

62719-356

2/4/2009

1/19



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

FEB 4 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Rafael Herrera
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

Dear Mr. Herrera:

SUBJECT: Label Amendment
Clincher CA
EPA Registration No. 62719-356
Use on Wild Rice, Removal of Engineering Controls
and Limitation to Amounts of Acres Treated by Aerial
Application as a Result of Change in Cancer Classification

The label amendment referred to above, submitted in accordance with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. 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 label supersedes all previously accepted labels. A copy of the review is enclosed for your records.

Sincerely yours,

A handwritten signature in cursive script that reads "Joanne I. Miller".

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

Enclosures

2/19

(Base label for rigid containers 5 gal or less):

Clincher[®] CA

Herbicide

For selective postemergence grass weed control in rice

Active Ingredient(s):	
cyhalofop: 2-[4-(4-cyano-2- fluorophenoxy) phenoxy] propanoic acid, butyl ester, (R).....	29.6%
Other Ingredients	70.4%
Total	100.0%

ACCEPTED
4 FEB 2009

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

62719-356

Contains 2.38 lb of active ingredient per gallon.
Contains petroleum distillates.

Keep Out of Reach of Children

WARNING AVISO

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.)

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes Substantial, But Temporary Eye Injury • Causes Skin Irritation • Harmful If Swallowed

Do not get in eyes or on skin or clothing.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category F or G on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or viton
- Chemical-resistant footwear plus socks
- Protective eyewear (goggles, face shield or safety glasses)

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.

Engineering Controls

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:

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- 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.

First Aid

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 eye. 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 swallowed: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give **any** liquid to the person. Do not give anything by mouth to an unconscious person.

Note to Physician: Contains petroleum distillate - vomiting may cause aspiration pneumonia. No specific antidote. Provide supportive care. Treatment should be based on physician's judgment in response to reactions of the patient.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark except when treating rice fields as specified in this product label. Drift from ground or aerial applications is likely to result in damage to sensitive aquatic organisms in water bodies adjacent to the treatment area. Do not contaminate water when disposing of equipment wash waters or rinsate.

NOTE: See Surface Water and Groundwater advisories in label booklet under Environmental Hazards.

Physical or Chemical Hazards

Combustible. Do not use or store near heat or open flame.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. Refer to label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

Storage and Disposal

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

Pesticide Storage: Store in cool dry place in original container.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or

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collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refer to label booklet for Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of label booklet. If terms are unacceptable, return at once unopened.**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-356

EPA Est. _____

®Trademark of Dow AgroSciences LLC

**Produced for
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268**

Net Contents _____

5/19

(Base label for refillable rigid containers larger than 5 gal):

Clincher[®] CA

Herbicide

For selective postemergence grass weed control in rice

Active Ingredient(s):

cyhalofop: 2-[4-(4-cyano-2- fluorophenoxy)	
phenoxy] propanoic acid,	
butyl ester, (R).....	29.6%
Other Ingredients	70.4%
Total	100.0%

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- Chemical-resistant footwear plus socks
- Protective eyewear (goggles, face shield or safety glasses)

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.

Engineering Controls

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User Safety Recommendations

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NOTE: See Surface Water and Groundwater advisories in label booklet under Environmental Hazards.

Physical or Chemical Hazards

Combustible. Do not use or store near heat or open flame.

Agricultural Use Requirements

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Storage and Disposal

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

Pesticide Storage: Store in cool dry place in original container.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Reuse: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

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Engineering Controls

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Agricultural Use Requirements

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Refer to inside of label booklet for additional precautionary information including Directions for Use.

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(Page 1 through end):

Precautionary Statements

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Surface Water: This chemical can contaminate surface water through spray drift from aerial and ground application equipment. Treated rice paddy water can contaminate surface water through accidental release or overflow, or by deliberate release due to normal growing practices, including interim or final release of flood water at harvest

Groundwater: This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Physical or Chemical Hazards

Combustible. 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. Read all Directions for Use carefully before applying.

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 over long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or viton
- Chemical-resistant footwear plus socks
- Protective eyewear (goggles, face shield or safety glasses)

Storage and Disposal

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

Pesticide Storage: Store in cool dry place in original container.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Nonrefillable containers 5 gallons or less:

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable containers 5 gallons or larger:

Container Reuse: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

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General Information

Clincher® CA herbicide is a postemergence herbicide for selective control of grass weeds in rice. Clincher CA is rainfast within 2 hours after application and has no preemergence or soil residual activity. Only grass weeds emerged at the time of application are controlled. Clincher CA will not control broadleaf weeds or sedges.

General Use Precautions and Restrictions

- **Preharvest Interval:** Do not apply within 60 days of rice harvest.
- Do not apply more than 15 fl oz per acre in a single application. Do not make more than 2 applications or apply more than 25 fl oz per acre during the growing season. Sequential applications must be made at least 10 days apart.
- Do not rotate treated land to crops other than rice for 3 months following application.
- Do not apply where runoff or irrigation water may flow directly onto agricultural land other than rice fields.
- Do not fish or commercially grow fish, shellfish or crustaceans on treated acres during the year of treatment.
- Do not apply if crop and weeds are under drought stress or reduced weed control may result.

- Do not make aerial applications of Clincher CA when wind speeds are less than 3 mph or greater than 10 mph.
- Do not make ground applications of Clincher CA when wind speeds are greater than 10 mph.
- **Chemigation:** Do not apply this product through any type of irrigation system.

Mixing Instructions

Use of Surfactants

Use of an agriculturally approved crop oil concentrate at a rate of 2.5% v/v must be used for all applications of Clincher CA. Read and follow all use directions and precautions on crop oil concentrate label.

Clincher CA - Alone

Fill spray tank to one-half (1/2) full with water. Start agitation. Add required quantity of Clincher CA and crop oil concentrate. Continue agitation while filling spray tank to required volume and during application.

Clincher CA in Tank Mix

Continuous agitation is required for tank mixes. Sparger pipe agitators generally provide the best agitation in spray tanks.

Mixing Order: Fill the tank one-third (1/3) full with water. Start the agitation. Different formulation types should be added in the following order: dry flowables (DF), wettable powders (WP), aqueous suspensions (AS), flowables (F), or liquids (L). Allow each product type to completely disperse before adding another. Continue agitation and fill the spray tank to three-fourths (3/4) full, add the correct quantity of Clincher CA or other emulsifiable concentrates (EC) and mix thoroughly. Finally, add any solution (S) formulations or surfactant, agitate and finish filling. Maintain agitation during filling and during application. If spraying and agitation must be stopped before the tank is empty, suspended materials may settle to the bottom. It is important to resuspend all of the settled material before continuing application. A sparger agitator is particularly useful for this purpose.

Carefully follow all mixing instructions for each material added to the tank. Initial dispersion of dry or flowable formulations can be improved by mixing with a small amount of water (slurrying) and pouring the slurry through a 20 to 35 mesh wetting screen in the top of the spray tank. Line screens in the tank should be no finer than 50 mesh (100 mesh is finer than 50 mesh).

Application Guidelines

Broadcast Spray Volume

Apply in a spray volume of 10 to 15 gallons per acre when applying by air or ground equipment. It is recommended that the spray volume not exceed 15 gallons per acre.

Aerial Application

Follow guidelines in the Spray Drift Management and Aerial Drift Reduction Advisory to minimize potential drift to off-target vegetation. Do not make aerial applications of Clincher CA when wind speeds are less than 3 mph or greater than 10 mph.

Ground Application

Use flat fan nozzles designed for use with herbicides. Follow nozzle manufacturer's recommendations for nozzle pressure, spacing and boom height to provide a uniform spray pattern. Do not make ground applications of Clincher CA when wind speeds are greater than 10 mph.

Avoiding Injury to Non-Target Plants

Do not apply this product where drift may be a problem due to proximity to susceptible crops or other desirable plants. See Buffer Zones below for restrictions.

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Spray drift produced during application is the responsibility of the applicator and care should be taken to minimize off-target movement of spray during application. A drift control agent suitable for agricultural use may be used with this product to aid in reducing spray drift. If used, follow all use recommendations and precautions on the product label.

Buffer Zones

Buffer zones are defined as the distance between the application site and the sensitive agricultural production crop. For aerial applications, follow guidelines in Spray Drift Management and Aerial Drift Reduction Advisory sections, in addition to the recommended buffers, to minimize potential drift to off-target vegetation. The buffer zones listed below must be followed:

Sensitive Agricultural Production Crops	Ground Restrictions	Aerial Restrictions
non-target cereal and grass crops such as corn, sugar cane sudangrass, sorghum, grass grown for seed, millet, and sod farms.	50 feet	450 feet
peaches and nectarines	660 feet	2 miles if wind blowing from treatment area away from sensitive crop. 4 miles if wind blowing from treatment area toward sensitive crop.

Spray Drift Management

Avoiding spray drift is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator, pest control advisor, and grower are responsible for considering all of these factors when making the decision to apply this product.

Avoid all direct or indirect contact with non-target plants. Do not apply near desirable vegetation. Allow adequate distance between target area and desirable plants to minimize exposure:

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).

Aerial Application Requirements

Avoid direct or indirect contact with non-target plants. Do not apply near desirable vegetation. Allow adequate distance between target area and desirable plants to minimize exposure. The following drift management requirements must be followed to avoid off-target drift movement from aerial applications.

- Apply in a spray volume of 10 gallons or more per acre when applying by air.
- Apply with a minimum wind speed of 3 mph but no greater than 10 mph.
- Apply with medium to coarse droplet size as defined in the ASABE S-572 standard publication entitled "Spray Nozzle Classification by Droplet Spectra." Additional information on droplet guidelines can be obtained from the NAAA, USDA or nozzle manufacturer.
- The distance between the outer most nozzles on the boom must not exceed 70% of the wingspan of fixed wing aircraft or 80% of the helicopter rotor width.
- Spray release height should be at the lowest height consistent with efficient application and safety. Release more than 10 feet above canopy must be avoided.
- Aircraft should be patterned per Operation Safe/PAASS program, or equivalent, for calibration and uniformity to provide adequate coverage.

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

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Aerial Drift Reduction Advisory

Information on Droplet Size: For ASABE S-572 Standard compliance, see nozzle manufacturer catalogs, NAAA booklet, or USDA literature or website <http://apmru.usda.gov/> for nozzle and application conditions. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control with the least amount of driftable spray fines.

Controlling Droplet Size: Use of coarser spray per ASABE S-572 rating per USDA or manufacturer's ratings can further reduce drift potential.

- **Volume** - Use high flow rate nozzles that will apply a minimum of 10 gallons per acre.
- **Pressure** - Follow the nozzle manufacturer's pressure recommendations.
- **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 air stream produces larger droplets than other orientations and is the recommended practice. The use of deflectors is not recommended.
- **Nozzle Type** - Use a nozzle type that is designed for the intended application. Consider using low-drift nozzles such as narrow angle flat fan tips. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length: Reducing the effective boom length to 2/3 of the wingspan of fixed-wing aircraft or 3/4 of the helicopter rotor width 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 largest 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: Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind: Drift potential is lowest between wind speeds of 3 to 10 mph. Application should be avoided below 3 mph due to variable wind direction and high inversion potential. Application is not allowed when wind speeds exceed 10 mph due to risk of direct drift to sensitive crops. Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift. State and local regulations with regard to minimum and maximum wind speeds during aerial application may be more restrictive.

Temperature and Humidity: Avoid spraying during conditions of low humidity and high temperature without added precautions. When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is greatest when conditions are both hot and dry.

Temperature Inversions: Applications should not occur into a local, low level temperature inversion because drift potential is high. 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 or mist or by the movement of the 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.

Application Timing

Clincher CA may be applied to rice from the 1 to 2 leaf stage up to 60 days before harvest. Within this application window, application timing is dependent upon cultural practices and optimum timing for weed species present. (See Application Rates and Weeds Controlled table.)

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Water Seeded Rice

A single postflood application is recommended. Fields must be partially drained prior to application to expose weeds. Residual water remaining in the field does not adversely affect weed control so long as weeds are at least 70% exposed. For delayed pin point application, do not allow excessive drying of the soil which may cause the weeds to become drought stressed, resulting in unacceptable weed control. After an application of Clincher CA, begin re-flooding 3 hours after application. For best results, fields should be completely re-flooded 24 to 48 hours after application. Failure to re-flood within 24 to 48 hours after application may result in reduced grass control. **Note:** Do not apply more than 15 fl oz in a single application.

Dry Seeded Rice

Preflood: Clincher CA may be applied prior to permanent flood. Good soil moisture conditions are essential for preflood applications. Flushing of rice fields may be necessary prior to application if rice and weeds are moisture stressed. If a field is flushed, make sure the field is drained prior to treatment so that grass weeds are fully exposed. After an application of Clincher CA, begin re-flooding 3 hours after application. For best results, fields should be flooded 24 to 48 hours after application.

Water Management

Proper water management following an application is a critical component to a grower's total weed management program because Clincher CA has no preemergence or soil residual activity. Water management practices or drained field conditions following an application of Clincher CA can contribute to secondary flushes of grass weeds that are not controlled by the initial Clincher CA application.

Re-flood: After an application of Clincher CA, begin re-flooding 3 hours after application. For best results, fields should be completely re-flooded 24 to 48 hours after application. Failure to re-flood within 24 to 48 hours after application may result in reduced grass control or additional grass weed germination..

Postflood: If applied postflood, fields must be partially drained prior to application to ensure that grass weeds are well exposed. Residual water remaining in the field (1 to 2 inches deep) does not adversely affect weed control so long as weeds are at least 70% exposed. If Clincher CA is applied as a postflood salvage treatment to control tillered grasses, it should be considered an emergency salvage treatment and total control of labeled grass weeds should not be expected.

**Application Rates and Weeds Controlled
(For Use in the State of California)**

Weeds Controlled ¹		Application Rates and Stage of Weed Development	
Common Name	Scientific Name	13 fl oz/acre	15 fl oz/acre ²
barnyardgrass	<i>Echinochloa crus-galli</i>	up to 4 leaf prior to tillering	tillered grasses
bearded sprangletop	<i>Leptochloa fascicularis</i>		
broadleaf signalgrass	<i>Brachiaria platyphylla</i>		
early watergrass	<i>Echinochloa oryzoides</i>		
junglerice	<i>Echinochloa colona</i>		
large crabgrass	<i>Digitaria sanguinalis</i>		
late watergrass	<i>Echinochloa phyllopogon</i>		
red sprangletop	<i>Leptochloa filiformis</i>		

¹Clincher CA may not reliably control known ACC'ase resistant grass biotypes.

²If applied as a rescue treatment, total control of labeled grass weeds should not be expected.

Tank Mixing

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Do not apply in tank mix combination with 2,4-D, MCPA, Shark (carfentrazone) or Londax (bensulfuron). Reduced grass control may result if Clincher CA is applied in tank mix combination with or immediately following other herbicides not listed above, especially if applied under conditions of plant stress and/or advanced weed growth stages.

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