

62719-394

7/24/2009

1/4



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Kimberly Gilbert
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

JUL 24 2009

Subject: Label Amendment- Response to Agency Letter Dated July 15, 2009
Product Name: Kerb® Technical Herbicide
EPA Registration Number: 62719-394
Submission Date: July 24, 2009

Dear Ms. Gilbert:

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

1. Add the text in bold to the following sentence found in the paragraph listed above/before the First Aid section:

"If no such instructions for washables exist, use detergent and hot water.

2. Add the bold text statement to the following sentence found in the second paragraph of the Warranty Limitations and Disclaimer section:

"To the extent consistent with applicable law, Dow AgroSciences EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND, EXCEPT AS SET FORTH IN THE ABOVE PARAGRAPH, ANY OTHER EXPRESS OR IMPLIED WARRANTIES."

A stamped copy of your labeling is enclosed for your records. You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after the next printing must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions. Amended labeling will supercede all previously accepted ones.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kenny".

Daniel Kenny, Chief
Herbicide Branch
Registration Division (7505P)

2/4

(Container label:)

Kerb[®] Technical Herbicide

For Reformulation Use Only - For Blending with Fertilizer Only

Active Ingredient	
pronamide: 3,5-dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	94.6%
Other Ingredients	5.4%
Total	100.0%

ACCEPTED
with COMMENTS
in EPA Letter Dated
JUL 24 2009

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

62719-394

WARNING

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful If Absorbed Through The Skin

Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- Coveralls over short-sleeved shirt and short pants
- Waterproof gloves
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear for overhead exposure
- Chemical-resistant apron when cleaning equipment, mixing or loading

Clothing that has been drenched or heavily contaminated with this product's concentrate should be disposed of in accordance with state or local regulations. 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.

First Aid

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.

Have the product container or label with you when calling a Poison Control Center or doctor or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

3/4

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Only for formulation into an herbicide for the following uses: (1) Crops including artichoke (globe), blackberry, boysenberry, raspberry, blueberry, alfalfa, clover, birdsfoot trefoil, crown vetch, sainfoin, head lettuce, endive, escarole, radicchio greens, rhubarb, apple, apricot, cherry, grape, nectarine, peach, pear, plum, prune; and (2) Ornamentals, including, woody ornamentals, nursery stock of ornamentals.

Nonrefillable rigid containers 5 gallons/50 lb or less:

Storage and Disposal

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

Pesticide Storage: Store in a cool dry place.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available, or dispose of in a sanitary landfill or by incineration if allowed by State and local authorities. 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 to 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.

Nonrefillable nonrigid containers:

Storage and Disposal

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

Pesticide Storage: Store in a cool dry place.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available, or dispose of in a sanitary landfill or by incineration if allowed by State and local authorities.

Refillable rigid containers larger than 5 gal:

Storage and Disposal

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

Pesticide Storage: Store in a cool dry place.

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

Container Handling: 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 mix tank. Fill the container about 10% full with water. 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.

Nonrefillable rigid containers larger than 5 gal/50 lb:

Storage and Disposal

4/4

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

Pesticide Storage: Store in a cool dry place.

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

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available, or dispose of in a sanitary landfill or by incineration if allowed by State and local authorities. 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. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. 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.

Warranty Limitations and Disclaimer

Dow AgroSciences warrants that at the time of delivery, the product will conform to its chemical description on the label, that it will pass without objection in the trade under the contract description, that seller will convey good title thereto, and that such product will be delivered free from any lawful security interest, lien or encumbrance.

This is the only warranty made on this product. Dow AgroSciences EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND, EXCEPT AS SET FORTH IN THE ABOVE PARAGRAPH, ANY OTHER EXPRESS OR IMPLIED WARRANTIES. Buyer acknowledges the use of its own independent skill and expertise in the selection and use of the product and does not rely on any oral or written statements or representations.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-394

EPA Est. _____

®Trademark of Dow AgroSciences LLC

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

Net Weight _____