



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Pro-Serve, Inc.
400 E. Brooks Road
Memphis, TN 38109

JUL 1 2008

Subject: EPA Reg. 33560-46 (Barespot Weed and Grass) Diuron Reregistration Label Amendment

The labeling referred to above is in compliance with the Diuron RED provided that you:

- 1) Submit and/or cite all data required for registration/reregistration review of your product when the Agency requires all registrants of similar products to submit data.
- 2) To the label add "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, C0132C, (W.D. WA). For further information, please refer to EPA web Site: <http://www.epa.gov/espp>."
- 3) Per the acute toxicity review, the word "POISON" and the skull and crossbones symbol must be added to the signal word section of the label and be placed below the words "DANGER" and "PELIGRO."
- 4) Per the acute toxicity the text "Do not give anything by mouth to an unconscious person" must be added to the "IF SWALLOWED" statements currently on the label.

Based on toxicity ranking per the acute toxicity review, the First Aid statements should be placed on the label in the following order:

"IF INHALED:...

IF IN EYES:...

IF ON SKIN OR CLOTHING:...

IF SWALLOWED:..."

- 5) As specified in the acute toxicity review, a phone number for emergency medical treatment information should be added to the label.
- 6) Per the acute toxicity review, the Hazards to Humans and Domestic Animals must be revised to read:

“DANGER

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

7) Per the acute toxicity review, the PPE section must be revised to read:

Loaders, applicators, and other handlers must wear:

Coveralls over long-sleeved shirt and long pants,
Chemical-resistant gloves made of any waterproof material,
Chemical-resistant footwear plus socks,
Goggles or face shield,
A NIOSH-approved respirator with any R, P or HE filter and has the approved number prefix (84A-XXXX),
Chemical-resistant headgear for overhead exposure, and
Chemical-resistant apron when loading or cleaning equipment.

8) Per the Diuron RED label table, the text in **bold type** below must be added to the following User Safety Requirements:

“...If no such instructions for washables **exist**, use detergent and hot water...”

9) The text in bold type must be added to the User Safety Recommendation text current on the label:

“User should remove clothing/**PPE** immediately if pesticide gets inside.”

10) The following text must be added to the label:

“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.

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

Application with a spoon, a pump-feed backpack spreader or a gravity-feed backpack spreader is prohibited.”

11) Per the Diuron RED, the following rate restrictions must be added to the label:

“The maximum application rate for Diuron is 12.0 pounds active ingredient per acre in areas of

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high rainfall or dense vegetation.

The maximum application rate for Diuron is 8.0 pounds of active ingredient in all other areas.

Do not apply more than 12 pounds of Diuron active ingredient per acre per year.

Apply a maximum of 2 applications per year.

The minimum retreatment interval is 90 days.”

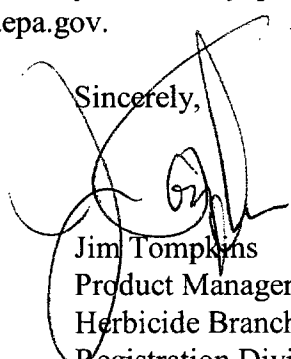
12) Per the Inorganic Chlorates RED, the following text must be added to the label and any conflicting text must be removed:

“Non-agricultural uses are limited to spot treatments with the exception of applications under asphalt. Applications under asphalt may only be applied with handheld equipment such as a rotary spreader and are limited to 8,000 square feet per site. Use on rights-of-way and ditch banks is prohibited.”

13) To the Warranty section add “to the extent consistent with applicable law” in front of “ProServe, Inc. makes no other”.

Submit 1 copy of the revised label for the record. If you have any questions please call Erik Kraft at 703-308-9358 or email at Kraft.Erik@epa.gov.

Sincerely,



JUL 1 2008

Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

BARESPOT® WEED & GRASS

Granular, Non-Selective, Residual Herbicide

Active Ingredients by WT

Diuron (3-(3,4-dichlorophenyl)-1,1-dimethyl) urea ... 1.25%
Sodium Chlorate (NaClO₃) 30.00%
Sodium Metaborate* (Na₂B₂O₄) 49.00%
Inert Ingredients..... 19.75%

TOTAL 100.00%

*Equivalent to 6.5% boron expressed as elemental boron.

THIS PRODUCT CONTAINS A FIRE RETARDANT

50 POUNDS NET WEIGHT

EPA REG. NO 33560-48

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 five 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 a 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.

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.

Have this product container or label 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

Causes substantial but temporary eye injury. Harmful if swallowed or absorbed through the skin. Do not get in eyes or on clothing. Avoid contact with skin.

ACCEPTED
with COMMENTS
in EPA Letter Dated

7-1-08
E.L.

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

33560-46

USER SAFETY RECOMMENDATIONS

USERS SHOULD: 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 clothing. 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

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.

Shoes plus socks.

Protective eyewear.

Waterproof gloves.

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 feed 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 apply where run-off is likely or where weather conditions favor movement away from target areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

GENERAL INFORMATION

BareSpot® Weed & Grass is designed for non-selective kill of weeds and grasses with a single treatment. Use for quick knockdown of existing vegetation as well as short season effect in the soil for control of regrowth or new seedlings. Use for general mixtures of weeds and grasses.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.

FOR USE ON INDUSTRIAL SITES OR SIMILAR NON-CROPPED AREAS

IMPORTANT: This material is not selective in action, may be toxic to all types of vegetation, and may render the entire treated area totally or partially unproductive for one or more years.

Care should be taken to continue the use of application to the particular area intended to be treated and to avoid its contact with lawns, trees, shrubs, crops and other desirable plants which are not intended to be destroyed or injured.

This includes precautions in treating areas which may be underlaid by roots of adjacent desired growths. Careless application of this material, or washing by water run-off to areas where desirable plants are growing or which will be used for later planting may result in injury to desirable plants. Do not drain or flush equipment on or near such areas. Do not contaminate domestic or irrigation water or waters used by fish and wildlife. Wash clothing and equipment after application. Keep animals off treated area until rainfall has leached all the herbicide into the soil. Mechanical equipment should be thoroughly cleaned after use.

WHERE TO USE

AROUND OR NEAR THE FOLLOWING: Bleachers, Bridge abutments, Buildings, Bunkers, Buried cable closures, Catwalks, Compressor stations, Cooling towers, Cross connect boxes, Ditch banks, Electrical generators, Fence lines, Fire hydrants, plugs or walls, Fuel tanks, Generating plants, Guardrails, Helo pads, Highway & street markers, Loading stations, Lumber yards, Microwave towers, Oil & Gas pipelines, Oil refineries, Parking lots, Pump decks, Railroad lines & sidings, Runway lights, Runways, Sign posts, Storage & Equipment yards, Utility poles & substations, Vacant lots, Valves & manifolds, Waste lagoons or other similar non-crop areas.

UNDER THE FOLLOWING: Asphalt, Concrete, Gravel, Driveways (not on a slope), Sidewalks or Walkways, Wood decks.

WHEN TO USE: Use BareSpot® Weed & Grass anytime during the growing season. Weeds and grasses are easier to kill when they are young and growing rapidly.

APPLICATION: For all uses uniform application is essential. The material becomes effective in the soil followed by rainfall or irrigation. (See applications rates below.) BareSpot® Weed & Grass is ready to use! Apply with a hand-operated spreader, such as a conventional cyclone type spreader, or a power spreader for larger areas.

Use the following rates of application under most conditions:

KINDS OF WEEDS	APPLICATION RATES
General Vegetation Control	1 - 2 lbs./ 100 sq. ft.*
PERENNIAL and deep rooted weeds.	3 lbs./ 100 sq. ft.**

Approximately 2½ cups of® Weed & Grass equal 1 lb.

*As low as ½ - 1 lb. /100 sq. ft. can be used on young and rapidly growing general vegetation.

**As low as 1½ lbs. /100 sq. ft. can be used on young and rapidly growing deep rooted perennials

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Avoid contact with floor and moisture.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on-site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Empty product from bag before disposal. Dispose of bag in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

NOTICE: Because of the many varying conditions affecting use and application, such as location, seasonal weather, soil composition and type 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 Agricultural 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 of any warranty not expressly specified herein. Buyer accepts this 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 nor seller makes, and their employees and agents are not permitted to make, any representations or warranties, express or implied by law, not specifically set forth herein.

PRO-SERVE, INC.

400 E. Maple Road, Memphis, TN 38140 (901) 333-7000

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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 minerals, 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.

PRO-SERVE, INC.

400 E. Brooks Road • Memphis, TN 38109 • (901) 332-7052

8/28/03

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BARESPOT® WEED & GRASS

Granular, Non-Selective, Residual Herbicide
For Non-Selective Kill of Weeds and Grasses
with a Single Treatment!

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
registered under EPA Reg. No. 33560-46

Active Ingredients

by WT 33560-46

Diuron 3-(3,4-dichlorophenyl)1,1-dimethylurea.....	1.25%
Sodium Chlorate (NaClO ₃)	30.00%
Sodium Metaborate* (Na ₂ B ₂ O ₄)	49.00%
Inert Ingredients.....	19.75%

TOTAL 100.00%

*Equivalent to 6.5% boron expressed as elemental boron.

THIS PRODUCT CONTAINS A FIRE RETARDANT

20 POUNDS NET WEIGHT

EPA REG. NO 33560-46

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 five minutes, then continue rinsing. Call a poison control center or doctor for treatment advice.

IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or a doctor for treatment advice.

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. 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.

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.

Have this product container or label 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

Causes substantial but temporary eye injury. Harmful if swallowed or absorbed through the skin. Do not get in eyes or on clothing. Avoid contact with skin.

USER SAFETY RECOMMENDATIONS

USERS SHOULD: 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 clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

Long-sleeved shirt and long pants.

Shoes plus socks.

Protective eyewear.

Waterproof gloves.

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 feed 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 apply where run-off is likely or where weather conditions favor movement away from target areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

GENERAL INFORMATION

BareSpot® Weed & Grass is designed for non-selective kill of weeds and grasses with a single treatment. Use for quick knockdown of existing vegetation as well as short season effect in the soil for control of regrowth or new seedlings.

USE AROUND OR NEAR

Asphalt	Patios
Buildings	Picnic Areas
Concrete	Sidewalks/Walkways
Ditch banks	Storage yards
Fence lines	Vacant Lots
Gravel driveways	Wood Decks

FOR SALE TO AND USE BY PROFESSIONAL TURF MAINTENANCE PERSONNEL, LANDSCAPING, OR COMMERCIAL APPLICATORS ONLY. NOT FOR SALE TO OR USE BY HOMEOWNERS.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. BareSpot® Weed & Grass is specifically designed for quick knockdown and residual control of general mixed vegetation on non-cropped land and around residential areas.

WHEN TO USE: Use BareSpot® Weed & Grass anytime during the growing season. Weeds and grasses are easier to kill when they are young and growing rapidly.

WHERE TO USE: Apply where bare ground is desired. Do not apply near lawns, trees, shrubs, crops, and other desirable plants. Do not treat areas which may be underlaid by roots of adjacent desired growth. Application to these areas may result in injury or destruction of the plant.

HOW IT WORKS: BareSpot® Weed & Grass is absorbed by the roots, causing weeds or grasses to turn brown. It will take several days before visual signs are noticeable. Smaller, succulent weeds are affected first. Larger plants will yellow and turn brown at the tips as growth stops. A residual barrier remains active in the upper soil to control later germinating weeds.

BareSpot® Weed & Grass kills the seedlings, not the seeds. Seedlings will sprout. After they reach 1/2 to 1 inch of growth and the root contacts the soil, they will die. BareSpot® Weed & Grass can be expected to provide 3 to 13 months control depending on soil type and rainfall.

DRY APPLICATION: BARESPOT® Weed & Grass is ready to use! Apply with a hand-operated spreader, such as a conventional cyclone type spreader. Apply granules uniformly over the area to be treated. The material becomes effective in the soil, followed by rainfall or watering.

KINDS OF WEEDS	APPLICATION RATES
General Vegetation Control	1 - 2 lbs./ 100 sq. ft.*
PERENNIAL and deep rooted weeds	3 lbs./ 100 sq. ft.**

Approximately 2½ cups of® Weed & Grass equal 1 lb.

*As low as ½ - 1 lb. /100 sq. ft. can be used on young and rapidly growing general vegetation.

**As low as 1½ lbs. /100 sq. ft. can be used on young and rapidly growing deep-rooted perennials.

IMPORTANT: FOR USE ON NON-CROPPED AREAS

This material is not selective in action, may be toxic to all types of vegetation, and may render the entire treated area totally or partially unproductive for one or more years. Care should be taken to continue the use of application to the particular area intended to be treated and to avoid its contact with lawns, trees, shrubs, crops and other desirable plants which are not intended to be destroyed or injured. This includes precautions in treating areas which may be underlaid by roots of adjacent desired growths. Careless application of this material, or washing by water run-off to areas where desirable plants are growing or which will be used for later planting may result in injury to desirable plants. Do not drain or flush equipment on or near such areas. Do not contaminate domestic or irrigation water or waters used by fish and wildlife. Wash clothing and equipment after application. Keep animals off treated area until rainfall has leached all the herbicide into the soil. Mechanical equipment should be thoroughly cleaned after use.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Avoid contact with floor and moisture.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on-site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Empty product from bag before disposal. Dispose of bag in a sanitary landfill or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

NOTICE: Because of the many varying conditions affecting use and application, such as location, seasonal weather, soil composition and type 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 Agricultural 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 of any warranty not expressly specified herein. Buyer accepts this 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 nor seller makes, and their employees and agents are not permitted to make, any representations 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 minerals, 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.

PRO-SERVE, INC.

400 E. Brooke Road • Memphis, TN 38118