



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

September 14, 2017

Eric D. Smith
Federal Registration Manager
PBI/Gordon Corporation
1217 West 12th Street
Kansas City, MO 64101

Subject: Notification per PRN 98-10 – Add CA Proposition 65 statement
Product Name: Acme MCPP Herbicide
EPA Registration Number: 33955-483
Application Date: July 24, 2017
Decision Number: 531811

Dear Mr. Smith:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced 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 stamped “Notification” and will be placed in our records.

Should you wish to add/retain a reference to the company’s website on your label, then please be aware that the website becomes labeling under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA’s Office of Enforcement and Compliance.

If you have any questions, you may contact Mindy Ondish at 703-605-0723 or via email at ondish.mindy@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Mindy Ondish for".

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division (7505P)
Office of Pesticide Programs

ACME MCPP HERBICIDE

EPA Reg. No. 33955-483

NOTIFICATION

33955-483

The applicant has certified that no changes, other than those reported to the Agency have been made to the labeling. The Agency acknowledges this notification by letter dated:

09/14/2017

ACTIVE INGREDIENT:

Potassium salt of (+)-(R)-2-(2-methyl-4-chlorophenoxy) propionic acid	15.55%
INERT INGREDIENTS:	<u>84.45%</u>
TOTAL	100.00%

THIS PRODUCT CONTAINS:

1.16 lb (+)-(R)-2-(2-methyl-4-chlorophenoxy)propionic acid equivalent per gallon or 13.20%.

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO

STOP! READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.

KEEP FROM FREEZING

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: Corrosive. Causes irreversible eye damage. Do not get in eyes or on clothing. Harmful if absorbed through skin. Harmful if swallowed. Avoid contact with skin. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Personal Protective Equipment (PPE)

All mixers, loaders, applicators and other handlers must wear:

- Protective eyewear such as goggles, face shield, or safety glasses
- Chemical-resistant gloves made of any waterproof material
- Long-sleeved shirt and long pants and
- Shoes and socks.

User Safety Requirements

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

User Safety Recommendations

- Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Users 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.

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 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 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 the poison control center or doctor.• Do not give anything by mouth to an unconscious person.
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 treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-877-800-5556 for emergency medical treatment advice.

Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.

Environmental Hazards

This pesticide may adversely affect non-target plants. 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 when disposing of equipment wash waters or rinsate.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

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 turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

PRECAUTIONS AND 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.
- Do not enter or allow people (or pets) to enter the treated area until sprays have dried.

USE DIRECTIONS:

Acme® MCPP Herbicide will not injure bentgrass, established lawns or turfgrass when used as directed. Controls mouse-ear chickweed, clover, plantain, black medic, and knotweed in turfgrass.

Apply when weeds are young and actively growing. Do not apply to bentgrass in the heat of the summer. Do not mow for several days before or after treatment. Do not water for one day following treatment. Spray drift can be reduced by using high volume sprays under low pressure, Medium or coarser spray nozzles, and boom nozzle drops. Susceptible crops include grapes, tomatoes, tobacco, sugar beets, sunflowers, beans, cauliflower, cabbage, and boxelder trees, and many other field, vegetable, flower, ornamental, and fruit crops.

Do not apply this product through any type of irrigation system.

Do not use this product on or near desirable plants, including contact of spray on exposed root systems or adventitious shoots within the drip line of desirable trees and shrubs, since injury may result.

ESTABLISHED GRASSES (FAIRWAYS AND LAWNS):

For broadcast treatments on fairways and lawns : Apply 1.5 to 1.9 fluid ounces of product per 1,000 square feet of turfgrass with spray volumes of 0.5 to 4.0 gallons per 1,000 square feet. Or, the equivalent dosage rate is 4 to 5.17 pints of product with spray volumes ranging from 22 to 174 gallons per acre.

The maximum application rate is 5.17 pints of product per acre per application [0.75 lb MCPP-p ae per acre per application]. The maximum number of broadcast applications is limited to 2 per year with a minimum of 30 days between applications. The maximum seasonal rate is 10.34 pints of product per acre per year [1.5 lb MCPP-p ae per acre per year].

For spot treatments on fairways and lawns:

Spot treatment is defined as a treatment area no greater than 1,000 sq.ft. per acre. Apply 1.5 to 3.0 fluid ounces of product per 1,000 square feet of turfgrass with spray volumes of 0.5 to 4.0 gallons per 1,000 square feet.

The maximum application rate for spot treatments is 3.0 fl.oz. per 1,000 sq.ft. per application [1.2 lb MCPP-p acid equivalent per acre]. The maximum number of spot treatments is limited to 2 per year with a minimum of 30 days between applications. Broadcast application is prohibited at this use rate.

NOTE: If dandelion is a problem, use a tank mixtures of 2,4-D at listed labeling rate.

ESTABLISHED GREENS:

For broadcast treatments to control mouse-ear chickweed, black medic, knotweed, and plantain: Apply 1.5 fluid ounces of product per 1,000 square feet of turfgrass with spray volumes ranging from 0.5 to 4.0 gallons per 1,000 square feet. Or, the equivalent dosage rate is 4 pints of product with spray volumes ranging from 22 to 174 gallons per acre.

For spot treatments on established greens: Apply 1.5 fluid ounces of product per 1,000 square feet of turfgrass with spray volumes ranging from 0.5 to 4.0 gallons per 1,000 square feet.

NOTE: If dandelion is a problem, use a tank mixture of 2,4-D at rates less than 0.25 lb 2,4-D acid equivalent per acre.

Spray Drift Management

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of ground application can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Droplet Size

Use only Medium or coarser spray nozzles according to ASAE (S 572) definition of standard nozzles or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Wind Speed

Do not apply at wind speeds greater than 10 mph.

Temperature Inversions

If applying at wind speeds less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

Spray equipment

Do not apply with a nozzle height greater than 4 feet above the target site.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

[Plastic Containers – Nonrefillable with capacities equal to 2.5 gallons]

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Triple rinse [or pressure rinse] container (or equivalent) promptly after emptying. Then offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

[OR

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.]

[Plastic Containers – Nonrefillable with capacities greater than 15 to 55 gallons]

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Triple rinse [or pressure rinse] container (or equivalent) promptly after emptying. Then offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use

or disposal. Repeat this procedure two more times.

[OR

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.]

LIMITED WARRANTY AND DISCLAIMER

IMPORTANT: Read this LIMITED WARRANTY AND DISCLAIMER before buying or using this product. By opening and using this product, buyer and all users agree to accept the terms of this LIMITED WARRANTY AND DISCLAIMER in their entirety and without exception. If the terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full.

It is impossible to eliminate all risks inherently associated with use of this product. Damage to the treated article, ineffectiveness, or other unintended consequences can result from use of the product under abnormal conditions such as weather, presence of other materials, or the manner of use or application, etc. Such factors and conditions are beyond the control of the manufacturer, and **BY PURCHASING AND USING THIS PRODUCT THE BUYER AND ALL USERS OF THIS PRODUCT AGREE TO ACCEPT ALL SUCH RISKS.** Buyer and all users further agree to assume all risks of loss or damage from the use of the product in any manner that is not explicitly set forth in or that is inconsistent with label instructions, warnings and cautions.

The manufacturer warrants only that this product conforms to the chemical description given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use, subject to the inherent risks described below. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY EXPRESSLY DISCLAIMED.**

THE EXCLUSIVE REMEDY OF BUYER AND ALL USERS OF THIS PRODUCT, AND THE EXCLUSIVE LIABILITY OF THE MANUFACTURER, FOR ANY AND ALL LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. The Manufacturer must be promptly notified in writing of any claims, whether based in contract, tort, negligence, strict liability, or otherwise, to be eligible to receive either remedy stated above.


The terms of this LIMITED WARRANTY AND DISCLAIMER cannot be varied by any written or verbal statements or agreements at the point of sale or elsewhere. No employee or agent of the manufacturer or seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

APPENDIX

1. Statements which may appear on different label components depending on packaging configuration.

- See next panel for additional Precautionary Statements and First Aid
- Net Contents: [2.5, 15, 55 gallons]
- EPA Est. No. [2217-KS-XX]

2. Advertising claims that may be presented on container labeling, advertisements, brochures, and other marketing/sales promotional materials:

- FOR CONTROL OF CLOVER AND OTHER BROADLEAF WEEDS IN GOLF GREENS, FAIRWAYS, AND LAWNS.
-  [ATTENTION:][NOTICE:] This product can expose you to diethanolamine, which is known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov/product.

DOCUMENT CONTROL INFORMATION

1. Unique Label Identifier: 033955-00483.20170724.notif-proposed-highlighted

2. Reason for Issue: CA Prop 65