

PM 23

42150-23

9/5/97

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Alice Walker, Ph.D.
Albaugh, Inc.
c/o Regulatory Consulting
785 Country Club Drive
Senatobia, MS 38668

SEP 5 1997

Dear Dr. Walker:

Subject: Revised Precautionary Language; CAUTION Signal Word
Albaugh MCPA Ester 4
EPA Registration No. 42750-23
Your Submission Dated July 14, 1997

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following provisions:

- 1) Revise the amount of water required for the total spray volume for aerial application in the section entitled "Amount of Spray to Apply" and in the use directions for "Established Grassland" to at least two gallons per acre. The spray volume of one gallon per acre was originally approved for this product in error. In order to support an aerial spray volume with less than two gallons of water per acre, crop field trial data reflecting aerial application are required. Alternatively, existing data may be cited provided that it was performed with a product of the same formulation type (e.g., emulsifiable concentrate).
- 2) Revise the amount of water required for the total spray volume for ground application in the use directions for "Established Grassland" to at least five gallons per acre.

A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the referenced label, incorporating the above changes, before releasing the product for shipment.

Sincerely yours,

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

Enclosure

DK: 305-7546: AB/PM 23

CONCURRENCES

SYMBDL •	7505C							
SURNAME •	D. KENNY							
DATE •	9/5/97							

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ACCEPTED
with COMMENTS
In EPA Letter Dated

SEP 5 1997

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
42750-23

ALBAUGH
MCPA ESTER 4

HERBICIDE FOR SELECTIVE CONTROL OF CERTAIN WEEDS
IN WHEAT, OATS, BARLEY, RYE, GRASSLAND AND IN NON-CROP AREAS

ACTIVE INGREDIENT:
2-ethylhexyl ester of 2-methyl-4-chlorophenoxyacetic acid* 69.7%
INERT INGREDIENTS†: 30.3%
TOTAL .. 100.0%

* Equivalent to 44.7% of 2-methyl-4-chlorophenoxyacetic acid isomer specific of not less than 3.7 pounds of 2-methyl-4-chlorophenoxyacetic acid isomer specific per gallon at 68°F. Isomer specific by AOAC Method.
†Contains petroleum distillates.

EPA Reg. No. 42750-23

EPA Est. No. 42750-MO-1

KEEP OUT OF REACH OF CHILDREN

CAUTION

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Call a physician or get medical attention. Do not induce vomiting. Do not give anything by mouth to an unconscious person. Avoid alcohol.
IF INHALED: Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.
IF ON SKIN: Wash with plenty of soap and water. Get medical attention.
NOTE TO PHYSICIAN: May pose as aspiration pneumonia hazard.

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

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

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes or 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 E on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves, such as barrier laminate, nitrile rubber, neoprene rubber, or viton, shoes plus socks, and protective eyewear.

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.

ENVIRONMENTAL HAZARDS

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. Do not apply when weather conditions favor drift from target area.

Spray equipment used in applying this product should be thoroughly cleaned before using for any other purposes. Use repeated flushing with soap and warm water or suitable chemical cleaner. It is best to use a separate sprayer for application of insecticides and fungicides.

This product will kill or seriously injure many desirable forms of vegetation. Do not apply directly to flowers, fruits, vegetables, grapes, ornamentals, cotton or other desirable plants. Do not use when there is hazard from drifting mists. (Coarse sprays are less likely to drift.) Vapors from this product may injure susceptible plants in the immediate vicinity.

Avoid contamination of water used for domestic purposes and irrigation purposes. Excessive amounts of this product in the soil may temporarily inhibit seed germination and plant growth.

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.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame.

USER SAFETY RECOMMENDATIONS

Users should 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.

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: long-sleeved shirt and long pants, chemical-resistant gloves, such as barrier laminate, nitrile rubber, neoprene rubber, or viton, shoes plus socks, and 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.

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 and other agricultural chemicals. Keep container closed when not using. Do not allow water into container as this may cause deterioration of product. 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 relabel usable 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: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

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.

CONTROLS THESE AND OTHER WEEDS

SUSCEPTIBLE (MOST AREAS)

Annual sowthistle	Lambsquarters	Shepherdspurse
Beggarticks	(goosefoot)	Stinkweed
Cocklebur	Marshelder	(pennycress,
Dragonhead mint	Mustards (annual)	fanweed)
Field peppergrass	Poison hemlock	Wild radish
Goatsbeard	Puncturevine	Yellow rocket
Hempnettle	Ragweed	or wintercress

LESS SUSCEPTIBLE

Buttercups	Perennial sow	Sunflower
Canada thistle	Plantains	Vetch
Chervil	Purslane	White top or
Dandelions	Russian pigweed	hoary cress
Kochia	Stinging nettle	
Miner's lettuce		

PREPARATION OF THE SPRAY

Fill the spray tank with half the required amount of water, then add the recommended amount of MCPA Ester 4 and continue filling the spray tank with the balance of water. Keep agitator running when filling spray tank and during spray operations. 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.

Do not apply MCPA isooctyl ester by aerial application in the vicinity of sugar beets. Do not apply MCPA isooctyl ester around houses, recreation sites, or similar areas.

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. Carefully read the Environmental Hazards section of the Precautionary Statements for further information on spray volume.

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 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.

FLAX: Use 1/4 to 1/2 pint per acre. Apply by ground sprayer or by airplane. 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. Do not forage or graze dairy animals on treated areas within 7 days after treatment.

GRASSES

ESTABLISHED GRASSLAND: Use 1 to 3 pints per acre in sufficient water (1 to 10 gallons) by airplane or ground sprayer application and 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.

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. **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.

NON-CROP SPRAYING ALONG FENCE ROWS AND ROADSIDES: Canada Thistle, White Top and Meadow Buttercup - For spot treatment, use 1/4 pint in 3 to 4 gallons of water, or 3/4 gallon 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.

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 the seller. Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith. Do not apply this product through any type of irrigation system.

WARRANTY LIMITATIONS AND DISCLAIMER

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the DIRECTIONS FOR USE when used under normal conditions. THIS IS THE ONLY WARRANTY MADE ON THIS PRODUCT. NO OTHER EXPRESS AND NO IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS MADE OUTSIDE OF THIS LABEL. Therefore, neither this warranty nor any other warranty of merchantability or fitness for a particular purpose, express or implied, extends to the use of this product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), under abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes, etc.) or under conditions not reasonably foreseeable to or beyond the control of seller.

When buyer or user 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 or user must promptly notify seller, in writing, of any claims to be eligible to receive either remedy given below. The EXCLUSIVE REMEDY OF THE BUYER OR USER and the LIMIT OF LIABILITY of seller will be one of the following, at the election of the seller:

1. Refund of purchase price paid by buyer or user for product bought or
2. Replacement of amount of product used.

The seller will not be liable for consequential or incidental damages or losses.

The terms of this Warranty Limitations and Disclaimer cannot be varied by any written or verbal statements or agreements. Any employee or sales agent of the seller is not authorized to vary or exceed the terms of this Warranty Limitations and Disclaimer in any manner.