

42750-18

07/10/2003

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 10 2003

Michael Kellogg  
Albaugh Inc.  
c/o Pyxis Regulatory Consulting, Inc.  
11324 17<sup>th</sup> Ave., Ct. NW  
Gig Harbor, WA 98332

Dear Mr. Kellogg:

SUBJECT: Label Amendment Per PRN 2001-1 and Other  
Minor Label Revisions  
Visko-Rhap Low Volatile 2DP  
EPA Registration No. 42750-18  
Your Application Dated March 4, 2003

The label amendment referred to above, submitted in accordance with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable, provided that the following revision is made:

1. Revise the active ingredient statement on the front panel to read: #2-Ethylhexyl ester of 2-(2,4-dichlorophenoxy) propionic acid.....33.65%.#

A stamped copy is enclosed for your records. Please submit one (1) copy of your final printed labeling before you release the product for shipment. This amended labeling supersedes all previously accepted ones.

Sincerely yours,

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

Enclosure

7505C							
Miller							
7/10/03							

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ACCEPTED  
with COMMENTS  
In EPA Letter Dated  
JUL 10 2003

ALBAUGH, INC.  
**VISKO-RHAP®**  
**LOW VOLATILE 2DP**

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.  
42750-18

**ACTIVE INGREDIENT:**

Isoocetyl ester of 2-(2-4-dichlorophenoxy) propionic acid\* ..... 33.65%

~~INERT/OTHER~~ **INGREDIENTS:** ..... 66.65%

**TOTAL:** ..... 100.00%

\*Equivalent to 24.6% of 2,4-DP acid or not less than 2.0 lbs. of 2,4-DP acid per gallon.

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**

STATEMENT OF PRACTICAL TREATMENT

~~IF SWALLOWED:~~ Do not induce vomiting. Call a physician. Note to physician: Aspiration hazard may contraindicate the use of gastric lavage.

~~IF ON SKIN:~~ Wash with plenty of soap and water. Get medical attention if irritation persists.

~~IF IN EYES:~~ Flush with plenty of water for 15 minutes. Get medical attention.

<b>FIRST AID</b>	
<b><u>If swallowed:</u></b>	<ul style="list-style-type: none"> <li>• Immediately call a poison control center or doctor.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give <b>any</b> liquid to the person.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b><u>If on skin or clothing:</u></b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b><u>If in eyes:</u></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>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 1-800-424-9300 for emergency medical treatment information.	
<b>NOTE TO PHYSICIAN</b>	
Contains petroleum distillate – vomiting may cause aspiration pneumonia.	

(See side panel for additional Precautionary Statements).

EPA Reg. No. 42750-18

EPA Est. No. ~~42750-MO-1~~

Manufactured by  
ALBAUGH, INC.  
Ankeny, Iowa 50021

NET CONTENTS  
\_\_\_\_ GALLONS

By virtue of an agreement with the patent owner, the purchaser of the material in this container is hereby authorized to practice with said material the processes of U.S. Patents 3,197, 299; 3,592,383; and 3,640,461. Similar authorization to practice the processes of said patents with material from any source is available from the patent owner.

LICENSED FOR USE UNDER U.S. PATENTS 2,900,411 AND 3,189,430.

**PRECAUTIONARY STATEMENTS**

**CAUTION**

**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**CAUTION**

Harmful if swallowed. Avoid contact with skin, eyes or clothing. Harmful if inhaled. Avoid breathing spray mist. Wash thoroughly with soap and water after handling.

**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 E on an EPA chemical-resistance category selection.

Applicators and other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves Category E, such as barrier laminate > 14 mils, nitrile rubber > 14 mils, neoprene > 14 mils, or viton > 14 mils, shoes plus socks, and chemical-resistant headgear for overhead exposure.

If this container contains over 1 gallon and less than 5 gallons, mixers and loaders who do not use a mechanical system (probe and pump) to transfer the contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

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. After each day of use, clothing or PPE must not be reused until it has been cleaned.

**ENGINEERING CONTROL STATEMENTS**

If this container contains 5 gallons or more in capacity, do not open pour product from this container. A mechanical system (such as a probe and pump or spigot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal. If the mechanical system is used in a manner that meets the requirements listed in the

Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)], the handler PPE requirements may be reduced or modified as specified in the WPS.

~~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**

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.

**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 cleaning equipment or disposing of equipment washwaters.~~

Most cases of groundwater contamination involving phenoxy herbicides such as ~~Visko-Rhap~~ <sup>Low Volatile 2DP</sup> 2,4-D have been associated with mixing/loading and disposal sites. Caution should be exercised when handling 2,4-DP pesticides at such sites to prevent contamination of groundwater supplies. Use of closed systems for mixing or 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.

~~When cleaning equipment, do not pour the washwater on the ground; spray or drain over a large area away from wells and other water sources.~~

**PHYSICAL OR CHEMICAL HAZARDS**

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.

**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.

chemical-resistant gloves Category E, such as barrier laminate > 14 mils, nitrile rubber > 14 mils, neoprene rubber > 14 mils, or viton > 14 mils, shoes plus socks, 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 allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried.

**STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage or disposal. ~~seeds, fertilizer, insecticides or fungicides by transport, storage, disposal or cleaning of equipment.~~

**PESTICIDE STORAGE:** Open dumping is prohibited. Do not use or store near heat or open flame. Do not store near other pesticides or seeds. Do not reuse containers. Store at temperatures above 32°F. If stored below freezing, it may be necessary to warm to 40°F and agitate before using.

**PESTICIDE DISPOSAL:** Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law and may contaminate groundwater. 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 DISPOSAL:** 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.

**NOTE:** Do not mix with liquid fertilizers.

Visko-Rhap® formulations are designed to produce thick invert emulsions when used in the Two-Fluid Spray System. The formulation and water enter the spray system separately to be mixed in a special chamber as the spraying is performed.

For best performance dilute and mix 1 part of Visko-Rhap® Low Volatile 2DP with 1-3 parts of No. 2 fuel oil or kerosene before placing it in the supply tank.

The formulation and water SHOULD NOT be mixed before use.

If this product is to be applied through a bifluid nozzle, sodium bisulfate, water-conditioning agent, must be added at the rate of 2 pounds per 50 gallons of water.

This product when used as directed forms a thick invert emulsion that breaks up into large spray droplets, which are least likely to drift. However, minute quantities can cause injury by drift, and application conditions that permit drift of spray should be avoided. Do not allow this chemical or dilution of it to come in contact with susceptible broadleaf plants that are desirable such as cotton, soybeans, tomatoes.

grapes, clover and other legumes, and ornamentals. Excessive amounts of this product in the soil may temporarily inhibit seed germination and all plant growth. Do not use the same spray equipment for other purposes where even trace amounts of this chemical may cause injury.

**WHERE TO USE**

Visko-Rhap® Low Volatile 2DP will control Sand Sagebrush and Shinnery Oak. Best results are obtained when spraying is done while weeds are young and actively growing.

Application rates of up to 1 pound per acre of 2,4-DP acid equivalent (1 to 2 quarts of formulation) are recommended depending on brush density and height. Spray to cover foliage of unwanted vegetation. Two successive applications spaced a year apart are recommended for Shinnery Oak.

Aerial Application: Fill water tank with fresh, clean water. Water temperature should not be less than 55°F. Add Visko-Rhap® Low Volatile 2DP herbicide to the formulation tank. Use orifices giving (formulation: water) ratio in the range of 1:3 to 1:9. Adjust pressure regulator on the pumps to suit the spray job being done, but do not exceed 35 p.s.i. Application rate: ½ to 1 pound per acre of 2,4-DP acid equivalent (1 to 2 quarts of formulation).

**AERIAL SPRAY DRIFT MANAGEMENT**

**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 is responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target movement from aerial applications to agricultural field crops. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

1. The distance of the outer most nozzles on the boom must not exceed ¾ the length of the wingspan or rotor.
2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they should be observed.

The applicator should be familiar with and take into account the information covered in the Aerial Drift Reduction Advisory.

Aerial Drift Reduction Advisory

[This section is advisory in nature and does not supersede the mandatory label requirements.]

**Information on Droplet Size**

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (See Wind, Temperature and Humidity, and Temperature Inversions).

**Controlling Droplet Size**

- Volume – Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- Pressure – Do not exceed the nozzle manufacturer’s recommended pressures. For many nozzle types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- Number of nozzles – Use the minimum number of nozzles that provide uniform coverage.

- Nozzle Orientation – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- Nozzle Type – Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

**Boom Length**

For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.

**Application Height**

Applications should not be made at a height greater than 10 feet above the top of the target plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

**Swath Adjustment**

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind, smaller drops, etc.)

**Wind**

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

**Temperature and Humidity**

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

**Temperature Inversions**

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

**Sensitive Areas**

The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

**DO NOT USE AROUND HOME OR RECREATION AREAS.**

Do not apply this product on lawns. Legumes such as White Clover are susceptible and may be severely damaged or killed.

**CONDITION OF SALE, WARRANTY, LIMITATION OF LIABILITY**

~~This product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated on such label only when used in accordance with directions under normal use conditions. Follow directions carefully. Timing and method of application, weather and crop conditions, mixture with other chemicals not specifically recommended and other influencing factors in the use of this product are beyond the control of the seller. Buyer assumes all risks of use, storage, or handling of this material, not in strict accordance with directions given herewith. In no case shall the seller be liable for consequential, special, or indirect damages, such as loss of profits or values resulting from the use or handling of this product.~~

**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., its Supplemental Distributors or the Seller. All such risks shall be assumed by the Buyer.

ALBAUGH, INC., its Supplemental Distributors and the Seller warrant 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. NEITHER ALBAUGH, INC. NOR ITS SUPPLEMENTAL DISTRIBUTORS MAKE ANY 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.

BUYER'S EXCLUSIVE REMEDY AND THE EXCLUSIVE LIABILITY OF ALBAUGH, INC., ITS SUPPLEMENTAL DISTRIBUTORS AND THE SELLER FOR ANY AND ALL CLAIMS, 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.

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., ITS SUPPLEMENTAL DISTRIBUTORS, OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. ALBAUGH, INC., its Supplemental Distributors, 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., its Supplemental Distributor, or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.

**IN CASE OF EMERGENCY CALL CHEMTREC: 1-800-424-9300**