

48234-10

01/15/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 15 2009

Ann M. Tillman, Agent for
Regal Chemical Company, c/o
Pyxis Regulatory Consulting, Inc.
4110 136th St. , N.W.
Gig Harbor, WA 98332

Subject: Label Notifications for Pesticide Registration Notice 2007-4

Dear Ms. Tillman,

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated September 25, 2008 for the following products:

RegalKade[®]	EPA Registration Number 48234-5
RegalKade[®] 37	EPA Registration Number 48234-6
RegalKade[®] 30	EPA Registration Number 48234-8
RegalKade[®] 25	EPA Registration Number 48234-9
Regal O-O Herbicide[®]	EPA Registration Number <u>48234-10</u>
RegalKade[®] G	EPA Registration Number 48234-16

The Registration Division (RD) has conducted its review of these requests for their applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4. The labels submitted with the applications have been 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 call me directly at 703-305-6249 or Steve Schaible of my staff at 703-308-9362.

Sincerely,



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

PYXIS REGULATORY CONSULTING, INC.

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4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

September 25, 2008

COURIER DELIVERY

Joanne Miller (PM 23)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Regal Chemical Company – Regal O-O Herbicide (EPA Reg. No. 48234-10)
Revision to Container Disposal Instructions per PRN 2007-4

Dear Ms. Miller,

On behalf of Regal Chemical Company please find the enclosed label notification revising the container disposal instructions per PRN 2007-4 for Regal Chemical Company’s Regal O-O (EPA Reg. No. 48234-10).

In support of this notification submission, we submit the following documents:

1. Completed Application for Registration (EPA Form 8570-1)
2. One (1) copy of the Regal O-O Herbicide labeling with changes tracked
3. One (1) copy of the Regal O-O Herbicide labeling with changes incorporated
4. Letter of Authorization

Please feel free to contact me by phone (253) 853-7369 or by email at Ann@PyxisRC.com if you have any questions or need any additional information.

Sincerely,



Ann M. Tillman

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Enclosures

S/a

Regal O-O Herbicide®

For sale to and use by professional applicators only. Not for sale to or use by homeowners/consumers.

For pre-emergent control of weeds in commercial nurseries and ornamental landscapes. Especially suited for use in container, field grown and landscape ornamentals, and foliage crops.

ACTIVE INGREDIENTS:

- Oxyfluorfen: 2-chloro-1- (3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene 2.0%
- Oxadiazon: 2-tert-butyl-4- (2,4-dichloro-5-isopropoxyphenyl)-delta2-1, 3,4-oxadiazolin-5-one 1.0%

OTHER INGREDIENTS: 97.0%
 TOTAL 100.0%

NOTIFICATION

JAN 15 2009

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

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 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 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 swallowed:	<ul style="list-style-type: none"> • 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. • Do not give anything by mouth to an unconscious person.
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.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-621-5208 for emergency medical treatment information.	

EPA REG. NO. 48234-10

EPA EST. NO. 48234-GA-1

**Regal Chemical Company
Alpharetta, GA 30004**

Net. Weight 50 Pounds



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

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are made of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant footwear plus socks
- Chemical-resistant gloves
- Chemical-resistant apron for mixers and loaders

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

USER SAFETY RECOMMENDATIONS:

- Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should 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.

ENGINEERING CONTROLS:

When handlers use closed systems or enclosed cabs 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

This pesticide is toxic to aquatic invertebrates and wildlife. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. See Directions for Use for additional restrictions. Do not contaminate water when disposing of equipment washwaters or rinsate.

GENERAL INFORMATION

Regal O-O Herbicide® is a unique combination of active ingredients for a dry granule application giving the user a broader spectrum of weed control and ornamental plant tolerance. Regal O-O Herbicide is not registered for use on any edible food crops. It has demonstrated effective utility on many ornamental plants as a preemergent herbicide, but if its use is not known on any given species - test applications under user conditions are recommended to demonstrate plant safety.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Read entire label before using this product.

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.
Not for use on home lawns.

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). The REI is 24 hours for all crops except for the following:

- Conifer seedlings: The REI is three days.
- Conifer trees: The REI is six days.

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 made of any waterproof material
- Shoes plus socks

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 or allow others to enter the treated area until dusts have settled.

For use on container and field grown ornamentals. Regal O-O Herbicide has been thoroughly researched, however, testing has not been conducted on all species or cultivars, or under all growing conditions. In some instances efficacy may vary.

This herbicide is a pre-emergent product, so it should be applied at recommended rate, prior to susceptible weed seed germination, with a suitable spreader which will assure accurate even particle distribution. Do not disturb soil surface once the product has been applied, as uniform placement is disrupted and herbicide effectiveness is thereby reduced. Applications should be made to weed free surfaces. Do not apply herbicide granules to wet foliage as phytotoxicity can result. For best results, water-in the product as soon as practical after application.

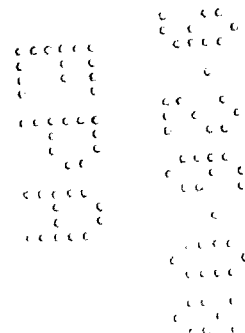
Apply 2.3 lbs of product per 1000 sq. ft., or 100 lbs per acre. For continued weed control, repeat applications are recommended at 3-4 month intervals.

Container grown ornamentals:

DO NOT apply more than three applications of 100 Lbs. of product per acre per season (total of 3 lbs of oxadiazon and 6 lbs of oxyfluorfen per acre per year).

Conifer Seedlings:

DO NOT apply more than 100 Lbs. per acre per season (total of 1 lbs of oxadiazon and 2 lbs of oxyfluorfen).



Regal O-O Herbicide has shown excellent results when used on the following:

Container &/or Field Grown (General)

Abelia	*Euonymus	Pittosporum
Acacia	Forsythia	*Potentilla
Acer	Gardenia	Prunus
Araucaria	*Hydrangea	Pyracantha
*Azalea (Rhododendron)	Hypericum	Quercus
Berberis	*Ilex	Rhaphiolepis
Betula	Jasminum	*Rhododendron
Buxus	Juniperus	Santolina
Callistemon	Ligustrum	Schefflera
Camellia	Lonicera	Spiraea
Cercis	Magnolia	Syringa
Chamaecyparis	Mahonia	Taxus
Chamaedorea	Nerium	Thuja
Cornus	Pachysandra	Viburnum
Cotoneaster	Photinia	Weigela
Cupressus	Picea	Xylosma
Cytisus	Pieris	
Escallonia	Pinus	

***Certain species of these genera may be sensitive to this herbicide. Use test plots to determine sensitive cultivars, if not known.**

Pre-emergence control of the following weeds has been demonstrated when using Regal O-O Herbicide at recommended rate, timing and proper techniques and conditions. Many other weed species may also be controlled.

Weed grasses:

Annual bluegrass	(<i>Poa annua</i>)
Barnyardgrass	(<i>Echinochloa crusgalli</i>)
Crabgrass	(<i>Digitaria sanguinalis</i>)
Goosegrass	(<i>Eleusine indica</i>)
Sprangletop	(<i>Leptochloa uninervia</i>)

Broadleaf Weeds:

Bittercress	(<i>Cardamine pensylvanica</i>)
Common Chickweed	(<i>Stellaria media</i>)
Cudweed	(<i>Gnaphalium obtusifolium</i>)
Dandelion	(<i>Taraxacum officinale</i>)
Fireweed	(<i>Epilobium angustifolium</i>)
Fleabane	(<i>Erigeron strigosus</i>)
Groundsel	(<i>Senecio vulgaris</i>)
Horseweed	(<i>Conyza canadensis</i>)
Oxalis	(<i>Oxalis stricta</i>)
Pearlwort	(<i>Segina procumbens</i>)
Pepperweed	(<i>Lepidium virginicum</i>)
Pigweed	(<i>Amaranthus retroflexus</i>)
Shepherdspurse	(<i>capsella burse-pastoris</i>)
Sowthistle	(<i>Sonchus arvensis</i>)
Spurge, Garden	(<i>Euphorbia hirta</i>)
Spurge, Prostrate	(<i>Euphorbia humistrata</i>)
Spurge, Spotted	(<i>Euphorbia maculata</i>)



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PRECAUTIONS AND LIMITATIONS

Do Not apply to wet or moist foliage.

Do Not apply to plant types whose leaves funnel the herbicide granules to the leaf base, for removal of granules is difficult and can result in foliage injury.

Do Not apply in wind conditions that will affect product distribution. Uneven distribution will result in erratic weed control.

Do Not apply over plants that are producing flush new growth. Tender, new leaves are especially sensitive and injury may result.

Do Not use on any varieties or cultivars unless user is familiar with the results on specific plant materials under his growing conditions.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a clean, dry place.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide is a violation of Federal Law. Wastes of Regal O-O Herbicide should be disposed of by use according to label instructions. If needed, contact local Environmental Control Agency, or Hazardous Waste representatives for recommendations.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag contents into application equipment. Offer for recycling, if available or dispose of empty bag in a sanitary landfill or by incineration, or, if permitted by local and state authorities, by burning. If burned, stay out of smoke.

NOTICE TO USER

Plant tolerance to O-O Herbicide has been found to be acceptable on all ornamentals that it has been tested on. Due to the large number of species and varieties of ornamentals and nursery plants, it is impossible to test every one for tolerance to O-O Herbicide. Neither the manufacturer nor seller has determined whether or not O-O Herbicide can be used safely on ornamental plants not specified on this label. The professional user should determine if O-O Herbicide can be used safely prior to commercial use. In a small area test the recommended rates on a small number of plants for phytotoxicity prior to widespread use.

NOTICE OF WARRANTY

NO WARRANTY OR REPRESENTATION IS MADE, EXPRESS, OR IMPLIED, CONCERNING THE RESULTS OBTAINED FROM THE USE OF THIS PRODUCT IF NOT USED IN ACCORDANCE WITH DIRECTIONS OR ESTABLISHED SAFE PRACTICE. To the extent consistent with applicable law, the exclusive remedy of the user or Buyer, and the limit of liability of Regal Chemical Company or any other Seller, for any and all losses, injuries or damages resulting from the use of handling of this product shall be the purchase price paid by the user or Buyer for the quantity of this product involved. The Buyer and all users are deemed to have accepted the terms of this Notice, which may be varied only by agreement in writing, signed by a duly authorized representative of Regal Chemical Company.

NOTIFICATION

JAN 15 2009

