

61483-13

11/10/2004

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

NOV 10 2004

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

KMG -Bernuth Inc.
Care of:
Dr. Hubert R. O' Neal
Chemical and Regulatory Consultant
11202 Pecan Creek Drive
Houston, TX 77043-4613

Dear Mr. O' Neal:

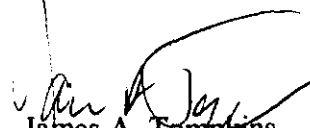
Subject: Daconate
EPA Registration Number 61483-13
Resubmission dated May 10, 2004

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable, provided you make the following changes before you release the product for shipment.

1. Change "waterproof gloves" to "Chemical-resistant gloves made of any waterproof material" in the PPE section and Agricultural Use Requirements box.
2. On page 8, in the section NONBEARING FRUITS AND NUTS, change "nobearing" to "nonbearing" in the first sentence.
3. In the section STORAGE AND DISPOSAL, move the statement "Open dumping is prohibited" to the subsection Pesticide Disposal.

The basic CSF change of the product referred to above (dated 7/23/03), submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable. The basic CSF will supercede all previously accepted basic CSF's and will be added to your file. If you have any questions, please contact Hope Johnson at 703-305-5410.

Sincerely,


James A. Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505C)

Daconate®

MSMA Plus Surfactant for Postemergence Weed Control

ACTIVE INGREDIENT:

Monosodium Acid Methanearsonate 35.2%

OTHER INGREDIENTS: 64.8%

TOTAL: 100.0%

Total Arsenic, all in water-soluble form, expressed as elemental 16.3%

Product Contains 4.0 Pounds MSMA Per Gallon

EPA Reg.No. 61483-13

EPA Est. No. 054816-MX-1

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not give anything by mouth to an unconscious person. Do not induce vomiting unless told to by a poison control center or doctor.

IF IN EYES: 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. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: 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 INHALED: 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. Call a poison control center or doctor for further treatment advice.

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.

ACCEPTED
with COMMENTS
in EPA Letter Dated

Net Contents: _____

NOV 10 2004
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

61483-13

KMG-BERNUTH, INC
10611 Harwin Drive, Suite 402
Houston, Texas 77036

**CONDITIONS OF SALE AND
LIMITATION OF WARRANTY AND LIABILITY**

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of KMG or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold KMG and Seller harmless for any claims relating to such factors.

KMG warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or KMG, and Buyer and User assume the risk of any such use. **KMG MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

In no event shall KMG or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF KMG AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF KMG OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

KMG and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by a duly authorized representative of KMG.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed or absorbed through the skin. Avoid contact with eyes, skin or clothing. Avoid breathing vapors or spray mist.

FOR CHEMICAL EMERGENCY. Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300.

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- Protective eyewear
- Chemical-resistant apron when cleaning equipment, mixing or loading

For exposures in enclosed areas:

- A respirator with an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P or HE prefilter.

For exposures outdoors:

- Dust/mist filtering respirator (MSHA/ NIOSH approval number prefix TC-21 C) or a NIOSH approved respirator with any N, R, P or HE filter.

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

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

DO NOT apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark.

DO NOT contaminate water by disposal of equipment washwaters.

DO NOT feed treated foliage to livestock or graze treated areas.

DO NOT spray or allow drift onto vegetables, ornamentals or other desirable plants.

DO NOT apply when weather conditions favor drift from target area.

DO NOT contaminate water by cleaning of equipment or disposal of wastes.

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
- 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.

Keep children and domestic animals off treated areas until spray has dried or this material has been washed into the soil.

GENERAL INFORMATION

DACONATE® is a postemergence herbicide for use in cotton, turf, fruit, nuts and noncrop areas.

DACONATE® contains a surfactant (wetting agent) in proper ratio for best results.

It is not necessary to add additional surfactant to the spray tank. Local conditions and recommendations vary; consult local agricultural experiment station or extension service weed specialists for recommendations in your area.

A list of weeds controlled with DACONATE® includes:

Bahiagrass (<i>Paspalum sp.</i>)	Guineagrass (<i>Panicum sp.</i>)
Barnyardgrass (<i>Echinochloa crus-galli</i>)	Jimsonweed (<i>Datura stramonium</i>)
Beggartick, hairy (<i>Bidens pilosa</i>)	Johnsongrass (<i>Sorghum halipense</i>)
Brachiaria spp.	Momingglory (<i>Ipomoea spp.</i>)
Broomsedge	Mustard, wild
Chickweed (<i>Stellaria media</i>)	Nutsedge (<i>Cyperus sp.</i>)
Cocklebur (<i>Xanthium spinosum</i>)	Oats, wild (<i>Avena fatua</i>)
Crabgrass, large (<i>Digitaria sp.</i>)	Pigweed (<i>Amaranthus sp.</i>)
Crabgrass, smooth (<i>Digitaria sp.</i>)	Puncturevine (<i>Tribulusterrestris</i>)
Dallisgrass (<i>Paspalum dilatatum</i>)	Purslane, common
Dandelion (<i>Taraxacum officinale</i>)	Ragweed (<i>Ambrosia spp.</i>)
Dayflower (<i>Commelina sp.</i>)	Sandbur (<i>Cenchrus sp.</i>)
Fall Panicum (<i>Panicum dichotomiflorum</i>)	Sicklepod (<i>Cassia obtusifolia</i>)
Fiddleneck (<i>Amsinckia sp.</i>)	Sorrel, Wood (<i>Oxalis sp.</i>)
Florida Beggarweed (<i>Desmodium tortuosum</i>)	Spurge (<i>Euphorbia sp.</i>)
Foxtail (<i>Setaria sp.</i>)	Witchgrass (<i>Panicum capillare</i>)
Goosegrass (<i>Eleusine indica</i>)	

Mixing Instructions: Fill the spray tank with half the required amount of water and, with pump or agitator operating, add the recommended amount of DACONATE® herbicide and continue filling the tank with balance of water and mix thoroughly.

DO NOT store spray solution in tank overnight. Clean application equipment thoroughly after use by flushing with water in a safe place.

Application Methods: DACONATE® should be applied with a low-volume, properly calibrated sprayer having satisfactory pumping and bypass action. **ADJUST NOZZLES TO KEEP SPRAY OFF COTTON FOLIAGE AND IN A MANNER TO ALLOW MAXIMUM COVERAGE OF WEEDS.** Adequate coverage is very important for effective weed control.

Apply during warm weather when weeds are in an active stage of growth.

DO NOT apply this product through any type of irrigation equipment.

COTTON

DACONATE® is useful as a postemergence spray for control of the weeds listed above. Mix DACONATE® at the rate of 4 pints in 40 gallons of water for application as a DIRECTED broadcast spray to one acre when weeds are small. For band applications, apply 1 gallon of above diluted spray per acre for each 1 inch band width to be treated of cotton grown on 40 inch row spacing. A second or repeat application, if needed, should be timed about 1 to 3 weeks after the first application. Keep spray off cotton foliage.

Apply Only When Cotton is 3 inches High to First Bloom. DO NOT Apply After First Bloom.

Slight burning and reddish discoloration of cotton foliage may occasionally be seen following recommended treatment, however, cotton plants will develop normally and yield will not be affected.

Emergency Preplant Application: When planting of cotton to prepared seedbeds has been delayed and weeds have emerged, one application of DACONATE® at the above rate can be made prior to seeding.

Note: Applications to cotton in Florida should be made to band treatments.

ORNAMENTAL TURFGRASS

DACONATE® can be used for selective control of the weeds listed above with little or no injury to well-established, actively growing turfgrasses. Mow turfgrasses to height of 1 to 1-1/2 inches before treatment. Mix 1-1/2 fluid ounce (3 tablespoons) of DACONATE® in 1 to 2-1/2 gallons of water for application to an area of 1,000 square feet. Established Bermuda grass and zoysiagrass mix 1 to 2 fluid ounces (2 to 4 tablespoons) of DACONATE® in 1 to 2-1/2 gallons of water for application to an area of 1000 square feet. Application should be uniform and thorough to adequately wet all undesirable plants. Two or more repeat treatments at 14 day intervals may be necessary. Make applications during warm weather when temperature is between 80° and 90°F. DO NOT water turf for at least 24 hours AFTER application. Turfgrasses may be temporarily discolored. Bermuda-grass, bluegrasses and zoysiagrass have shown tolerance to properly applied DACONATE®. Injury may result if applied to bentgrasses, fescues and St. Augustinegrass. DO NOT apply to St. Augustinegrass except for commercial sod production. DO NOT apply to carpetgrass, centipedegrass or to Dichondra. DO NOT reseed until two weeks after last application. DO NOT apply with hose-end applicators. For applications to St. Augustinegrass, applications may be made to sod on sod farms with the last application approximately 4-5 weeks prior to lifting the sod for harvest to allow for full recovery before lifting. The St. Augustinegrass sod will be temporarily discolored following application. Do NOT apply to freshly mowed St. Augustinegrass sod.

9/9

NONBEARING FRUITS AND NUTS

DACONATE® is effective as a directed postemergence spray for control of the above listed weeds in nobearing almond, walnut, grapefruit, lemon, lime, orange and tangerine orchards and plantings of nonbearing apples, cherries, peaches, pears, plums and prunes. Mix at a rate of 4 pints DACONATE® in 100 gallons of water and apply to an area of one acre.

For spot treatment of weeds, mix 4 pints of DACONATE® in 50 gallons of water and apply to point of run-off. Application should be made when weeds are small, during warm weather and when conditions are favorable for good weed growth. If regrowth occurs, repeat applications should be made, but not more than three applications per year. DO NOT allow spray solution to contact foliage, stems or bark of trees or vines. DO NOT use around trees or vines from which crops will be harvested within one year. DO NOT graze treated areas. In Florida, use only as a spot treatment.

NON-CROP

DACONATE® is effective in controlling the above listed weeds on drainage ditchbanks, fence rows, rights-of-way, storage yards and similar non-crop areas. Application should be made when weeds are small and conditions are favorable for good weed growth. Mix at a rate of 4 pints DACONATE® in 40 gallons of water. Spray undesirable vegetation thoroughly to point of run-off. Adequate coverage and complete wetting of foliage is important for effective control. Repeat applications may be necessary if regrowth occurs. DO NOT contaminate waters used for domestic purposes, or by animals, including wildlife and aquatic life, or water used for irrigation purposes.

STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Store in cool dry location in original container.

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: DO NOT reuse empty container. Triple rinse (or equivalent) and offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incinerate, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

RETURNABLE REFILLABLE CONTAINERS: If DACONATE® 6 is packaged in a returnable refillable container, then, after use, do not rinse container. Return container intact to point of purchase. This container must only be refilled with DACONATE® 6. DO NOT REUSE THE CONTAINER FOR ANY OTHER PURPOSE. Before refilling, inspect thoroughly for damage such as cracks, punctures, abrasions, and damaged or worn threads on closure devices. Check for leaks after refilling and before transport.

DACONATE® is a trademark of KMG-BERNUTH, INC.