

62719-397

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 30 2009

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

November 30, 2009
Kimberly Gilbert
Regulatory Leader-Regulatory Affairs
Dow AgroSciences LLC
9330 Zionville Road
Indianapolis, IN 46268-1054

Dear: Ms. Gilbert

Subject: Kerb 50-W Supplemental Label for "Chemigation Application on Head Lettuce, Endive, Escarole or Radicchio in Arizona & California" and Supplemental Label "For Grass and Weed Control in Head Lettuce - Aerial Application in Arizona & California
EPA Registration Number 62719-397
Application Date: E-mailed Letter August 14, 2009

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 labeling changes outlined below:

Kerb 50-W Supplemental Label for "Chemigation Application on Head Lettuce, Endive, Escarole or Radicchio in Arizona & California"

1. Page 1

Under "Time of Treatment" change "The following recommendations are provided as a general guideline" to " The following information is provided as a general guideline"

2. Page 2

Change "Pesticide injection hoses, which connect chemigation-metering equipment to the sprinkler irrigation system, should be of braided reinforced construction with an internal tube made of nylon, cross-linked polyethylene or high-density polyethylene." To "Pesticide injection hoses, which connect chemigation-metering equipment to the sprinkler irrigation system, must be of braided reinforced construction with an internal tube made of nylon, cross-linked polyethylene or high-density polyethylene."

3. Page

The Statement "Do not connect an irrigation system (including greenhouse systems) used for pesticide applications to a public water systems unless the pesticide label-prescribed safety devices for public water systems on the container label are in place." is contradicted by number 1 under "Sprinkler Chemigation" Also I could not find the pesticide label-prescribed safety

devices for public water systems on the EPA approved container label. Spell out and clearly label on the supplemental label "the pesticide label prescribed safety devices for public water systems"

2008

Kerb 50-W Supplemental Label "For Grass and Weed Control in Head Lettuce – Aerial Application in Arizona & California"

Place the Dosage Chart and related comments referred to on the Supplemental Label on the Supplemental Label.

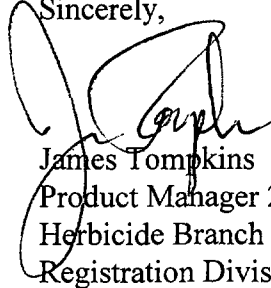
Place the plantback information referred to on the supplemental label on the supplemental label.

This amended labeling supersedes the previously approved corresponding supplemental labeling for this product.

A stamped copy of the accepted labeling is enclosed.

Submit one copy of the revised final printed label for the record before these supplemental labeling is released for use.

Sincerely,



James Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

3088

H2B / Kerb 50-W / Prop Sec 3 Supp Aerial Application in Head Lettuce / 08-18-09
file: R156-042 Kerb 50-W Sec 3 Aerial Applic in Head Lettuce 18Aug09d.doc

Kerb® 50-W

EPA Reg. No. 62719-397

Registration Notes:

Source section 3 supplemental label based on EPA accepted label dated October 18, 2007. Following are changes by amendment:

1. Change "lettuce" to "head lettuce" thruout the label.

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Supplemental Labeling



Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268-1054 USA

Restricted Use Pesticide
Because pronamide has produced tumors in laboratory animals, this product is for retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification.

Kerb® 50-W

EPA Reg. No. 62719-397

For Grass and Weed Control in Head Lettuce - Aerial Application

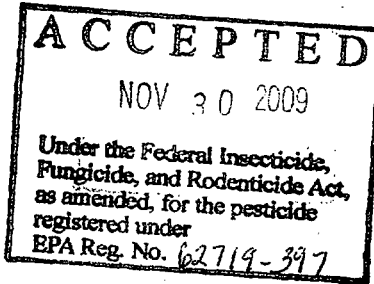
(For Use in Arizona and California)

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This labeling must be in the possession of the user at the time of application.
- Read this supplemental labeling and the label affixed to the container for Kerb® 50-W herbicide before applying.
- All applicable use directions, precautions and restrictions on the product label for Kerb 50-W as well as this supplemental labeling must be followed.

Directions for Use

Notice: Before using this product, read the entire Precautionary Statements, Conditions of Sale and Warranty, Directions for Use, Use Restrictions, and Storage and Disposal Instructions. If the Conditions of Sale and Warranty are not accepted, return the product unopened within thirty days of purchase to the place of purchase.

Kerb 50-W may be applied by aircraft for preemergence control of susceptible grasses and broadleaf weeds in head lettuce. Kerb 50-W must be applied at the dosage rate of 2.0 to 4.0 pounds of product (1.0 to 2.0 pounds active ingredient) per treated acre depending on soil type (refer to comments under Dosage Chart on the EPA-registered label). Mix the specified amount of Kerb 50-W in 10 to 20 gallons of water per acre for aerial application. For aerial applications of Kerb on head lettuce, consult the label carefully for plantback information. Avoid drift to all other crops and non-target areas.



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R156-042
EPA accepted: __/__/__
Replaces: R156-032

H2B / Kerb 50-W / Sec 3 Supp Chemigation and Use in Lettuce / Amend / 07-31-09
file: R156-041 Kerb 50-W Sec 3 Chemigation Head Lettuce 31Jul09d.doc

Kerb[®] 50-W

EPA Reg. No. 62719-397

Registration Notes:

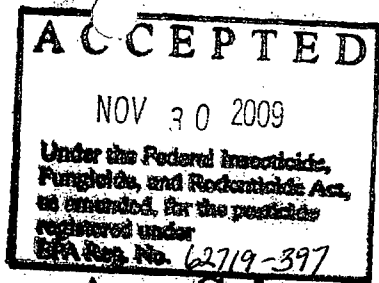
Source label text based on EPA accepted label dated October 18, 2007 and notification dated January 15, 2008. Following are changes by amendment:

1. Revise "lettuce" to "head lettuce" throughout the label.
2. Remove bottom section of label entitled "Use in Lettuce (Transplanted and Leaf Lettuce)
3. Clarified use of preemergence and postemergence applications

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Supplemental Labeling



Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268-1054 USA

Restricted Use Pesticide
Because pronamide has produced tumors in laboratory animals, this product is for retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification.

Kerb® 50-W EPA Reg. No. 62719-397

Chemigation Application on Head Lettuce, Endive, Escarole or Radicchio

(For Use in Arizona and California)

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This labeling must be in the possession of the user at the time of application.
- All applicable use directions, precautions and restrictions on the product label for Kerb 50-W as well as this supplemental labeling must be followed.

Directions for Use

Chemigation Application on Head Lettuce, Endive, Escarole or Radicchio (For Use in Arizona and California)

Notwithstanding chemigation prohibition on package label, this supplemental permits chemigation on the crops listed. Kerb 50-W may be applied by chemigation for weed control in direct seeded or transplanted head lettuce, endive, escarole or radicchio but must be applied prior to weed emergence. Application may be made preemergence to head lettuce, endive, escarole, or radicchio greens or postemergence to head lettuce. **Do not apply postemergence to endive, escarole, or radicchio greens.**

Application Rate: Apply Kerb 50-W at the rate of 1 to 2 lb per acre (0.5 to 1 lb active ingredient per acre) depending upon soil type, weed species and level of infestation.

Application Moisture Requirements: Kerb 50-W acts mainly through root absorption; therefore, it is necessary to move Kerb 50-W into the root zone of germinating weeds to provide effective control. This can be accomplished by applying a minimum of 0.75 inch of overhead sprinkler irrigation when applied by chemigation to fields that have been pre-irrigated.

Time of Treatment: Applying Kerb 50-W following initial irrigation of the crop will avoid movement of the herbicide below the root zone of germinating weeds and improve weed control. The optimal application timing following pre-irrigation will vary depending season, weed species present and environmental conditions. The following recommendations are provided as a general guideline:

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Timing	Date	Application Timing (Days After Starting Sprinklers)
early	Sept. 1 to Oct 15	1 - 3
mid	Oct 15 to Dec 15	3 - 6
late	Dec. 15 to Jan	5 - 6

Chemigation Equipment: Kerb 50-W may be applied through center pivot, lateral move, solid set or hand move systems capable of uniform delivery of the herbicide. Solid set or hand move systems should be capable of delivering a uniform pressure of 60 to 70 psi at all nozzles. Pipes and nozzles must be positioned to provide uniform coverage of the treatment area. Placement of nozzles in diamond shaped (♦) pattern will provide more uniform coverage. Do not apply when wind velocity is sufficient to distort uniformity of coverage or cause drift to susceptible non-target plants.

The injection-metering pump must be calibrated as specified by the manufacturer and checked periodically during application to insure proper operation. Pesticide injection hoses, which connect chemigation-metering equipment to the sprinkler irrigation system, should be of braided reinforced construction with an internal tube made of nylon, cross-linked polyethylene, or high-density polyethylene.

Mixing: Mixing tanks should be large enough to contain the entire amount of herbicide mixture for the area to be treated. Use a minimum of 3 gallons of water per pound of Kerb 50-W. Add Kerb 50-W water soluble packets slowly and allow packets to disperse completely before beginning injection. Agitation of the herbicide mixture is required at all times during mixing and application (injection).

Application: For hand move or solid set systems set up to deliver about 1/10 inch of water per hour, Kerb 50-W should be injected over a period of 1 to 2 hours. Once the herbicide has been injected, continue irrigation for an additional 4 to 6 hours to flush the system and deliver additional irrigation sufficient to incorporate the herbicide into the upper inch of soil.

In pre-irrigated fields, center pivot or lateral move systems should be set up to deliver a minimum of 0.75 inch of irrigation water with the chemigation treatment. In center pivot or lateral move systems, the herbicide mixture should be injected continuously throughout the irrigation cycle.

Use Restrictions for Head Lettuce, Endive, Escarole or Radicchio

- In Fresno County, use only in the months of August through September
- **Preharvest Interval:** Do not apply within 55 days of harvest.
- Do not apply more than one application of Kerb 50-W to each crop of head lettuce, endive, escarole, or radicchio greens.
- Do not apply Kerb 50-W postemergence to endive, escarole, or radicchio greens.
- Do not apply more than 2 lb of Kerb 50-W (1 lb active ingredient) per acre.
- Do not apply to leaf lettuce

Chemigation Instructions

Do not apply this product through any irrigation system unless the instructions for chemigation are followed. Apply this product only through continuously moving center pivot, lateral move end tow, solid set, or hand move irrigation systems. Do not apply this product through any other type of irrigation system.

Crop injury, lack of effectiveness, or illegal pesticide residues in the crop can result from nonuniform distribution of treated water.

If you have questions about calibration, you should contact State Extension Service specialists, equipment manufacturers, or other experts.

Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems on the pesticide container label are in place.

A person knowledgeable of the chemigation system and responsible for its operation or under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

Sprinkler Chemigation

1. Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system.
2. The system must contain a functional check valve, vacuum relief valve, and low-pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from back-flow.
3. The pesticide injection pipeline must contain a functional automatic, quick closing check valve to prevent the fluid back toward the injection pump.
4. The pesticide injection pipeline must also contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
5. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
6. The irrigation line or water pump must include a functional pressure switch, which will stop the water pump motor when the water pressure decreases to the point that pesticide distribution is adversely affected.
7. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
8. Do not apply when wind speed favors drift beyond the area intended for treatment.

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R156-041
EPA accepted: __/__/__
Replaces: R156-033