

33955-553

05/31/2007

1/8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MAY 31 2007

Dr. James Kunstman
PBI/Gordon Corporation
P.O. Box 014090
Kansas City, MO 64101

Subject: Acme Ready-To-Use Weed & Grass Killer
EPA Registration No. 33955-553
Revised labeling submitted March 2, 2007

Dear Dr. Kunstman:

The amended labeling referred to above is acceptable provided that you:

- Make the change specified in the document "Summary of Comments on Microsoft Word - 553 Response 03-01-07.doc".
- Submit two copies of final printed labeling within 30 days of receipt of this letter.

This labeling supercedes all previously accepted labeling for this product except for supplemental labeling. A stamped copy of the label is enclosed for your records.

If you have any questions about this letter, you may call Tobi Colvin-Snyder at 703-305-7801.

Sincerely,

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

Summary of Comments on Microsoft Word - 553 Response 03-01-07.doc

2/8

Page: 3

Author: tsnyder
Subject: Cross-Out
Date: 5/29/2007 4:03:22 PM



3/8

**BRAND NAME:
ACME READY-TO-USE WEED & GRASS KILLER**

**ALTERNATE BRAND NAME:
GORDON'S READY-TO-USE WEED & GRASS KILLER**

FOR USE ON SPECIFIED NONCROP USE SITES

NO ODOR — NO STAINING

NON-DAMAGING TO BLACKTOP

NO MIXING

ONE-HALF GALLON COVERS UP TO 125 SQUARE FEET

ACTIVE INGREDIENTS:

Sodium Cacodylate 0.53%

Dimethylarsinic Acid (Cacodylic Acid) 0.09%

INERT INGREDIENTS:..... 99.38%

TOTAL 100.00%

Equivalent to 0.55% cacodylic acid

Total arsenic (as elemental) all in water soluble form - 0.30%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See side panels for Precautionary Statements and First Aid.

NET CONTENTS: ONE-HALF GALLON

984/ AP-----
EPA Reg. No. 33955-553
EPA Est. No. 2217-KS-1
MANUFACTURED BY:



Telephone: 1-800-821-7925

ACCEPTED
with COMMENTS
in EPA Letter Dated

MAY 31 2007

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

33955-553



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

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Harmful if swallowed. Avoid contact with eyes, skin, or clothing. Avoid breathing spray mist. Wash hands after using. Keep children and domestic animals off treated areas until this material has been washed into the soil.

First Aid

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 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 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.
<p>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.</p>	

ENVIRONMENTAL HAZARDS:

Do not apply directly to water. Do not apply when weather conditions favor drift away from target area. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not contaminate domestic or irrigation waters.

DIRECTIONS FOR USE

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

STORAGE & DISPOSAL

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

STORAGE: Do not store near other pesticides or seeds.

CONTAINER DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partially filled: Call your local solid waste agency or toll free number (1-800-XXX-XXXX) for disposal instructions. Never place unused product down any indoor or outdoor drain.

5/8

**INSTRUCTIONS FOR PRESSURE SPRAYERS AND CONTAINERS
FITTED WITH SPRINKLER CAPS**

Acme® "Ready-To-Use" Weed & Grass Killer Controls Unwanted Vegetation

- Around buildings
- Along sidewalks
- Along driveways
- Under trees
- Under ornamentals

Kills bermudagrass, johnsongrass, quackgrass, and other deep rooted perennials. Also, kills brome, foxtail, wild oats, burclover, mallow, and morningglory.

INFORMATION:

Acme® "Ready-To-Use" Weed & Grass Killer is recommended for the control of a wide variety of unwanted vegetation around buildings, along sidewalks and driveways and under trees and ornamentals. This product may also be used for complete lawn renovation. ~~It is deactivated on contact with the soil.~~

INSTRUCTIONS:

This product is ready-to-use. One-half gallon will cover up to 125 square feet. One gallon will cover up to 250 square feet. Apply the spray solution with a fluid pump or pressure-sprayer, using a nozzle or nozzle setting that gives a fine spray.

Acme® "Ready-To-Use" Weed & Grass Killer may be applied directly from the container. First, remove cap that covers applicator head. Be sure that applicator head is firmly fastened in place. Create spray pattern by turning container over. Thoroughly cover unwanted vegetation with product. One gallon will cover up to 250 square feet or 1,200 linear feet (with a band 2.5 inches wide).

For spot treatment, hold container just a few inches above undesired vegetation.

GENERAL WEED CONTROL:

Spray unwanted vegetation thoroughly to the point of runoff. Wilting will appear in 1 to 3 days and thorough browning in about 5 to 7 days. Repeat applications may be necessary, particularly for hard-to-kill perennials. The best kill is obtained on young plants and during hot, sunny weather.

Apply product to thoroughly wet unwanted vegetation to point of runoff.

LAWN RENOVATION:

The area to be treated should be mowed before treatment. Bermudagrass and other deep rooted perennials or uncovered foliage may require a second treatment. Reapply 5 days later if green areas remain. When foliage is all brown, matted areas should be raked and bare spots scarified. About 5 days after last treatment, water thoroughly and then seed at rate recommended for new lawns. Seed must be raked into soil. Keep seeded areas well watered.

Do not apply directly or allow spray to come into contact with foliage, green bark, grafted unions, or scuffed, damaged or broken bark when spraying around trees and ornamentals.

6/8

INSTRUCTIONS FOR SPOT TREATMENTS WITH TRIGGER SPRAYERS

WHERE TO USE:

Acme® "Ready-To-Use" Weed & Grass Killer Controls Unwanted Vegetation.

- Around buildings and foundations
- Along sidewalks
- Along driveways and parking areas
- Under trees and shrubs
- Under ornamentals

This product is to be applied to emerged grass and broadleaf weeds. Plants that have not emerged at the time of application will not be controlled

Controls bermudagrass, johnsongrass, quackgrass, and other deep rooted perennials. Also, controls brome, foxtail, wild oats, burclover, mallow, and morningglory.

HOW TO USE:

This product is ready-to-use for spot treatments of annual and perennial weeds that are actively growing.

Thorough coverage is important. Hold the container 12 to 18 inches above the soil. Spray unwanted plants on a spray-to-wet basis. Use a coarse spray. Avoid contact with leaves and stems of desirable plants. This product is nonselective and will injure or kill all plants contacted with spray droplets. Do not apply directly to leaves, stems, or bark of trees, shrubs, and flowers.

One quart of product will treat up to 60 square feet.

Wilting may appear in 1 to 3 days and browning of leaves will occur in 5 to 7 days. Additional applications may be necessary to control perennials.

USE RESTRICTIONS

- Do not make more than 6 applications total of this product and/or other products containing either DSMA, MSMA, or cacodylic acid or a combination per year for all uses except lawn renovation and lawn edging.
- For lawn renovation, do not make more than 2 applications of this product and/or other products containing DSMA, MSMA, or cacodylic acid per year.
- For lawn renovation, do not apply more than 7.30 lbs acid equivalent (a.e.) cacodylic acid per acre per application. Wait at least 5 days before reapplying this product for lawn renovation. Delay reseeding for at least 5 days after application of this product.
- For lawn edging, do not apply more than 7.72 lbs a.e. cacodylic acid per acre per application. Wait at least 30 days before reapplying this product for lawn edging.
- For weed control in ornamentals and non-crop areas (other than lawn renovation and lawn edging), apply a maximum of 7.30 lbs a.e. cacodylic acid per acre per application. Wait at least 5 days before retreating (2 applications for a maximum of three times per year).

7/8

LIMITED WARRANTY AND DISCLAIMER.

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

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 EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions, or to use of the product under abnormal conditions such as drought, excessive rainfall, tornadoes, hurricanes, etc. These factors are beyond the control of the manufacturer or the seller. Any damages arising from a breach of the manufacturer's warranty shall be limited to direct damages, and shall not include indirect or consequential damages such as loss of profits or values, except as otherwise provided by law.

The terms of this Limited Warranty and Disclaimer cannot be varied by any written or verbal statements or agreements. No employee or agent of the seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

APPENDIX

I. Advertising claims, charts, and illustrations or graphics that may be presented on the container labeling:

- ◆ Kills all plants contacted.
- ◆ Kills by/on contact.
- ◆ Wilting occurs in 24 - 72 hours. (1 - 3 days)
- ◆ Results in as little as 24 hours.
- ◆ Visible results in 24 hours.
- ◆ No odor - No Staining
- ◆ Non-Damaging to Blacktop
- ◆ No mixing
- ◆ Enters the leaf in as little as 12 hours.
- ◆ Uptake in as little as 12 hours.
- ◆ Absorption in as little as 12 hours.
- ◆ **? Information: 1-XXX-XXX-XXXX.**
- ◆ **+ [First Aid Cross] 1-XXX-XXX-XXXX**
- ◆ Along fences
- ◆ Kills/Controls deep rooted weeds and grasses
- ◆ Controls unwanted vegetation around buildings, along sidewalks, and along fences.
- ◆ Wilting in 1 to 3 days
- ◆ One gallon covers up to 250 square feet.
- ◆ [Graphics] of various uses and treatments listed.

II. Chart that amplifies the Directions for Use and is consistent with the narrative previously-approved.

- ◆ Kills/Controls: Unwanted vegetation including bermudagrass, johnsongrass, and other deep rooted perennials.
- ◆ Use On: Sidewalks, along fences, around buildings, under trees and ornamentals.
- ◆ Amount to Use: Ready to use directly from the container. No mixing required.
- ◆ [Claims for treated areas of retail containers less than 1.0 gallon:]

Container Size	Treated area for containers fitted with sprinkler caps and/or CRP caps.	Treated area for containers with attached trigger sprayers.
1 quart	60 square feet	60 square feet
2 quarts	125 square feet	120 square feet
4 quarts (1 gallon)	250 square feet	-----