

35935-20

6-17-2008

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**U.S. ENVIRONMENTAL PROTECTION AGENCY**  
**Office of Pesticide Programs**  
**Registration Division (7505P)**  
**Ariel Rios Building**  
**1200 Pennsylvania Ave., NW**  
**Washington, D.C. 20460**

EPA Reg. Number: <b>35935-20</b>	Date of Issuance: <b>17 JUN 2008</b>
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NOTICE OF PESTICIDE:  
 \_ Registration  
x Reregistration  
 (under FIFRA, as amended)

Term of Issuance:

Name of Pesticide Product:  
**SEE MCPA Ester Herbicide**

Name and Address of Registrant (include ZIP Code):

Nufarm Inc.  
 150 Harvester Dr., Suite 200  
 Burr Ridge, IL 60527

**Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.**

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is reregistered in accordance with FIFRA section 4(6)(2)(C) provided you agree in writing to:

1. Based on toxicity ranking noted in the acute toxicity review, the Agency recommends that the First Aid statements be placed on the label in the following order:

“IF SWALLOWED:…  
 IF ON SKIN OR CLOTHING:…  
 IF INHALED:…  
 IF IN EYES:…”

2. Per the acute toxicity review, the Hazards to Humans and Domestic Animals must be revised to read:

“CAUTION  
 Harmful if swallowed. Harmful if absorbed through skin. Harmful if inhaled. Avoid contact with eyes, skin, or clothing. Avoid breathing spray mist or vapor. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.”

Signature of Approving Official:  
 Joanne I. Miller  
 Product Manager 23  
 Herbicide Branch  
 Registration Division (7505P)

*Joanne I. Miller*

Date:  
**17 JUN 2008**

6. Per the RED, the early entry PPE must be revised to read:  
  
“Coveralls,  
Shoes plus socks, and  
Chemical-resistant gloves made of any waterproof material.”
7. Application instructions to apply up to 3 pints (1.38 lbs ai) per acre to wheat, oats, barley and rye to treat less susceptible weeds exceeds the maximum annual application rate of 0.75 lbs ai per acre per year. The label must be revised.
8. The rates of up to 3/4 pint (0.345 lbs ai) per acre to treat flax exceeds the maximum annual application rate of 0.25 lbs ai per acre per year. The label must be revised.
9. It is unclear if the instructions on Page 5 of the label to apply “... 3 quarts of product in sufficient water for good coverage. Spray to the point of runoff to thoroughly wet weeds” and “...for spot treatment, use 1/4 pint in 3 to 4 gallons of water” for treatment of non-crop areas exceeds the maximum annual application rate of 1.5 lbs ae per acre per year. The rates must be expressed in amount of product per acre and must fall within the rate required in the RED.
10. Change “To the extent permitted by law” to read “To the extent consistent with applicable law”, wherever it appears under the terms and conditions of use.
11. On the label revise the EPA Registration Number to read, “**EPA Reg. No. 35935-20.**”

Submit one copy of the revised final printed label for the record before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Joanne I. Miller  
Product Manager (23)  
Herbicide Branch  
Registration Division (7505P)

Enclosure



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**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS  
CAUTION - CAUCION**

Harmful if swallowed or absorbed through skin. Avoid contact with skin or clothing.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- Protective eyewear

Additional PPE requirements for mixers and loaders supporting aerial application to rangeland, pastures lands and noncropland. These mixers/loaders also must wear: a chemical-resistant apron and a NIOSH approved respirator with a dust/mist filter with MSHA/NIOSH approval number prefix TC-21C or any N2, R, P or HE filter. See engineering controls for additional 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. After each day of use, clothing or PPE must not be reused until it has been cleaned.

**ENGINEERING CONTROLS FOR AERIAL APPLICATIONS**

Enclosed cockpits/Engineering Controls:

Pilots must use an enclosed cockpit that meets the requirements listed in the WPS for agricultural pesticides [(40 CFR 170.240(D)(6)].

<b>USER SAFETY RECOMMENDATIONS</b>	
<b>Users Should:</b>	
<ul style="list-style-type: none"> <li>• Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.</li> <li>• Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.</li> <li>• 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.</li> </ul>	

<b>FIRST AID</b>	
<b>IF SWALLOWED</b>	<ul style="list-style-type: none"> <li>• Call poison control center or doctor immediately for treatment advice.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>IF ON SKIN OR CLOTHING</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF IN EYES</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF INHALED</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.	

**ENVIRONMENTAL HAZARDS**

Drift or runoff may adversely affect non-target plants and may be hazardous to aquatic organisms in water adjacent to treated areas. This product may be toxic to fish, aquatic invertebrates and aquatic plants. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark.

MCPA has properties and characteristics associated with chemicals detected in groundwater. The use of this product in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollution Discharge Elimination (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local

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sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

**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 through any type of irrigation system.

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.

**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 12 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
- Waterproof gloves
- Shoes plus socks
- Protective eyewear

**NON-AGRICULTURAL USE REQUIREMENTS**

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for Agricultural Pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not enter treated areas without protective clothing until sprays have dried.

**GENERAL INFORMATION**

Local conditions may affect the use of this chemical. Consult State Agricultural Extension or Experiment Station weed specialists for specific recommendations for local weed problems, and for information on possible lower dosages.

Follow directions carefully. Timing and method of application, weather and crop conditions, mixtures with other chemicals not specifically recommended and other influencing factors in the use of this product are beyond the control of Seller. Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith.

**CONTROLS THESE AND OTHER WEEDS**

**Susceptible Weeds (Most Areas):**

annual sowthistle  
 beggarticks  
 cocklebur  
 dragon head mint  
 field pepper grass  
 goats beard

hempsnettle  
 lambsquarters (goosefoot)  
 marsh elder  
 mustard (annual)  
 poison hemlock  
 puncturevine

ragweed  
 shepherdspurse  
 stinkweed (pennycress, fanweed)  
 wild radish  
 yellow rocket (wintercress)

**Less Susceptible:**

buttercups  
 Canada thistle  
 chervil  
 dandelions  
 kochia

miner's lettuce  
 perennial sowthistle  
 plantains  
 purslane  
 Russian pigweed

sunflower  
 stinging nettle  
 vetch  
 white top or hoary cress

**PREPARATION OF THE SPRAY**

Fill the spray tank with half the required amount of water, then add the recommended amount of this product and continue filling the spray tank with the balance of water. Keep agitator running when filling spray tank and during spray operation. For crop uses, do not mix with oil, surfactant or other adjuvants as this may reduce selectivity to crops resulting in crop damage or kill. When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources.

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### SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and grower are responsible for considering all of these factors when making decision.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when the wind speed is 2-10 mph at the application site.

#### Additional requirements for aerial applications:

The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter.

Release spray at the lowest height consistent with efficacy and flight safety. Do not release spray at a height greater than 10 feet above crop canopy.

When applications are made with a cross wind, the swath will be displaced downward. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind.

Do not make application into temperature inversions.

#### Additional requirements for ground boom application:

Do not apply with a nozzle height greater than 4 feet above the crop canopy.

### USE IN LIQUID NITROGEN FERTILIZER

This product is specially formulated to be combined with liquid nitrogen fertilizer suitable for foliar application in one operation. Use this herbicide according to directions on this label. Use liquid fertilizer at rates recommended by supplier or extension service specialist. Mix this product and fertilizer according to the following instructions.

Fill the tank approximately 1/2 full with the liquid fertilizer. Add this product while agitating the tank. Add the remainder of the liquid fertilizer while continuing to agitate. Application should be made immediately, maintaining agitation until spray tank is empty. DO NOT APPLY DURING COLD (NEAR FREEZING) WEATHER. Spray mixture may not be stored.

### AMOUNT OF SPRAY TO APPLY

Apply 5 to 15 gallons of total spray per acre when making applications with ground equipment, and 1 to 5 gallons of total spray per acre when making applications by aircraft unless directed otherwise under specific directions. Do not apply this herbicide by aerial application in the vicinity of sugar beets. Carefully read the Environmental Hazards sections of the Precautionary Statements for additional restrictions on the use of this product.

### SELECTIVE SPRAYING

**WHEAT, OATS, BARLEY AND RYE:** Apply as a water mix spray by ground sprayer or airplane. Use 1/2 to 1 pint acre for the more susceptible weeds after crop has reached the 3 to 4 leaf stage up to boot stage. Use up to 3 pints per acre for the less susceptible weeds after crop has tillered and up to early boot stage. Do not spray from boot to dough stage. Do not forage or graze meat animals on treated areas within 7 days of slaughter. Do not forage or graze dairy animals on treated areas within 7 days after treatment.

Do not apply more than 0.75 lb ae acre per year.

**FLAX:** Use 1/4 to 1/2 pint per acre. Apply by ground sprayer or by airplane. Apply only when weeds are up and flax is 4 to 8 inches high and before it comes into bud. Treatment after early bud stage may result in severe damage. If Canada thistle is present, it may be necessary to go as high as 3/4 pint per acre to prevent seed head production. Some injury to the flax may result. Do not forage or graze meat animals on treated areas within 7 days of slaughter. Do not forage or graze dairy animals on treated areas within 7 days after treatment.

Do not apply more than 0.25 lb ae acre per year.

### GRASS AND NON-CROP USES

**Note:** For weed control in grasses, repeated treatment may be needed for less susceptible weeds. In some areas, bent, buffalo, carpet and St. Augustine grasses may also be injured by treatment.

For Noncropland Rights-of-Way use, do not apply more than 1.5 lb ae acre per year. Do not apply more than 2 broadcast applications per year with a minimum retreatment interval of 21 days.

For spot treatment Noncropland Rights-of-Way use, do not apply more than 3.0 lb ae acre per year.

**GRASSES GROWN FOR SEED:** Aerial and surface applications: Use 1 to 2 pints per acre, the higher rate where weed stands are heavy. In established grasses, apply in spring before head comes into boot and on seedling grass after grass has tillered.

For sod farm, grass grown for seed, pasture/rangeland uses, do not apply more than 1.5 lb ae acre per year. Do not apply more than 2 broadcast applications per year with a minimum retreatment interval of 21 days.

**ESTABLISHED GRASSLAND:** Use 1 to 3 pints per acre in sufficient water (up to 10 gallons by airplane or up to 100 gallons by ground sprayer application) to give thorough coverage. Use higher rate for white top, Canada thistle and other less susceptible weeds. Spray perennials in early bud to full bloom stage and regrowth in fall; other weeds in spring or fall, when actively growing. Do not forage or graze meat animals on treated areas within 7 days of slaughter. Do not forage or graze dairy animals on treated areas within 7 days after treatment.

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**NON-CROP SPRAYING ALONG FENCE ROWS AND ROADSIDES:** Canada thistle, white top and meadow buttercup: Use 3 quarts of product in sufficient water for good coverage. Spray to the point of runoff to thoroughly wet weeds when in bud to early bloom, and again on fall regrowth. For spot treatment, use 1/4 pint in 3 to 4 gallons of water.

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Store in a dry location away from children, animals, foods, feeds, seeds and other agricultural chemicals. Keep container closed when not using. Handle in accordance with information given under "Precautionary Statements". Keep storage area locked when not in use. In the event of spillage or leakage, soak up material with absorbent clay, sand, sawdust or other absorbent material. Scrape up and dispose of in accordance with information given under "Pesticide Disposal". Repackage and re-label usable product in a sound container. In case of fire or other emergency, report at once by toll-free telephone to 800-424-9300.

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

**CONTAINER DISPOSAL:** Do not reuse empty container.

**Metal Containers:** Triple rinse (or equivalent) adding rinsate to spray tank. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

**Plastic Containers:** Triple rinse (or equivalent) adding rinsate to spray tank. Then offer for recycling or reconditioning, or 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.

**WARRANTY DISCLAIMER**

The directions for use of this product must be followed carefully. **THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER. TO THE EXTENT PERMITTED BY LAW, MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO CROP INJURY OR INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.**

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