

34704-610

10.28.2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

OCT 28 2008

John T. Tice
Manager Registrations
Loveland Products, Inc.
P.O. Box 1286
Greeley, Colorado 80632-1286

Subject: Label Notifications for Pesticide Registration Notice 2007-4

Dear Mr. Tice:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated September 26, 2008 for:

EPA Registration 34704-610 Curbit EC Herbicide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-8893.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



Performance

Quality

Value

September 26, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504-P)
U. S. Environmental Protection Agency
2777 S. Crystal Drive, Room S-4900,
Arlington, VA 22202-4501

RE: EPA Reg. No. 34704-610, Curbit EC Herbicide, Notification of label change per PR Notice 2007-4.

Dear Joanne Miller,

This letter/action is a notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Enclosed are the appropriate forms and two copies of the revised label. If you have any questions, please feel free to call or contact me at 970-347-1484 or email at John.Tice@uap.com.

Sincerely,

John Tice
Manager Registrations
Loveland Products, Inc.

Enclosures (2)



CURBIT EC HERBICIDE

NOTIFICATION

OCT 28 2008

**A Selective Herbicide For Preemergence
Control of Certain Annual Grasses And Broadleaf
Weeds In Cucumbers, Melons, Pumpkins,
Summer Squash, Winter Squash and Watermelons.**

ACTIVE INGREDIENT:

Ethalfiurallin: N-ethyl-N-(2-methyl-2-propenyl)-2,6-
dinitro-4-(trifluoromethyl)benzenamine 35.4%

INERT INGREDIENTS* 64.6%
TOTAL 100.0%

*Contains petroleum distillates, xylene or xylene range aromatic solvents.
Contains 3 pounds active ingredient per gallon.

KEEP OUT OF REACH OF CHILDREN DANGER—PELIGRO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

See Below for Additional Precautionary Statements.

EPA REG. NO. 34704-610

EPA EST. NO. 34704-MS-1

NET CONTENTS 2½ GALS. (9.46 L)

IHT 103006 V4D 09P08

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER—PELIGRO

Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed or inhaled. This product may cause skin sensitization reactions in certain individuals. Do not get in eyes, on skin or on clothing. Avoid breathing vapor or spray mist.

Personal Protective Equipment:

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category H on the EPA chemical resistance category selection chart.

Applicators and other handlers must wear: Coveralls over long-sleeved shirt and long pants, chemical-resistant gloves, such as barrier laminate or viton, chemical-resistant footwear plus socks, protective eyewear, chemical-resistant headgear for overhead exposure and chemical-resistant apron when cleaning equipment, mixing or loading.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering controls statements:

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets with requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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 clean 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.

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 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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.

Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage. Contains petroleum distillate. Vomiting may cause aspiration pneumonia.
**FOR A MEDICAL EMERGENCY INVOLVING THIS PRODUCT CALL:
1-800-301-7976.**

Have the product container or label with you when calling a poison control center or doctor, or going to treatment.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. 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 washwaters or rinsate. Runoff or erosion from treated areas may be hazardous to fish in neighboring areas. Due to risk to plants and animals in aquatic habitats that receive runoff containing this product, use of controls such as a vegetative buffer strip to filter such water flow from recently treated fields is recommended.

PHYSICAL OR CHEMICAL HAZARDS

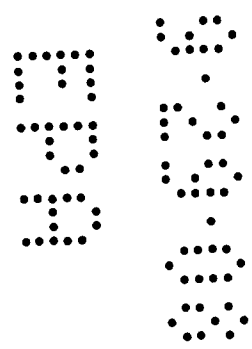
Flammable. Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

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.

For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.



CURBIT® EC
EPA REG. NO. 34704-610

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AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls over long-sleeved shirt and long pants,
- Chemical-resistant gloves, such as barrier laminate or viton,
- Chemical-resistant footwear plus socks and
- Protective eyewear.

GENERAL AGRICULTURAL PRECAUTION

Poor weed control and/or crop injury may result if directions are not followed. Uneven application or over-application can result in erratic weed control or injury to the treated or rotational crops.

Do not graze or forage crop grown in treated soil or cut for hay or silage.

Do not apply CURBIT® to soils which are wet, cloddy, or subject to prolonged periods of flooding because poor weed control or crop injury may result.

Do not apply to any area not specified on the label.

ROTATIONAL RESTRICTIONS

Replanting

If replanting is required, replant only crops listed on this or other ethalfluratin labels.

Sugar Beets or Red Beets

Do not plant sugar beets or red beets within thirteen (13) months following an application of three (3) pints or more per acre of CURBIT. Where less than three (3) pints of CURBIT have been applied, sugar beets or red beets may be planted eight (8) months after an application of CURBIT, if the CURBIT treated soil is moldboard plowed to a depth of a least twelve (12) inches prior to planting.

Spinach or Oats

In California, Arizona, and Texas, do not plant spinach or oats within eight (8) months following an application of three (3) pints per acre or more of CURBIT.

USE PRECAUTIONS

Do not incorporate CURBIT prior to planting as crop loss will occur. Do not use CURBIT under or over row covers, hot caps, plastic mulches, or other plant covers as severe crop injury will occur. Do not make broadcast application to transplants. Do not plant in a furrow.

Under cool temperature conditions that can delay early seedling emergence or growth, CURBIT can cause plant injury or crop failure. Be especially cautious during first planting of season when this condition is likely to occur.

**WEEDS CONTROLLED
BY CURBIT SURFACE APPLICATION**

CURBIT is a preemergence herbicide that controls many annual grasses and broadleaf weeds. CURBIT controls weeds as they germinate. CURBIT will not control established weeds.

CURBIT surface applied after planting will control the following weeds:

Grasses:	
Crabgrass	(<i>Digitaria</i> spp.)
(Large crabgrass)	
(Smooth crabgrass)	
Goosegrass	(<i>Eleusine indica</i>)
Foxtail millet	(<i>Setaria italica</i>)
Johnsongrass (from seed)	(<i>Sorghum halepense</i>)
Panicum, fall	(<i>Panicum dichotomillorum</i>)
Panicum, Texas	(<i>Panicum texanum</i>)
(Buffalograss)	
(Colorado grass)	
Signalgrass, broadleaf	(<i>Brachiaria platyphylla</i>)
(Brachiaria)	

Broadleaf Weeds:

Carpetweed	(<i>Mollugo verticillata</i>)
Lambsquarters, common	(<i>Chenopodium album</i>)
Pigweed	(<i>Amaranthus</i> spp.)
(Prostrate pigweed)	
(Redroot pigweed)	
(Smooth pigweed)	
(Spiny pigweed)	
Purslane, common	(<i>Portulaca oleracea</i>)
Pusley, Florida	(<i>Richardia scabra</i>)

MIXING AND APPLICATION DIRECTIONS

Start with a clean spray tank. Fill sprayer one-third (1/3) to one-half (1/2) full with clean water. Start agitation. Add correct quantity of CURBIT, continue agitation and finish filling the tank. Do not mix this product with fertilizer.

Apply CURBIT using any properly calibrated, low pressure herbicide sprayer that will apply the spray uniformly. Do not apply this product through any type of irrigation system.

SOIL TEXTURE GUIDE

The amount of CURBIT applied will vary with the soil texture and organic matter. A fine textured soil will require more CURBIT per acre than a coarse soil. Choose the proper rate based on the following soil texture group and specific crop recommendations. Do not exceed recommended rates.

Soil Texture Group	Soil Classification
Coarse soils: (Light)	Sand, loamy sand, sandy loam
Medium soils	Loam, silty clay loam*, silt loam, silt, sandy clay loam*
Fine soils: (Heavy)	Clay, clay loam, silty clay, silty clay loam, sandy clay, sandy clay loam*

*Silty clay loam and sandy clay loam soils are transitional soils and may be classified as either medium or fine textured soils. If silty clay loam or sandy clay loam soils are predominantly sand or silt, they are usually classified as medium textured soils. If they are predominantly clay, they are usually classified as fine textured soils.

ACTIVATION DIRECTIONS

IRRIGATED AGRICULTURE: Where overhead sprinkler irrigation (solid set, center pivot or continuous flow lateral move) is used, activate CURBIT with a minimum of one-half inch (1/2") of irrigation water within two (2) days after application. For flood or furrow irrigation, refer to Non-Irrigated Agriculture activation directions below. Irrigated fields may be shallowly cultivated without loss of CURBIT activity.

NON-IRRIGATED AGRICULTURE: A single, one-half inch (1/2") rainfall within five (5) days of application is necessary to activate CURBIT. If a single one-half inch (1/2") rainfall is not received, a shallow cultivation will activate CURBIT. Rainfall activated CURBIT may be shallowly cultivated without loss of activity.

NOTE: Heavy rainfall and/or excessive irrigation soon after application of CURBIT may cause crop injury. This potential injury can be enhanced if seeding depth is too shallow.

CROP RECOMMENDATIONS

CUCUMBERS, MELONS, PUMPKINS*, SUMMER SQUASH* WINTER SQUASH*, WATERMELONS,—POSTPLANT SURFACE APPLIED PREEMERGENCE WEED CONTROL: CURBIT should be used only as a postplant surface applied herbicide prior to weed emergence. Apply to seeded crop prior to its emergence, or apply as a banded spray between rows after crop emergence or transplanting. Refer to the section titled "ACTIVATION DIRECTIONS".

For broadcast application on direct-seeded crop, apply CURBIT to the soil surface at seeding, or no later than two days after seeding. **DO NOT SOIL INCORPORATE CURBIT PRIOR TO PLANTING AS CROP LOSS WILL OCCUR.**

*Certain crop varieties may have potential for injury or loss due to use of this herbicide. Consult your agricultural experiment station, or other qualified crop advisors for information pertaining to crop varieties grown in your area.

SOIL PREPARATION

A firm seedbed that is trash and clod free is desirable for a surface application of CURBIT. Crop residues, existing weeds and cloddy conditions may interfere with the performance of CURBIT. Bedded culture is preferable to flat culture because of better drainage. Do not plant in a furrow.

RATES

These recommendations are given as the broadcast rates of CURBIT per acre. Where a rate range is shown, use the lower rate for coarse textured soils or soils with lower organic matter. Use the higher rate where a rate range is shown, on soils containing more than five percent (5%) organic matter. Where soil texture is variable within the same field, let the finest soil texture which predominates in that field determine the use rate (see SOIL TEXTURE GUIDE). CURBIT is not recommended for use on soils containing more than 10% organic matter.

Broadcast the following rates in at least 20 gallons of water per acre by ground equipment only.

CURBIT® EC
EPA REG. NO. 34704-610

Soil Texture*	CURBIT
	Broadcast Rates per Acre (pints)
Coarse	3
Medium	3-4
Fine	4-4½

* Weed control may be reduced on soils with organic matter over 5%.

BAND TREATMENT: CURBIT may also be used as a banded spray **between** rows of direct seeded or transplanted cucumbers, melons or watermelons grown on plastic mulch. Reduce rate and spray volume in proportion to area actually sprayed using the following formula:

$$\begin{matrix} \text{Band width} \\ \text{in inches/} \\ \text{Row width} \\ \text{in inches} \end{matrix} \times \begin{matrix} \text{Broadcast} \\ \text{RATE} \\ \text{per acre} \end{matrix} = \begin{matrix} \text{Band RATE} \\ \text{per acre} \end{matrix}$$

$$\begin{matrix} \text{Band width} \\ \text{in inches/} \\ \text{Row width} \\ \text{in inches} \end{matrix} \times \begin{matrix} \text{Broadcast} \\ \text{VOLUME} \\ \text{per acre} \end{matrix} = \begin{matrix} \text{Band} \\ \text{VOLUME} \\ \text{per acre} \end{matrix}$$

Do not spray over plastic mulch.

RESTRICTIONS FOR CERTAIN STATES

CALIFORNIA: In coarser soils, activation of CURBIT may occur with as little as 1/8" of rainfall or irrigation. As a guideline, ¼" is suggested in such areas instead of the ½" normally recommended on this label.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
PESTICIDE STORAGE: Avoid freezing. Store above 40°F (5°C). If frozen, poor weed control may result. Do not use or store near heat or open flame. Store in original container only. In case of leak or spill, use absorbent materials to contain liquids and dispose as waste.

PESTICIDE DISPOSAL: Pesticide, spray mixture, or rinse water that cannot be used according to label instructions must be disposed of according to applicable federal, state or local procedures. Pesticide wastes are acutely hazardous. 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.

Nonrefillable container. Do not reuse this container to hold materials other than pesticides or dilute pesticides (rinsate). After emptying and cleaning, it may be allowable to temporarily hold rinsate or other pesticide-related materials in the container. Contact your state regulatory agency to determine allowable practices in your state. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact The Agricultural Container Recycling Council (ACRC) at www.acrcycle.org. If not recycled, then puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying.
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 ¼ 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.
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.

For help with any spill, leak, fire or exposure involving this material, call day or night CHEMTREC - 1-800-424-9300.

**CURBIT PERFORMANCE GUARANTEE
A LIMITED WARRANTY OF CURBIT WEED
AND GRASS CONTROL**

Loveland Products Inc. warrants that CURBIT will provide commercially acceptable control of the weeds and grasses as indicated on its current label when used according to label directions and subject to the following limitations:

1. Purchaser must notify Loveland Products Inc. promptly if a lack of commercially acceptable control occurs. Notice must be given within forty-five (45) days after the first planting or after application of CURBIT to the treated crop, whichever occurs later.
2. A Loveland Products Inc. representative must be satisfied that Purchaser used CURBIT according to the label directions and must visually observe

3. The Purchaser must provide a Loveland Products, Inc. representative with an invoice or other satisfactory record which shows the price and quantity of CURBIT purchased.
4. Loveland Products Inc.'s liability will be limited to a refund of the purchase price of the CURBIT applied to the acreage on which commercially acceptable control was not obtained.
5. Void outside the U.S.A.

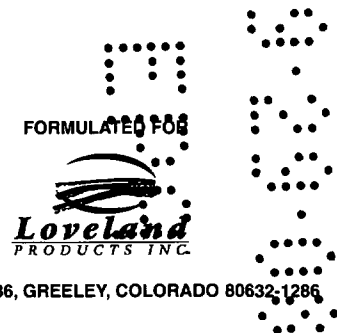
CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY BEFORE BUYING OR USING THIS PRODUCT. read the entire Directions for Use and the following Conditions of Sale and Limitation of Warranty and Liability. By buying or using this product, the buyer or user accepts the following Conditions of Sale and Limitation of Warranty and Liability, which no employee or agent of LOVELAND PRODUCTS, INC. or the seller is authorized to vary in any way.

Follow the Directions for Use of this product carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop or other plant injury, ineffectiveness, or other unintended consequences may result from such risks as weather or crop conditions, mixture with other chemicals not specifically identified in this product's label, or use of this product contrary to the label instructions, all of which are beyond the control of LOVELAND PRODUCTS, INC. and the seller. The buyer or user of this product assumes all such inherent risks.

Subject to the foregoing inherent risks, LOVELAND PRODUCTS, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use when the product is used in strict accordance with such Directions for Use under normal conditions of use. **EXCEPT AS WARRANTED IN THIS LABEL, THIS PRODUCT IS SOLD AS IS TO THE EXTENT ALLOWED BY APPLICABLE LAW.** LOVELAND PRODUCTS, INC. MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ELIGIBILITY OF THIS PRODUCT FOR ANY PARTICULAR TRADE USAGE.

IN THE UNLIKELY EVENT THAT BUYER OR USER BELIEVES THAT LOVELAND PRODUCTS, INC. HAS BREACHED A WARRANTY CONTAINED IN THIS LABEL, BUYER OR USER MUST SEND, TO THE EXTENT REQUIRED BY APPLICABLE LAW, WRITTEN NOTICE OF SUCH CLAIM TO THE FOLLOWING ADDRESS: LOVELAND PRODUCTS, INC., ATTENTION: LAW DEPARTMENT, 7251 WEST 4TH STREET, GREELEY, CO 80634.

TO THE EXTENT ALLOWED BY APPLICABLE LAW, THE BUYER'S OR USER'S EXCLUSIVE REMEDY FOR ANY INJURY, LOSS, OR DAMAGE RESULTING FROM THE HANDLING OR USE OF THIS PRODUCT, INCLUDING BUT NOT LIMITED TO CLAIMS OF BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, STRICT LIABILITY, OR OTHER TORTS, SHALL BE LIMITED TO ONE OF THE FOLLOWING, AT THE ELECTION OF LOVELAND PRODUCTS, INC. OR THE SELLER: DIRECT DAMAGES NOT EXCEEDING THE PURCHASE PRICE OF THE PRODUCT OR REPLACEMENT OF THE PRODUCT, TO THE EXTENT ALLOWED BY APPLICABLE LAW, LOVELAND PRODUCTS, INC. AND THE SELLER SHALL NOT BE LIABLE TO THE BUYER OR USER OF THIS PRODUCT FOR ANY CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES, OR DAMAGES IN THE NATURE OF A PENALTY.



P.O. BOX 1286, GREELEY, COLORADO 80632-1286