

70506-55

5/14/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Rebecca A. Clemmer
Regulatory Manager
United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

MAY 14 2009

RE: Notifications to Update Three (3) Labels for the Company and Emergency Contact
information and Warranty Statements

EPA Registration Number: 70506-51
EPA Registration Number: 70506-52
EPA Registration Number: 70506-55
Date of Submission: March 17, 2009

Dear Mrs. Clemmer:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated for the product, March 17, 2009, for the products, Turf Fertilizer Contains Surflan 1.0%, Turf Fertilizer with Surflan 0.75% and Turf Fertilizer Contains Gallery plus Surflan. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

20f10

Please read instructions on reverse before completing form

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



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration	OPP Identifier Number
<input type="checkbox"/>	Amendment	
<input checked="" type="checkbox"/>	Other	

Application for Pesticide - Section I

1. Company/Product Number 70506-55	2. EPA Product Manager J. Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) United Phosphorus, Inc/Turf Fertilizer Contains Gallery plus Surflan	PM # 23	
5. Name and Address of Applicant (Include ZIP Code) United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406 <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 in composition and labeling to: EPA Reg No. _____ Product Name _____	

NOTIFICATION

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Section - II

<input type="checkbox"/> Amendment - Explain below	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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.)
Update company contact information and warranty.
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.

Section III

1. Material This Product Will be Packaged in:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of label directions <input type="checkbox"/> On Label <input type="checkbox"/> On Label accompanying product	
6. Manner in Which Label is Affixed to Product			<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled	<input type="checkbox"/> Other _____	

Section IV

1. Contact Person (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Rebecca A. Clemmer		Title Regulatory Manager		Telephone No. (Include Area Code) 610-491-2828	
Certification 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 Regulatory Manager		6. Date Application Received (Stamped)	
4. Typed Name Rebecca A. Clemmer		5. Date March 17, 2009			

30910



United Phosphorus, Inc.

630 Freedom Business Center
Suite 402
King of Prussia, PA 19406
(610) 491-2828 (phone)
(610) 491-2810 (fax)

Rebecca A. Clemmer
Regulatory Manager

March 17, 2009

Document Processing Desk (NOTIF)
Office of Pesticide Programs (H7504P)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C., 20460

Re: Notification of Updates to Three Labels

To Whom It May Concern:

Enclosed please find the information in support of a Notification to the labels for:

- Turf Fertilizer Contains Surflan 1.0%, EPA Reg. No. 70506-51
- Turf Fertilizer Contains Surflan 0.75%, EPA Reg. No. 70506-52
- Turf Fertilizer Contains Gallery plus Surflan, EPA Reg. No. 70506-55

We have updated the company and emergency contact information, and the warranty statement. In support, enclosed please find the following items for each product:

- EPA Form 8570-1
- One copy of each label, marked to show changes.

Please contact me if you have any questions.

Very truly yours,

Rebecca A. Clemmer
rebecca.clemmer@uniphos.com

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Turf Fertilizer - Contains Gallery® plus Surflan®

A balanced turf fertilizer containing Gallery and Surflan, selective preemergence herbicides for control of certain broadleaf weeds and annual grasses in established warm season perennial turfgrasses.

NOTIFICATION

Active Ingredients:

isoxaben: N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]- 2,6-dimethoxybenzamide and isomers	0.29%
oryzalin: 3,5-dinitro-N ⁴ ,N ⁴ -dipropylsulfanilamide	0.86%
Inert Other Ingredients	98.85%
Total	100.00%

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Contains 0.2875 pounds active ingredient per 25-pound bag.

GUARANTEED FERTILIZER ANALYSIS

Total Nitrogen	18.0%
Available Phosphoric Acid (P ₂ O ₅)	5.0%
Soluble Potash (K ₂ O)	9.0%

Keep Out of Reach of Children

CAUTION PRECAUCION

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.)

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 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.~~ Have this product container or label with you when calling a poison control center or doctor or going for treatment. For emergency medical assistance, call the **National Pesticide Information Center 1-800-858-7378** **Rocky Mountain Poison Control Center at 1-866-673-6671**. For chemical emergency: spill, leak, fire, exposure, or accident, call CHEMTREC 1-800-424-9300.

~~See back/side panel for additional precautionary statements.~~

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Conditions of Sale and Limitation of Warranty and Liability elsewhere on this label. If terms are unacceptable, return at once unopened.**

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

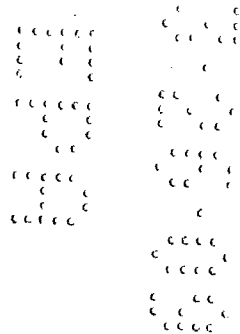
EPA Reg. No. 70500-55
EPA Est. _____

Manufactured for:

United Phosphorus, Inc.
423 Riverview Plaza 630 Freedom Business Center
Trenton, NJ 08611 King of Prussia, PA 19406
1-800-247-1557 438-6071 • www.upi-usa.com

Herbicide

Net Contents - ____ Pounds



Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION

Causes Moderate Eye Irritation • Harmful If Absorbed Through Skin or Inhaled

Avoid contact with eyes, skin or clothing. Avoid breathing dust. Wear long-sleeved shirt and long pants, shoes plus socks, and waterproof gloves when handling. Wash thoroughly with soap and water after handling.

Personal Protective Equipment for Handlers:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves
- Shoes plus socks

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product. 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.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing/PPE 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

This product is toxic to fish. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Drift or inadvertent application to areas adjacent to treated turfgrasses may result in reduced germination or emergence of nontarget plants.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all directions carefully before applying this product.

Storage and Disposal

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

Pesticide Storage: Store in original container. Protect stored product from moisture. In case of leak or spill, contain material and dispose as waste.

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: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

General Information

This turf fertilizer product contains Gallery® and Surflan® preemergence herbicides for control of certain broadleaf weeds and annual grasses in established warm season turfgrasses. Apply in late summer to

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early fall, approximately 3 weeks prior to the expected germination of winter annual weeds, or in early spring, 3 weeks prior to germination of weeds that emerge in spring or early summer.

This product will not control established weeds. Areas to be treated should be free of established weeds or controlled with postemergence herbicides. To insure optimal fertilizer and herbicidal response, water treated areas as soon as possible after application. A single rainfall or sprinkler irrigation of 0.5 inch or more is required to activate this product.

Precautions and Restrictions

- Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.
- This product must be watered in as soon as possible after application to dissolve the granules: A single rainfall or irrigation of ½ inch or more is required after product application. Except for those people involved in the watering, do not enter or allow people (or pets) to enter the treated areas until the watering is complete and the grass is dry.
- Do not graze or feed forage from treated areas to livestock.
- Do not aerially apply this product.
- **Minimum Time between Applications:** Except as recommended in specific use instructions, the minimum time between applications is 90 days.
- **Maximum Use Rate:** Do not apply more than a total of 698 lb of this product per acre (16 lb per 1000 sq ft) per year.
- Do not apply to non-turf areas such as flowerbeds or gardens. Take precautions to prevent inadvertent application from rotary-type applicators to such areas. Herbicides in this product prevent seed emergence and may injure bedding plants.
- This product may injure turf that is weakened due to severe winter weather or is not well established. Apply only to healthy established warm season turfgrasses.
- Do not apply this product in the spring and summer to tall fescue turfgrass seeded the previous fall.
- Do not apply in the spring to Bermudagrass that has been overseeded with winter annual grasses since thinning may occur.
- Do not apply to newly sprigged or hydromulched areas of Bermudagrass, St. Augustinegrass, centipedegrass or zoysiagrass until turf is well established.
- Do not apply to dichondra.
- Do not apply to golf course putting greens.
- Any cultural practices that disturb the soil, such as aerification or verticutting, should be done prior to application.
- Do not over apply or overlap during application as turf injury may occur.
- Users who wish to use this product on turfgrass species not recommended on this label may determine the suitability for such uses by treating a small area at a recommended rate. Prior to treating a larger area, the treatment should be observed for any sign of herbicidal injury for 30 to 60 days to determine if the treatment is safe to the target turf species. The user assumes responsibility for any plant damage or other liability resulting from use of this product on turf species not recommended on this label.

This product is recommended for use on the following established warm-season perennial turfgrass species:

Common Name	Scientific Name
Bahiagrass	<i>Paspalum notatum</i> var. <i>Saurae parodi</i>
Bermudagrass	<i>Cynodon dactylon</i>
Centipedegrass	<i>Eremochloa ophiuroides</i>

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fescue, tall	<i>Festuca arundinaceae</i>
St. Augustinegrass	<i>Stenotaphrum secundatum</i>
zoysiagrass	<i>Zoysia japonica</i>
zoysiagrass	<i>Zoysia tenuifolia</i>

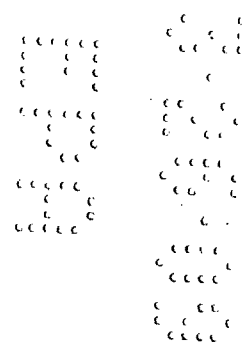
Weeds Controlled

Summer annual weeds controlled by a single application:

Common Name	Scientific Name
barnyardgrass	<i>Echinochloa crus-galli</i>
burweed, lawn	<i>Soliva pterosperma</i>
carpetweed	<i>Mollugo verticillata</i>
celery, wild	<i>Apium leptophyllum</i>
crabgrass	<i>Digitaria spp.</i>
(large crabgrass)	
(smooth crabgrass)	
crowfootgrass	<i>Dactyloctenium aegyptium</i>
foxtails	<i>Setaria spp.</i>
(bottlegrass)	
(bristlegrass)	
(giant foxtail)	
(green foxtail)	
(pigeongrass)	
(robust foxtail)	
(yellow foxtail)	
goosegrass	<i>Eleusine indica</i>
johnsongrass	<i>Sorghum halepense</i>
(seedling only)	
knotweed, prostrate	<i>Polygonum aviculare</i>
kochia	<i>Kochia scoparia</i>
lambsquarters, common	<i>Chenopodium album</i>
mallow, little	<i>Malva parviflora</i>
pennywort, lawn	<i>Hydrocotyle sibthorpioides</i>
pigweeds	<i>Amaranthus spp.</i>
pineappleweed	<i>Matricaria matricarioides</i>
purslane, common	<i>Portulaca oleracea</i>
spurge, prostrate	<i>Euphorbia humistrata</i>
spurge, spotted	<i>Euphorbia maculata</i>
spurry, corn	<i>Spergula arvensis</i>
woodsorrel, creeping	<i>Oxalis corniculata</i>
woodsorrel, yellow	<i>Oxalis stricta</i>

Winter annual weeds controlled by a single application:

Common Name	Scientific Name
buttercup	<i>Ranunculus spp.</i>
bluegrass, annual	<i>Poa annua</i>
chickweed, common	<i>Stellaria media</i>
chickweed, mouseear	<i>Cerastium vulgatum</i>
foolsparsley	<i>Aethusa cynapium</i>
geranium, Carolina	<i>Geranium carolinianum</i>
henbit	<i>Lamium amplexicaule</i>
parsley - piert	<i>Alchemilla arvensis</i>
ryegrass, annual	<i>Lolium multiflorum</i>
speedwell, thymeleaf	<i>Veronica serpyllifolia</i>



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Weeds partially controlled by a single application or controlled by repeat applications:

Common Name	Scientific Name
clover spp. ¹	<i>Trifolium spp.</i>
clover, white ¹	<i>Trifolium repens</i>
dandelion ¹	<i>Taraxacum officinale</i>
groundsel, common	<i>Senecio vulgaris</i>
medic, black	<i>Medicago lupulina</i>
plantain, broadleaf	<i>Plantago major</i>
plantain, buckhorn	<i>Plantago lanceolata</i>
plantago, slender	<i>Plantago elongata</i>

¹From seed only

Application Instructions

Application Equipment and Techniques

Apply this product using a drop or rotary-type spreader designed to apply granular fertilizer. Calibrate application equipment prior to use according to manufacturer's directions. Check frequently to be sure equipment is operating properly and distributing product uniformly. Avoid use of spreaders that apply material in narrow concentrated bands. Avoid skips or overlaps as poor weed control or turf injury may occur. More uniform application may be achieved by spreading half of the required amount of product over the area and then applying the remaining half in swaths at right angles to the first. A splashboard mounted below the release point of drop-type spreaders can improve the uniformity of product distribution.

Broadcast Application Rate

Apply at a broadcast rate of 233 lb per acre (5.3 lb per 1000 sq ft).

**IMPORTANT INFORMATION
READ BEFORE USING PRODUCT**

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. The Directions for Use of this product reflect the opinion of experts based on field use and tests. 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 United Phosphorus, Inc. or Seller. Handling, storage, and use of the product by Buyer or User are beyond the control of United Phosphorus, Inc. and Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold United Phosphorus, Inc. and Seller harmless for any claims relating to such factors.

United Phosphorus, Inc. 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 United Phosphorus, Inc., and Buyer and User assume the risk of any such use. **UNITED PHOSPHORUS, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

To the extent allowed by law, United Phosphorus, Inc. or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE**

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REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF UNITED PHOSPHORUS, INC. 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 UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.

United Phosphorus, Inc. 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 the duly authorized representative of United Phosphorus, Inc.

IMPORTANT INFORMATION
READ BEFORE USING PRODUCT

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

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To the extent consistent with applicable law, United Phosphorus, Inc. 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 United Phosphorus, Inc., and Buyer and User assume the risk of any such use. To the extent consistent with applicable law, UNITED PHOSPHORUS, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the extent consistent with applicable law, United Phosphorus, Inc. or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product and **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF UNITED PHOSPHORUS, INC. 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 UNITED PHOSPHORUS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

United Phosphorus, Inc. 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 the duly authorized representative of United Phosphorus, Inc.

Gallery is a registered trademark of Dow AgroSciences LLC
Surflan is a registered trademark of United Phosphorus, Inc.

EPA approved 12/21/05

NOTIFICATION

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