

33560-43

08/28/2007

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Pro Serve Inc.  
400 East Brooks Road  
Memphis, TN 38109

8-28-07

Subject: EPA Reg. 33560-43/Bareground 21 Diuron Reregistration Label Amendment

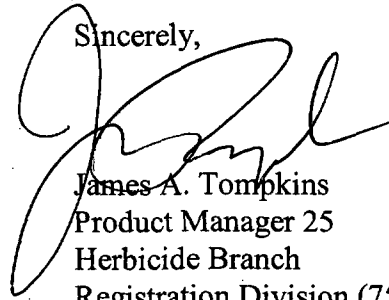
The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable provided you make the following changes to the label.

1. Change the order of the First Aid section to "If in Eyes, If Swallowed, and If On Skin or Clothing".
2. Change the Hazards to Humans and Domestic Animals statements to "Corrosive. Causes irreversible eye damage. Harmful if swallowed. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. This product may cause skin sensitization reactions in some people."
3. Add the company name and address to the label.
4. To the Directions for Use add the following text "The maximum individual application rate is 12 lbs. of ai diuron/acre in areas of high rainfall or dense vegetation. The maximum individual application rate in all other areas is 8 lbs of ai diuron/acre. The maximum annual application rate is 12 lbs of ai diuron/acre/year." and change application rates and directions accordingly.
5. Add "exists" after "washables".
6. To the Storage and Disposal section change "Storage" to "Pesticide Storage". Move "Do not contaminate water, food, or feed by storage or disposal or cleaning of equipment to directly under the heading "Storage and Disposal".
7. To the Notice section change "Buyer accepts" to "To the extent consistent with applicable law, Buyer accepts" and to the Disclaimer section change "Pro Serve inc" to "To the extent consistent with applicable law, Pro Serve Inc" and "Pro Serve Inc makes no" to "To the extent consistent with applicable law, Pro Serve Inc makes no".

8. To the label add a Non-Agricultural Use section and the appropriate accompanying language.
9. To the Directions for Use add "Application Restrictions, Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application."
10. Use of this product in certain portions of California, Oregon, and Washington is subject to the January 22, 2004 Order for injunctive relief in Washington Toxics Coalition et al. v. EPA, C01-0132C, (W.D. WA). For further information, please refer to EPA.Gov/Pesticides.

Amended labeling will supercede all previous accepted ones. A stamped copy of labeling is enclosed for your records. If you have any questions please call Erik Kraft at 703-308-9358.

Sincerely,



James A. Tompkins  
Product Manager 25  
Herbicide Branch  
Registration Division (7505P)

ACCEPTED  
with COMMENTS  
in EPA Letter Dated 3/5  
8-28-07

**DRAFT LABEL**

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

**BAREGROUND 21**

Pelleted Herbicide

**Active Ingredients By Weight**

Diuron [3-(3,4 dichlorophenyl)-1,1-dimethylurea .....	2%
Bromacil (5-bromo-3sec butyl-6 methyluracil.....	1%
Sodium Chlorate (NaClO <sub>3</sub> .....	40%
Sodium Metaborate* (Na <sub>2</sub> B <sub>2</sub> O <sub>4</sub> .....	40%
<u>Inert Indredients.....</u>	<u>17%</u>
<b>Total</b>	<b>100%</b>

\*Equivalent to 4.87 % boron expressed as elemental boron

**This product contains a fire retardant**  
50 POUNDS NET WEIGHT  
OR  
20 POUNDS NET WEIGHT

EPA REG. No 33560-43  
EPA Est. No 33560 TN-1

**KEEP OUT OF REACH OF CHILDREN  
DANGER PELIGRO**

**FIRST AID**

**IF IN EYES:** Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lens, if present, after first 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice  
**IF ON SKIN OR CLOTHING:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice.

**IF SWALLOWED:** Call a poison control center or doctor 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 a poison control center or doctor. Do not give anything by mouth to an unconscious person. Have the product container with you when calling a poison control center or doctor or going for treatment

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.

**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS  
AND DOMESTIC ANIMALS**

Corrosive: Causes irreversible eye damage or skin burns. May be fatal if swallowed. Harmful if absorbed through the skin. Do not get in eyes, on skin, or on clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals

**USER SAFETY RECOMMENDATIONS**

User should wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.

User should remove clothing/ PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing

Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible wash thoroughly and change into clean clothing.

**PERSONAL PROTECTIVE EQUIPMENT**

Some materials that are chemical resistant to this product are Nitrite, Butyl, Neoprene, and or Barrier Laminates. If you want more options, follow the instructions for category A on an EPA chemical-resistance category section chart.

Loaders, applicators, and other handlers must wear:

- Long sleeved shirt and long pants
- Shoes plus socks, and
- Chemical resistant gloves
- Wear goggles or face shield

In addition, applicators using tractor drawn spreaders and all loaders must wear a NIOSH-approved respirator with a dust/mist filter with MSHA/NIOSH approved number prefix TC-21C or any N<sup>2</sup>, R, P or HE filter.

Follow manufacturer's instructions for cleaning & maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Do not store near food or food products. Store out of weather.

**ENVIRONMENTAL HAZARDS**

Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water used by wildlife and aquatic life, or for domestic and irrigation purposes. Do not contaminate water when disposing of equipment washwaters or rinsate.

**GENERAL INFORMATION**

BAREGROUND 21 is a non-selective herbicide that can be applied before or after plant growth begins. Since BAREGROUND 21 enters plant through the roots, its effectiveness is dependant on rainfall to move the chemical into the root zone. Very dry soil conditions and lack of rainfall may result in poor weed control.

Thoroughly clean spreading equipment with a suitable chemical cleaner before using for other purposes or (do not use the same spreading equipment for other purposes).

**APPLICATION INFORMATION**

Use only in non-crop areas where complete control of all vegetation is desired, such as industrial sites, right-of-way, lumberyards, petroleum tank farms, around farm buildings, along fence lines and similar areas. When applied to the soil, this product usually inhibits all plant growth for a year or more. This product is not to be used in any recreational areas or in or around homes.

**DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. Pro-Serve's BAREGROUND 21 should be used only in accordance with recommendations on this label. Pro-Serve, Inc, will not be responsible for losses or damages resulting from the use of the product in any manner not specifically recommended by Pro-Serve, Inc. User assumes all risk associated with such non-recommended use.

**Entry Restrictions**

Do not enter or allow others to enter the treated areas until dusts have settled.

**USE RATES**

**Annual broadleaf weeds and grass**

Apply 1/2 to 1 lb of product per 100sq. ft, 200 - 400 lbs/acre.

**Perennial broadleaf weeds and grasses**

Apply 1 - 1.38 lbs of product per 100 sq.ft -max  
600 lbs/acre -max.

Apply a maximum of two applications per year. Minimum re-treatment interval of 90 days.

The higher rates listed above should be used in areas having a long growing season or high rainfall. The higher rates will also provide longer residual control.

**Use Precaution**

1. Do not apply on or near valuable woody or Herbaceous plants or on areas where there roots may extend
2. Do not use on croplands or any land to be used for subsequent cropping.
3. Do not allow animals on to treated areas until rain has leached all herbicide into the soil.
4. Do not use equipment to apply insecticides, fungicides or fertilizers.
5. Do not apply this product in a way that will Contact workers or other person, either directly or through drift. Only protected handlers may be in the areas during application.
6. Application with a spoon, a pump-feed backpack spreader or a gravity feed spreader is prohibited.

**STORAGE AND DISPOSAL**

**STORAGE:** Do not contaminate water, food, or feed by storage or disposal or cleaning of equipment. Open dumping is prohibited. Avoid contamination of feed and foodstuff. Store in a dry place.

**PESTICIDES DISPOSAL:** Pesticides or rinse water that cannot be used according to label instructions must be disposed of according to applicable Federal, State or local procedures.

**CONTAINER DISPOSAL:** Completely empty bag by shaking and tapping sides and bottom to loosen clinging pesticides. Empty residue into application equipment. Then, dispose of bags in a sanitary landfill or by incineration, if allowed by state and local authorities.

**NOTICE:** Because of the many varying conditions affecting use and application, such as location, seasonal weather, soil composition and types of vegetation manufacturer warns buyer

that these and other conditions may impair or vary the results or effects of the use of this product. In any event, complete elimination of weeds is not guaranteed. It is advisable to consult your State Extension Service or Agriculture Experiment Station Weed Specialist on specific problems. Neither manufacturer nor seller shall be liable in respect to any injury or damages suffered by reason of the use of this product for a purpose not indicated by the label or when used contrary to the directions or instructions herein nor with respect to breach or any warranty not expressly specified herein. Buyer accepts the material subject to these terms and assumes all risks of usage and handling except when used or handled in accordance with this label. Neither manufacturer or seller makes, and their employees and agents are not permitted to make, any representation or warranties, express or implied by law, not specifically set forth herein.

**DISCLAIMER:** Pro-Serve, Inc. warrants only that the material contained herein conforms to the chemical description of the label and is reasonably fit for the use therein described when used in accordance with the DIRECTIONS. It is impossible to eliminate all risks associated with use of this product. Injury to desired vegetation, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, soil conditions, or the manner of use or application, all of which are beyond consequential commercial damages, such as loss of profits or values of any other special or indirect damage. Pro-Serve, Inc. makes no other expressed or implied warranty, including any other express or implied warranty of FITNESS OR MERCHANTABILITY.