

42750-14

10-24-2000

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Alice Walker, Ph.D.
Agent for Albaugh, Inc.
Albaugh, Inc.
121 N.E. 18th St.
Ankeny, Iowa 50021

OCT 24 2000

Dear Dr. Walker:

Subject: MCPA Amine 4
EPA Registration No. 42750-14
Application Dated September 26, 2000 and Letter Dated
August 25, 2000 Request To Revise First Aid Statements
in Compliance with EPA PR Notice 2003, and To Revise
Disclaimer Statements; and a Letter Dated October 23,
2000 from Albaugh, Inc. Designating You as an "Authorized
Agent" Under Section 152.50(b)(3) of the Code of Federal
Regulations

The proposed labeling claims described in your letter have
been reviewed and found acceptable as amendments to the registra-
tion of the subject pesticide product under the Federal Insecticide,
Fungicide and Rodenticide Act (FIFRA), as amended, provided
that you:

1. Add the following statements just prior to the "Conditions
of Sale and Warranty" section:
 - o Read the limitations described in the following
Conditions of Sale and Warranty section before
using this product. If the terms are not acceptable
return this product within 30 days, unopened, and
the purchase price will be refunded.

These statements or similar statements should be added
to accommodate limitations of remedies described in the
"Conditions of Sale and Warranty" section; and to
comply with the U.C.C. Code section 2-719, copy enclosed.

2. Submit one (1) copy of the final printed label prior to
your shipment of the subject pesticide product under
the enclosed stamped label.

If these conditions are not complied with, this registration

will be subject to cancellation in accordance with FIFRA, section 6(e). Your release for shipment of this product under the subject labeling constitutes acceptance of these conditions.

A stamped copy of the proposed label is enclosed for your records.

Sincerely yours,

Eugene M. Wilson
for Joanne I. Miller
Product Managr (23)
Herbicide Branch
Registration Division (7505C)

Enclosure (2)

§ 2-719. Contractual Modification or Limitation of Remedy.

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

- (a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and
- (b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Act.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

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your warranty statements should comply to this code.

4/10

§ 2-316. Exclusion or Modification of Warranties.

(1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other, but subject to the provisions of this Article on parol or extrinsic evidence (Section 2-202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that "There are no warranties which extend beyond the description on the face hereof."

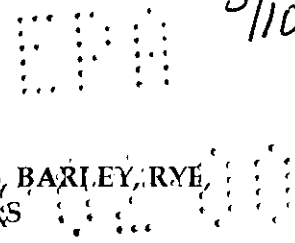
(3) Notwithstanding subsection (2)

- (a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and
- (b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and
- (c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (Sections 2-718 and 2-719).

RECEIVED
APR 10 1964
AMERICAN
SALES

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ALBAUGH
MCPA AMINE 4

HERBICIDE FOR SELECTIVE CONTROL OF CERTAIN WEEDS IN WHEAT, OATS, BARLEY, RYE,
RICE, FLAX, ESTABLISHED GRASSLANDS AND NON-CROP AREAS

ACTIVE INGREDIENT:

Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid*	48.89%
OTHER INGREDIENTS:	51.11%
TOTAL	100.00%

*This product contains 3.7 pounds 2-methyl-4-chlorophenoxyacetic acid per gallon or 39.9%. Isomer specific by AOAC Method No. 6.A-18-22 (13th Ed.).

EPA Reg. No. 42750-14

EPA Est. No. 42750-MO-1

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 the label, find someone to explain it to you in detail).

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. |
| If swallowed | <ul style="list-style-type: none"> • Call a poison control center or doctor for treatment advice. • 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. |
| If inhaled | <ul style="list-style-type: none"> • Do not give anything by mouth to an unconscious person. • 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. |
| If on skin or clothing | <ul style="list-style-type: none"> • Call a poison control center or doctor for further treatment advice. • 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. |

Have the 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.

See additional Precautionary Statements on side panel.

Manufactured By:
Albaugh, Inc.
Ankeny, Iowa 50021

NET CONTENTS
____ Gals.
____ Liters

FOR CHEMICAL SPILL, LEAK, FIRE, OR EXPOSURE
CALL CHEMTREC (800) 424-9300

2 6/10

Before buying or using this product, read "Warranty Limitations and Disclaimer" elsewhere on this label. If terms are not acceptable, return **unopened** package at once to seller for full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under the Warranty Limitations and Disclaimer.

PRECAUTIONARY STATEMENTS

DANGER

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Corrosive. Causes irreversible eye damage. Harmful if swallowed, absorbed through skin or inhaled. Do not get in eyes, on skin, or on clothing. Avoid breathing spray mist.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, protective eyewear, and chemical-resistant headgear for overhead exposure.

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/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the 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

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. 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.

ENVIRONMENTAL HAZARDS

Drift or run-off may adversely affect nontarget plants. For terrestrial uses, do not apply directly to water, or 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. Avoid use of small-diameter spray nozzles. Do not apply when weather conditions favor drift from target area, as this product may injure cotton, beans, other vegetables, certain legumes and ornamentals.

Most cases of groundwater contamination involving phenoxy herbicides such as MCPA have been associated with mixing/loading and disposal sites. Caution should be exercised when handling MCPA pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing and transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

Do not use, pour, spill 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.

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 48 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, and chemical-resistant headgear for overhead exposure.

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.

STORAGE AND DISPOSAL

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

STORAGE

Store in a dry location away from children, animals, foods, feeds, seeds, or other agricultural chemicals. Do not store below 40°F or expose to subfreezing temperatures. Handle in accordance with information given under "Precautionary Statements." 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 "Disposal." Repackage and relabel useable product in a sound container. In case of fire or other emergency, report at once by toll-free telephone to 800-424-9300.

DISPOSAL

PESTICIDE DISPOSAL: 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.

CONTAINER DISPOSAL

METAL CONTAINERS - Triple rinse (or equivalent). 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). 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.

USE PRECAUTIONS

Under no circumstances should MCPA Amine Herbicide be used in the vicinity of vegetables, flowers, grapes, tomatoes, cotton, beans and other legumes, etc., or other susceptible crops as severe damage may result. Extreme care must be exercised to prevent drifting of this material. Do not apply on windy days. Coarse sprays are less likely to drift. Do not apply this product through any type of irrigation system. Do not use around the home, recreation areas or similar sites. Equipment used to apply MCPA Amine should not be used to apply other agricultural chemicals to susceptible crops. When cleaning equipment, do not pour washwater on the ground; spray or drain over a large area away from wells and other water sources.

AMOUNT OF SPRAY TO APPLY

Apply 5 to 15 gallons of total spray per acre when making applications with ground equipment and 3 to 5 gallons of total spray per acre when making applications by aircraft, unless directed otherwise under specific directions. Carefully read the Environmental Hazards section of the Precautionary Statements for further information on spray volume.

CONTROLS THESE WEEDS

SUSCEPTIBLE (MOST AREAS):

Cocklebur
Dragonhead mint
Field peppergrass
Fanweed
Goatsbeard
Lambsquarters (goosefoot)

Marshelder
Mustards (annual)
Pennycress
Puncturevine
Ragweed
Shepherdspurse

Stinkweed
Wild radish
Yellow rocket
or wintercress
and many others

LESS SUSCEPTIBLE:

Buttercups
Canada thistle
Dandelions
Hempnettle
Kochia
Pigweed

Plantains
Purslane
Russian pigweed
Sow thistle
Stinging nettle
Sunflower

Vetch
White top
and hoary cress
and many others

DIRECTIONS FOR USE

SELECTIVE SPRAYING: Wheat, Oats, Barley and Rye - Apply as a water mix spray by ground sprayer or airplane. Use 1/2 to 1 pint per 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 less susceptible weeds after crop has tillered and up to early boot stage. Do not spray from boot to dough stage. For small grains underseeded with legumes, see the following paragraph.

SMALL GRAINS: Underseeded with Alfalfa, Lespedeza, Red and White Clover: For emergency control of serious infestations of Mustard, Yellow Rocket and other susceptible broadleaf weeds, apply 1/4 to 1/2 pint in not more than 5 to 10 gallons of water per acre. Make application after cereal is well tillered (4 to 8 inches tall) and before reaching boot stage. The nurse crop and weeds should provide a protecting canopy which, together with the use of low gallonage applied at low pressure, will reduce the risk of damage to the legumes. Do not apply to small grains underseeded with Vetch or Sweet Clover, which are very susceptible. There is also some risk to other legumes if only thinly protected by a canopy. Do not forage or graze meat animals on treated areas within 7 days of slaughter.

RED CLOVER AND ALFALFA (for use in the Pacific Northwest only): For control of Yellow Rocket and other susceptible annual weeds such as Pennycress or Fanweed, use 1 pint per acre of MCPA Amine. Only use 1/2 pint per acre on new stands after Clover has two or more true leaves. Old stands of Red Clover may be retarded by application of MCPA. Apply in late fall following frosts when the legumes are dormant before active growth starts. The temperature at the time of spraying should be above 40° F.

CANNING PEAS (for use in the Pacific Northwest only): Use MCPA Amine at 1/4 to 3/4 pint in sufficient water to cover 1 acre. Apply to peas after the 3 node stage and before the first pea flowering. Do not apply during bloom period of crop. To control Canada Thistle, use 1/2 to 3/4 pint of MCPA Amine per acre. Peas may be injured somewhat at the higher rate of application, but if thistle growth is heavy, control will more than compensate for injury to peas.

RICE (for use in California only): For early season broadleaf weed and sedge control in rice, apply 1 to 1 1/2 pints of MCPA Amine Herbicide per acre by air in 8 to 10 gallons of total spray volume when rice is in the 3 to 4 leaf stage, and with well established root systems, usually 18 to 24 days after planting. Applications made during hot weather or at the higher dosage range may cause temporary stunting of the rice. For maximum effectiveness the weeds should be exposed at time of treatment. If retreatment is necessary, usually 35 to 65 days after planting, the total amount per acre of MCPA Amine applied in the two applications must not exceed 3 pints in one season. Do not grow crayfish or catfish in treated rice fields.

FLAX: Use 1/4 to 1/2 pint. Apply by ground sprayer or by airplane. Use sufficient water to give uniform and adequate coverage. Apply only when weeds are up and when 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.

ESTABLISHED GRASSLAND AND PASTURES: Use 1 to 3 pints per acre in sufficient water (10 to 100 gallons) in airplane or ground sprayer application and give thorough coverage. Use higher rate for White Top, Canada Thistle and other less easy-to-kill weeds; spray perennials in early bud to full bloom stage and also regrowth in fall. Spray other weeds in spring or fall. 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.

GRASSES GROWN FOR SEED: Use 1 to 2 pints per acre in sufficient water to give adequate coverage. Use 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.

NOTE: In weed control in grasses, repeat treatment may be needed for less susceptible weeds. White Clover and other legumes may be temporarily injured or killed. In some areas, Bent, Buffalo, Carpet and St. Augustine grasses may also be injured by the treatment.

RANGE: For control of Whitebrush - Use 1-1/4 quarts in a mixture of 1 gallon of diesel oil and sufficient water to make 8 gallons of solution per acre. Apply in spring or fall under good moisture conditions, full leaf, before blossoms begin to fall.

6 10/10

NON-CROP SPRAYING

CANADA THISTLE, WHITE TOP AND MEADOW BUTTERCUP (In non-crop areas such as Roadsides, Fence Rows, Rights-of-Way and similar places): For spot treatment, use 1/4 pint in 3 to 4 gallons of water, or 3/4 gallon per acre in sufficient water to give coverage for most extensive areas. Spray to wet weeds thoroughly when in bud to early bloom and again on fall regrowth. Do not forage or graze livestock or dairy animals on treated areas within 7 days of treatment. 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.

CONDITIONS OF SALE AND WARRANTY

The **DIRECTIONS FOR USE** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of ALBAUGH, INC. or the Seller. All such risks shall be assumed by the Buyer.

ALBAUGH, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use subject to the inherent risks referred to above. **ALBAUGH, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS OR CAUTIONS.**

BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OF 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. When Buyer suffers losses or damages resulting from the use or handling of this product (including claims based on contract, negligence, strict liability, or other legal theories), Buyer must promptly notify Seller in writing of any claims to be eligible to receive either remedy stated above. **IN NO CASE SHALL ALBAUGH, INC. OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.** ALBAUGH, INC. and the Seller offer this product, and the Buyer accepts it, subject to the foregoing Conditions of Sale and Warranty, which may be varied only by agreement in writing signed by a duly authorized representative of ALBAUGH, INC. No employee or agent of ALBAUGH, INC. or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.

**ACCEPTED
with COMMENTS
In EPA Letter Dated**

OCT 24 2000

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

42750-14