

20506-63

02-18-2010

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

2/18/10
OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

FEB 18 2010

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

Subject: Label Amendment (storage and disposal, remove airblast application)
Devrinol 2-EC Ornamental Selective Herbicide
EPA Reg. No. 70506-63
Application Dated November 9, 2009

Dear Ms. Clemmer:

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:

1. Change the heading from "INERT INGREDIENTS" to "OTHER INGREDIENTS".
2. On page 2, change the heading from "GENERAL USE PRECAUTIONS" to "USE RESTRICTIONS AND PRECAUTIONS". In addition, it is suggested that the advisory precautions be distinguished from the mandatory restrictions by placing them under separate subsections.
3. Change the Use Precaution to read "Use only for **specified** ~~recommended~~ purposes at **specified** ~~recommended~~ rates. Do not overdose."
4. Add the restriction "Do not apply by air." since this product is for ground applications only.
5. On page 3, remove "recommended" from the first and second sentences so it reads "DEVTRINOL 2-EC ORNAMENTAL is ~~recommended~~ for use on mineral soils only. Not ~~recommended~~ for use on soils with over 10% organic matter."
6. It is suggested that the resistance-management grouping symbols be placed on the front panel of the label as described in PR Notice 2001-5.
7. On page 4, change the heading from "GENERAL INFORMATION" to "PRODUCT INFORMATION".

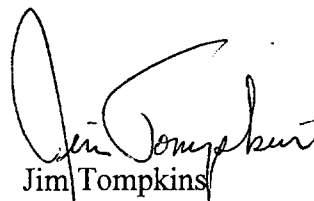
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8. Change the sentence under Nursery Stock to read "One application of DEVRINOL 2-EC ORNAMENTAL ~~will should~~ provide adequate weed control for a growing season in ~~temperate temperature~~ areas."
9. On page 6, change the Pesticide Disposal statement to read "Wastes resulting from the use of this product ~~may must~~ be disposed of on site or at an approved waste disposal facility."
10. Under Container Disposal, add the statement "Clean container promptly after emptying." after "Do not reuse or refill this container."
11. Change the Warranty and Liability statement to read "**To the extent consistent with applicable law**, all such risks shall be assumed by the Buyer and User...to such factors."

A stamped copy of your label is enclosed for your records. This label supercedes all previously accepted labels. You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after eighteen (18) months from the date of this letter or the next printing of the label, whichever occurs first, must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA §6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Sincerely,



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

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DEVIRINOL® 2-EC Ornamental Herbicide - Emulsifiable Liquid

A preemergence herbicide for weed control in container-grown ornamentals, field-grown nursery stock, liner stock, and dichondra (after seedling and established dichondra) by applicators licensed by the state for this type of application.

ACTIVE INGREDIENT

Napropamide (CAS No. 15299-99-7) 24.1%

INERT INGREDIENTS 75.9%

TOTAL 100.0%

Contains 2 pounds active ingredient per gallon

Contains petroleum distillates.

ACCEPTED
with COMMENTS
in EPA Letter Dated
FEB 18 2010

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

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID		70506-63
If in eyes	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person. 	
If inhaled	<ul style="list-style-type: none"> • 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. 	
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency medical assistance call the Rocky Mountain Poison Control Center at 1-866-673-6671.</p>		

For chemical emergency: spill, leak, fire, exposure, or accident, call CHEMTREC 1-800-424-9300.

Manufactured for:
[LOGO] United Phosphorus, Inc.
630 Freedom Business Center
King of Prussia, PA 19406
1-800-438-6071 • www.upi-usa.com

EPA Reg. No. 70506-63
EPA Est. No.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS
CAUTION

Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Harmful if swallowed or absorbed through the skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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 G on an EPA chemical resistance category selection chart.

Mixers, loaders, applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Chemical-resistant gloves made of waterproof materials.
- Shoes plus socks.

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 exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Pilots must use an enclosed cockpit 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:

- 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

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 or rinsate.

DIRECTIONS FOR USE

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

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.

GENERAL USE PRECAUTIONS

Read all label directions before using.

Use only for recommended purposes at recommended rates. Do not overdose.

Do not contaminate irrigation water or water used for domestic purposes.

Do not store near seeds or fertilizer.

Do not apply this product through any type of irrigation system.

Do not apply more than once per season.

Do not use this product in a greenhouse.

Do not allow people or pets to enter the treated area until all sprays have dried.

DEVIRINOL 2-EC Ornamental Label, Rev. 11/6/09

DEVIRINOL 2-EC ORNAMENTAL is recommended for use on mineral soils only. Not recommended for use on soils with over 10% organic matter. Spraying on ground heavily covered with leaves or trash may adversely affect weed control.

Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals

For ground boom applications, apply with nozzle height no more than 4 feet above the ground or crop canopy and when wind speed is 10 mph or less at the application site as measured by an anemometer. Use medium or coarser spray according to ASAE 572 definition for standard nozzles or VMD for spinning atomizer nozzles.

RESISTANCE-MANAGEMENT RECOMMENDATIONS

For resistance management, DEVIRINOL 2-EC is a Group 15 herbicide. Any weed population may contain or develop plants naturally resistant to DEVIRINOL 2-EC and other Group 15 herbicides. The resistant biotypes may dominate the weed population if these herbicides are used repeatedly in the same field. Other resistance mechanisms that are not linked to site of action, but specific for individual chemicals, such as enhanced metabolism, may also exist. Appropriate resistance-management strategies should be followed.

To delay herbicide resistance:

- Where possible, rotate the use of DEVIRINOL 2-EC or other Group 15 herbicides with different herbicide groups that control the same weeds species in a field.
- Use tank mixtures with herbicides from a different group when such use is permitted.
- Herbicide use should be based on an IPM (Integrated Pest Management) program that includes scouting, historical information related to herbicide use and crop rotation, and considers tillage (or other mechanical), cultural, biological and other chemical control practices.
- Monitor treated weed populations for resistance development. Prevent movement of resistant weed seeds to other fields by cleaning harvesting and tillage equipment and planting clean seed.
- Contact your local extension specialist, certified crop advisors and/or manufacturer for herbicide resistance-management recommendations for specific crops and weed biotypes.
- For further information or to report suspected resistance, contact a company representative at 1-800-438-6071 or at www.upi-usa.com.

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 24 hours. Exception: If the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

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.
- Chemical-resistant gloves made of waterproof materials.
- Shoes plus socks.
- Protective eyewear.

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GENERAL INFORMATION

DEVBINOL 2-EC ORNAMENTAL Selective Herbicide does not control established weeds. It must be applied to freshly weeded soil before weeds germinate or during fall and winter months.

DEVBINOL 2-EC ORNAMENTAL can be applied to newly planted container stock after soil has settled from first watering, field grown nursery stock, dichondra and to established plants.

DEVBINOL 2-EC ORNAMENTAL needs mechanical incorporation, (such as, power tiller), adequate irrigation or natural moisture (rainfall or snow) (1-2 inches within 2-3 days) for optimum results.

DEVBINOL 2-EC ORNAMENTAL is recommended on several different container potting soil mixtures. These mixtures include those containing 30 percent soil and/or sand and mixtures containing no soil (example: perlite, peat, bark, sawdust and sand).

WEEDS CONTROLLED BY DEVBINOL 2-EC ORNAMENTAL

Annual Grasses

Barnyardgrass - Watergrass
Crabgrass

Annual Broadleaf Weeds

Lambsquarters
Redroot Pigweed
Common Purslane

USE DIRECTIONS

NURSERY STOCK - FIELD GROWN: Consult list of plant species on which DEVBINOL 2-EC ORNAMENTAL can be used.

Apply DEVBINOL 2-EC ORNAMENTAL as a broadcast treatment over young nursery stock or as a directed spray to larger stock either as a band or broadcast application.

Application can be made anytime of the year to weed free soil; however, since DEVBINOL 2-EC requires 1-2 inches of rainfall or irrigation soon after application for adequate weed control, application should be timed to take advantage of rainfall if irrigation is not available. Fall and winter applications will provide excellent weed control the following spring and summer.

A thorough incorporation of DEVBINOL 2-EC ORNAMENTAL into the soil to a depth of 1-2 inches will provide excellent weed control with less rainfall required.

One application of DEVBINOL 2-EC ORNAMENTAL should provide adequate weed control for a growing season in temperature areas.

CONTAINER GROWN ORNAMENTALS: Consult list of plant species on which DEVBINOL 2-EC ORNAMENTAL can be used.

Apply DEVBINOL 2-EC ORNAMENTAL as a broadcast application over the containers.

Normal irrigation or rainfall (if a fall or winter application is made in cold areas) should provide sufficient water for satisfactory weed control. Do not apply DEVBINOL 2-EC ORNAMENTAL to frozen ground.

GROUND COVERS: Apply DEVBINOL 2-EC ORNAMENTAL as a broadcast treatment over the ground covers. Irrigate immediately with a minimum of 1 inch of water or apply when rainfall is expected. Use a boom sprayer for large areas.

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HIGHWAY AND INDUSTRIAL ORNAMENTAL PLANTINGS: Use an overall spray (broadcast treatment) over young ornamentals or as a directed spray where larger plants are growing. Irrigate soon after application or apply just before expected rain. Fall through spring applications are preferred if irrigation is not available or if application is to be made in low summer rainfall areas.

DICHONDRA: Apply DEVIRINOL 2-EC ORNAMENTAL at the time of seeding, or to established Dichondra including Dichondra sod. Irrigate with a minimum of 1 inch of water.

APPLICATION RATES

ANNUAL GRASSES: For annual grasses and broadleaf weeds apply 2 to 3 gallons of DEVIRINOL 2-EC ORNAMENTAL per broadcast acre in 50 gallons of water (6 to 9 fluid oz. per 2-1/2 gallons water per 1,000 sq. ft.). Use the higher rate when weed populations are heavy or when broadleaves are the primary weeds. Do not apply more than 3 gallons of DEVIRINOL 2-EC ORNAMENTAL per Acre per season. Do not make more than 1 application per season. Do not apply more than 2 gallons of DEVIRINOL 2-EC ORNAMENTAL per acre in California.

USE DEVIRINOL 2-EC ORNAMENTAL ON THESE ORNAMENTALS, NURSERY STOCK AND CONTAINER STOCK

<p>DECIDUOUS AND EVERGREEN TREES: Malus (limit application to 2 gallons per acre) Pinus Pittosporum Podocarpus Prunus</p>	<p>GROUND COVERS Dichondra</p>
<p>DECIDUOUS AND EVERGREEN SHRUBS: Hibiscus Ilex Juniperus Ligustrum Pittosporum Podocarpus Pyracantha Rosa</p>	<p>CONTAINER STOCK Hibiscus Ilex Juniperus Ligustrum Pinus Pittosporum Podocarpus Pyracantha Rosa</p>

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STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited. Do not reuse container.

PESTICIDE STORAGE: Store in a cool dry place. Do not store below 30°F. Keep container closed when not in use.

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: Nonrefillable container. Do not reuse or refill this container.

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 ¼ 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.

Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by other procedures allowed by state and local authorities.

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 reflect the opinion of experts based on field use and tests, and must be followed carefully. It is impossible to eliminate all risks 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.

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.

Rev. 11/09

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