterprises, Inc, the seller is authorized to the seller is authorized to

sentation or recommendation unine and normal model 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 contects of this product may be obtained by calling 1-800-298-4656 or by writing to Howard Johnson's Enterprises, Inc. 709 W. Virginia Street, Milwaukee, WH 53204 9675 S 60th Street, Franklin, WI 53132

Information regarding the contents and levels of metals in this product is available on the internet at $% \left(1\right) =\left(1\right) \left(1\right)$

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

NOTICE: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive

WARNING: Some crops may be injured by application of boron. This fertilizer is to be used only on soils which respond to molybdenum. Crops high in molybdenum are toxic to ruminants.

Contains 0.13 Dimenion®

PREVENTS CRABGRASS PLUS with 0.13 Dimension®

DIMENSION® is a trademark of Dow AgroScience

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 nutrents to your lawn. Apply in early spring, or before germination. controls germinating crabgrass for 12 weeks Step 1

Optional label claims:

We recommend that you follow the Florida Green Industries BMP's at: http://www.flaes.org/BMP_ Book_final.pdf

We recommend that you follow the Florida Golf Course BMP's at http://www.flaes.org/pdf/glfmp07.pdf

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300

For Medical Emergencies Only, Call (877) 325-1840