

69526-12

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1/12



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Janine M. Gynus  
Keller and Heckerman LLP  
Agent for Petro-Canada  
1001 G Street, N.W. Ste 500 West  
Washington, D.C. 20001

MAR 6 2009

Subject: Notification(s) for Label Revisions under PRN 2007-4, 2008-1, and 98-10

1. Alternate brand name change: Clear Choice
2. Change in company address
3. Addition of graphics
4. Addition of marketing claims
5. Revised environmental hazard statement
6. Other minor label changes

Dear Ms. Gynus:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4, 2008-1, and 98-10 dated January 21, 2009 for:

**EPA Registration 69526-12**

**PC RTU Herbicide**

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 2007-4, 2008-1, and 98-10 and finds that the label changes requested fall within the scope of PRN 2007-4, 2008-1, and 98-10. The label has been date-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 identify 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 contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,



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

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Please read instructions on reverse before completing form

Form Approved, OMB No. 2070-0060, Approval expires 5-31-98

<p><b>United States</b> <b>Environmental Protection Agency</b> Washington, DC 20460</p>	<input type="checkbox"/>	<b>Registration</b>	OPP Identifier Number
	<input type="checkbox"/>	<b>Amendment</b>	
	<input checked="" type="checkbox"/>	<b>Other</b>	

**Application for Pesticide – Section I**

1. Company/Product Number <b>69526-12</b>	2. EPA Product Manager <b>Joann Miller</b>	3. Proposed Classification  <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>PC RTU Herbicide</b>	PM # <b>23</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Petro-Canada</b> <b>385 Southdown Road</b> <b>Mississauga, Ontario LSK 1A8 Canada</b>  <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical to _____ and labeling to:  <b>NOTIFICATION</b> EPA Reg No. _____ Product Name _____ <b>MAR 6 2009</b>

**Section – II**

<input type="checkbox"/> Amendment – Explain below	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated <u>April 22, 2008</u>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification – Explain below	<input type="checkbox"/> Other – Explain below

**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)  
Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.  
Notification of Alternate Brand Name (ABN), Clear Choice; New Marketing Statements, and Addition of Graphics, per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.  
Final Printed Labels for ABN Clear Choice, 24-oz. and 1-gallon, revised per Agency letter dated 4/22/ 2008.

**Section III**

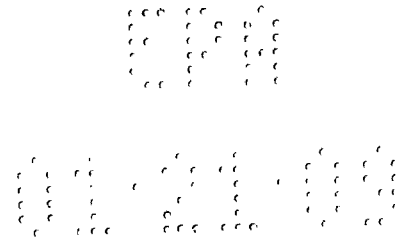
1. Material This Product Will be Packaged in:						2. Type of Container	
<input type="checkbox"/> Child-Resistant Packaging Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Unit Packaging Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Water Soluble Packaging Yes <input checked="" type="checkbox"/> No				<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
						<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container			4. Size(s) Retail Container 6 fl. oz.; 24 fl. oz.; 64 fl. oz.; 1 gal.; 1.33 gal.; 1.58 gal.; 1.75 gal.		5. Location of label directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Label accompanying product		
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input checked="" type="checkbox"/> Other <u>Glue with booklet in a plastic pouch</u>			

**Section IV**

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			6. Date Application Received		
Name <b>Janine M. Gydus</b>	Title <b>Staff Scientist, Keller and Heckman LLP Authorized Agent</b>	Telephone No. (Include Area Code) <b>202-434-4233</b>	<b>(Stamped)</b>		
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law					
2. Signature 		3. Title <b>Staff Scientist, Keller and Heckman LLP Authorized Agent</b>			
4. Typed Name <b>Janine M. Gydus</b>		5. Date <b>January 21, 2009</b>			

1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
tel. 202.434.4100  
fax 202.434.4646

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Writer's Direct Access  
**Janine M. Gydus**  
(202) 434-4233  
gydus@khlaw.com

January 21, 2009

*Via Courier*

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
One Potomac Yard - Room S-4900  
2777 S. Crystal Drive  
Arlington, Virginia 22202-4501

ATTN: Joanne Miller, PM 23

Re: **Notification of Label Changes in Accordance with PR Notices 2007-4 and 98-10;  
Final Printed Labels for PC RTU Herbicide, EPA Reg. No. 69526-12**

Dear Joanne:

On behalf of Petro-Canada (Company No. 69526), we are submitting a notification of label changes to **PC RTU Herbicide, EPA Reg. No. 69526-12**.

Changes have been made in accordance with PR Notice 2007-4 (revised) and include changes to the Pesticide and Container Disposal Statement. In addition, the batch code will appear on the immediate container.

Pursuant to Pesticide Registration Notice 98-10, we are notifying the Agency of an alternate brand name, **Clear Choice**™; the addition of marketing statements and claims, and the addition of graphics.

Furthermore, in response to EPA's registration letter dated April 22, 2008, we are submitting final printed labels for the 24-ounce and 1-gallon container sizes bearing the alternate brand name, **Clear Choice**™. Master labels and final printed labels have been revised per directions in that letter. Petro-Canada will not be selling or distributing the product under the primary brand name **PC RTU Herbicide** at this time.

The following documents are included in this submission:

- Addendum 1. Summary of changes to Master Label, attached herewith;
- Application for Pesticide Registration with PRN 2007-4 Notification Statement and PRN 98-10 Notification Statement (EPA Form 8570-1);

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KELLER AND HECKMAN LLP

Joanne Miller, PM 23

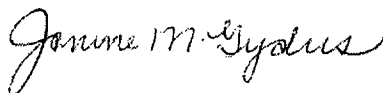
January 21, 2009

Page 2

- One copy each of the Master Label with changes highlighted and with changes accepted;
- One copy of the FPL for the alternate brand name "Clear Choice™", 24-ounce container; and
- One copy of the FPL for the alternate brand name "Clear Choice™", 1-gallon container.

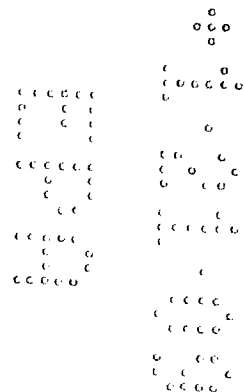
Please contact me immediately if you have any questions concerning this registration request.

Sincerely,



Janine M. Gydus  
Staff Scientist, Keller and Heckman LLP  
Authorized Agent for Petro-Canada

Enclosures



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**KELLER AND HECKMAN LLP**

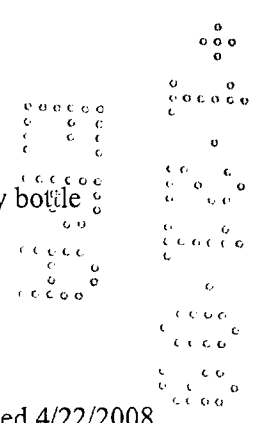
Joanne Miller, PM 23

January 21, 2009

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**Addendum 1. Summary of changes to Master Label for PC RTU Herbicide  
EPA Reg. No. 69526-12  
Notification of January 21, 2009**

- ✓1. After KOOROC, added references to panels for booklet that will be applicable to some final printed labels, *See (back panel) (side panel) [OR] (inside) (booklet) for precautionary statements and directions for use*
- ✓2. "Changed Formulated For" to "Formulated in Canada For"
- ✓3. Corrected Company name and address
- ✓4. Added numerous marketing phrases and claims
- ✓5. Added [www.todayclearchoice.com](http://www.todayclearchoice.com)
- ✓6. Added notations or footnotes related to claims and marketing statements
- ✓7. Added "Peel Here" that may appear on final printed label when booklet is used
- ✓8. The following are descriptions of illustrations that may appear on final printed label:
  - House and lawn in hands
  - Dandelion with root highlighted
  - Dandelion with root highlighted showing spray and portion of spray bottle
  - Starburst around "New"
- ✓9. Revised Environmental Hazards Statement per EPA letter dated 4/22/2008
- ✓10. Added statement to General Precautions and Restrictions per EPA letter dated 4/22/2008
- ✓11. Revised Pesticide and Container Disposal Statement per PRN 2007-4
- ✓12. Corrected company name in "Conditions of Sale and Limitations..."
- ✓13. Corrected typographical errors throughout label and are highlighted
- ✓14. Batch code will appear on immediate container



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[Bracketed information will be removed from final printed label. Phrases in parenthesis are optional.]

[BATCH CODE WILL APPEAR ON IMMEDIATE CONTAINER]

[FRONT PANEL]

**NOTIFICATION**

**MAR 6 2009**

# PC RTU Herbicide

**ACTIVE INGREDIENTS:**

2,4-D, dimethylamine salt *	0.0340%
Mecoprop-p, dimethylamine salt **	0.0220%
Dicamba, dimethylamine salt ***	0.0042%

<b>OTHER INGREDIENTS:</b>	<b>99.9398%</b>
<b>Total</b>	<b>100.0000%</b>

* 2,4-D Acid Equivalent	0.028%
** Mecoprop-p Acid Equivalent	0.018%
*** Dicamba Acid Equivalent	0.0035%

## KEEP OUT OF REACH OF CHILDREN

See (back panel) (side panel) (inside) (booklet) for precautionary statements and directions for use.

**FORMULATED IN CANADA FOR:**

**PETRO-CANADA**  
385 SOUTHDOWN ROAD  
MISSISSAUGA, ONTARIO L5K 1A8

**EPA REG. NO. 69526-12**

**EPA EST. NO. 79693-CAN-001**

**NET CONTENTS:** 6 fl. oz. (177mL); 24 fl. oz. (1pt, 8 fl.oz) / 710ml; 64 fl. oz. (1/2 gallon) (1.89 L); 1 gal. (3.78 L); 1.33 gal. (5.03 L); 1.58 gal. (5.98 L); 1.75 gal. (6.62 L)

**US Patent pending**

Protect from Freezing

**[One of the following phrases will be found on FPL]**

For use only on home lawns [OR] For use on home lawns and other grassy areas around the home.

*[Bracketed information will be removed from final printed label. Phrases in parenthesis are optional.]*

***[The Following are optional marketing statements and illustrations that may appear on front panel, front of booklet attached to back of container, back panel, or side panel:]***

New

Microtechnology improves penetration of reduced active ingredient formulation \*

Won't harm lawns when used as directed. †

Lawn Friendly Weed Remover† *[Spanish Translation:]* Eliminador de malas hierbas que no daña el césped†

Use as a spot treatment to control broadleaf weeds on a variety of lawns†, in yards, vacant lots and other grassy areas around the home.

When used as directed, kills broadleaf lawn weeds without harming most lawn grasses†.

**KILLS BROADLEAF WEEDS INCLUDING:** Dandelions, Plantains, Clover, Chickweed, Bedstraw, Black Medic, English Daisy, Curled Dock, Heal-all, Ground Ivy (Creeping Charlie), Knotweed, Ragweed, Shepherd's Purse, plus (over 60) (many) other lawn weeds listed (on) (side) (back) (panel).(inside) (inside booklet)

**KILLS:** Dandelions, Plantains, Clover, Chickweed, Bedstraw, Black Medic, English Daisy, Curled Dock, Heal-all, Ground Ivy (Creeping Charlie), Knotweed, Ragweed, Shepherd's Purse, plus over 60 other lawn weeds.

When used as directed, controls a wide range of broadleaf weeds in most home lawns†.

**Kills Weeds Dead**

Kills listed broadleaf weeds

Kills over 60 broadleaf weeds without harming lawns†. See (inside booklet) (booklet) (back panel) (back) (side panel) (side) for details.

Kills down to the root

Kills listed broadleaf weeds in lawns – right down to the root.

Outdoor use only

Ready-To-Use. No mixing.

Ready to use! No mixing required! †

Reduced Active Ingredient Formulation\*

Low-Odor formulation

Low-Odor formula

Convenient Ready-to-Use Formula

Step 1: Shake Well      Step 2: Apply      Step 3: Let Dry

Container spot treats up to 50 weeds [for 6 fl. oz.]

Container spot treats more than 200 weeds [for 24 fl. oz.]

Container spot treats more than 500 weeds [for 1/2 gal.]

Container spot treats more than 1000 weeds [for 1 gal.]

Container spot treats more than 1333 weeds [for 1.33 gal.]

Container spot treats more than 1580 weeds [ for 1.58 gal. ]

[www.todaysclearchoice.com](http://www.todaysclearchoice.com)

PEEL HERE .....>

***[Following notations may be found on back panel in reference to claims on front or back panels]***



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*[Bracketed information will be removed from final printed label. Phrases in parenthesis are optional.]*

\*When compared to other pesticides using these active ingredients.

† **Important:** Do not apply to Bentgrass and Floratam. *[Spanish Translation: ]* / No se aplique al Bentgrass y a Floratam. See full list of controlled weeds and use directions on peel-away label.

***[The following are illustration that may appear on final printed label:]***

*[House and home lawn in hands]*



*[Dandelion with root highlighted]*



*[Dandelion with root highlighted showing spray and portion of spray bottle]*



*[Starburst around "New"]*



[Bracketed information will be removed from final printed label. Phrases in parenthesis are optional.]

**[To Appear on Back or Side Panel or Inside Booklet or Base Panel]**

**PRECAUTIONARY STATEMENTS**

**HAZARDS TO HUMANS AND DOMESTIC ANIMALS.** Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

**ENVIRONMENTAL HAZARDS**

This pesticide is toxic to fish and aquatic invertebrates. This product may adversely affect non-target plants. Do not apply to or near water, storm drains, gutters, sewers, or drainage ditches. Do not apply to areas where surface water is present, or to intertidal areas below the mean high water mark, except as noted on appropriate labels. Do not apply within 25 feet of rivers, fish ponds, lakes, streams, reservoirs, marshes, estuaries, bays, and oceans. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas, and to non-target plants. Do not apply when windy. To prevent product run-off, do not water to the point of runoff, or apply when raining or when rain is expected that day. Do not contaminate water when disposing of equipment wash waters or rinsate.

**DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read and follow all label directions.

**GENERAL PRECAUTIONS AND RESTRICTIONS**

- Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application.
- Do not allow people or pets to enter the treated area until sprays have dried.
- Do not apply near lakes, streams, rivers or ponds.
- Avoid drift of spray mist onto vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not apply in windy conditions.
- Do not apply as a fine mist because of potential injury to desirable plants.

**WHEN TO USE**

- Apply when weeds are young and actively growing.
- Do not water within 24 hours after spraying.
- Spray when daytime temperatures are above 45° F and below 90° F.
- Do not apply when the lawn is under severe stress from drought, insect attack or high temperatures.
- Do not use more product than specified on the label.
- Newly seeded lawns may be treated after the third mowing.
- If the lawn is dry, water 24 hours before using this product.

**WHERE TO USE**

This product is used as a spot treatment to control broad leaf weeds on a variety of lawns\*, in yards, vacant lots and other grassy areas.

**\*IMPORTANT:** Do not use this product on Bentgrass and Floratam, a variety of St. Augustine grass. Certain hybrid bermudagrasses vary in tolerance to this product. Temporary discoloration may occur on St. Augustine and Centipede.

[Bracketed information will be removed from final printed label. Phrases in parenthesis are optional.]

**LIST OF WEEDS:** This product controls the following weeds:

Bedstraw
Bindweed (field)
Birdsfoot trefoil
Black medic
Blackseed plantain
Blueweed
Brambles
Broad-leaved plantain
Buckhorn plantain
Bull thistle
Burdock
Buttercup
Canada thistle
Carolina geranium
Chickweed
Chicory
Clover
Cocklebur
Common chickweed
Cudweed
Daisy fleabane
Dandelion
Devil's paint brush (hawkweed)
Dock (curled)
English daisy
Evening primrose
Fall dandelion (fall hawkbit)
False dandelion
Fleabane
Florida pusley
Frenchweed poison oak

Grass leaved stitchwort
Ground ivy (creeping Charlie)
Hawkweed
Heal-all
Henbit
Honeysuckle
Jimsonweed
Knotweed
Kochia
Kudzu
Lambsquarters
Little starwort
Mallow
Morningglory
Mouse-ear chickweed
Mustards
Narrow-leaved plantain
Oxalis (yellow woodsorrel)
Ox-eye daisy
Pennywort
Peppergrass
Pigweed
Pineapple weed
Plantains (narrow, buckhorn, broadleaf)
Poison ivy
Poorjoe
Povertyweed
Prostrate pigweed
Purslane
Ragweed

Russian thistle
Sandwort (thyme-leaved)
Sheep sorrel
Shepherd's purse
Smartweed (green)
Soliva
Sow thistle
Speedwell (purslane leaved)
Spotted spurge
Spreadwell (annual)
Spurge
Stitchwort
Stoncrop (mossy)
Sumac
Veronica (thyme-leaved)
Vervain
Vetch
Violet
Wild aster
Wild blackberry
Wild carrot
Wild garlic
Wild geranium
Wild lettuce
Wild onion
Wild radish
Wild raspberry
Yarrow
Yellow hawkweed

## HOW TO USE

- This product is ready-to-use. Do not mix or dilute.
- Shake well before use.
- Open spray nozzle.
- Adjust nozzle to provide desired spray pattern.
- Hold spray about 12 inches from weed.
- Aim at center of weed and spray to lightly cover. Do not overspray.
- Rotate nozzle to closed position.
- Weeds begin to die after 12 hours. It may take up to 4 weeks for a weed to completely die.
- If necessary, repeat application after 8 weeks.

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[Bracketed information will be removed from final printed label. Phrases in parenthesis are optional.]

### STORAGE AND DISPOSAL

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

**Pesticide Storage:** Keep out of reach of children and animals. Keep from freezing. Keep pesticide in original container. Do not put into food or drink containers. Store in a cool, dry place, in a locked storage area.

**Pesticide and Container Disposal:**

**If empty:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. If recycling unavailable, place container in trash.

**If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

### CONDITIONS OF SALE AND LIMITATIONS OF WARRANTY AND LIABILITY

It is impossible to eliminate all risks inherently associated with the use of this product. Injury to desirable plants, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Petro-Canada, the manufacturer, or seller. All such risks shall be assumed by the buyer. To the extent consistent with applicable law, neither Petro-Canada, the manufacturer nor seller shall be liable for consequential, special or indirect damages resulting from the use or handling of this product. Except as provided by applicable law or except as warranted by this label, Petro-Canada, the manufacturer or seller makes no warranties, guarantees, or representations of any kind, either express or implied, or by usage of trade, statutory or otherwise, with regard to the product sold, including, but not limited to, merchantability, fitness for a particular purpose, use or eligibility of the product for any particular trade usage. Except as provided by applicable law, buyer's or user's exclusive remedy, and Petro-Canada's, the manufacturer's or seller's total liability, shall be for damages not exceeding the cost of the product.