

72155-19

05/31/2011

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

MAY 31 2011

Gregory C. Mattern
Bayer Advanced
P.O. Box 12014
Research Triangle Park, NC 27709

Subject: Notification per PR Notice 98-10 (revise marketing claims)
Triclopyr 8.8% Concentrate Herbicide
EPA Reg. No. 72155-19
Application Dated May 12, 2011

Dear Mr. Mattern:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the subject product. The Registration Division (RD) has conducted a review of this request finds that the action falls within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Mindy Ondish at (703)605-0723 or at ondish.mindy@epa.gov.

Sincerely,

Kable Bo Davis
Product Manager 25
Herbicide Branch
Registration Division (7505P)



United States
Environmental Protection Agency
Washington, DC 20460

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

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 72155-19	2. EPA Product Manager Kable Bo Davis	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Triclopyr 8.8% Concentrate Herbicide	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) Bayer Advanced P.O. Box 12014, 2 T.W. Alexander Drive Research Triangle Park, NC 27709 <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 _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION MAY 31 2011
<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 in accordance with PR Notice 98-10. See attached Section II Explanation.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> 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	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt	No. per container	<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 32 or 40 or 64 fl. oz., or 1 gal		5. Location of Label Directions <input type="checkbox"/> Booklet	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Gregory C. Mattern	Title Regulatory Product Manager	Telephone No. (Include Area Code) (919) 549-2630	
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.			6. Date Application Received (Stamped)
2. Signature <i>Gregory C. Mattern</i>	3. Title Regulatory Product Manager		
4. Typed Name Gregory C. Mattern	5. Date May 12, 2011		

Triclopyr 8.8% Concentrate Herbicide
EPA Reg. No. 72155-19
Label Notification
May 12, 2011

Section II - Explanation

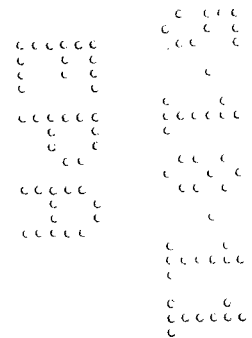
Bayer Advanced is submitting a label **Notification** for **Triclopyr 8.8% Concentrate Herbicide**, EPA Reg. No. 72155-19, in accordance with PR Notice 98-10.

As discussed with the PM (Kable Bo Davis) on 4/21/11 (see attached memo), a label Notification is being submitted with the following minor modifications/corrections made to the product labeling:

- 1. Changed the phrases "& others" to "& other listed brush" in two of the marketing claims on Page 1.
- 2. Added the editorial statement below the marketing claims that reads "[The word "listed" can appear as a footnote on the same page as the claim with the appropriate phrase, such as *listed brush types]"

Enclosed are 3 copies of the product label: Two clean copies and one copy with all changes from the latest Agency-approved label highlighted in yellow.

This notification is consistent with the provision 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.



4/10

Highlighted Copy

(FRONT PANEL)

Triclopyr 8.8% Concentrate

Herbicide

NOTIFICATION

MAY 31 2011

[ABN: Bayer Advanced Brush Killer Plus Concentrate]
[ABN: Bayer Advanced Brush Killer Plus Ready-to-Spray]

- Controls Woody Plants, Vines, Brush, Stumps, and Broadleaf Weeds
- Contains Hammer* Herbicide
- Makes 8 Gallons of Spray
- Covers up to 4,000 Square Feet (32 fl. oz. size)
- Kills Down to the Root
- Kills the Weed Above and the Root Below
- Kills the Toughest Weeds, Vines and Woody Plants - Roots and All
- Special Penetrating Formula Kills Even the Toughest Plants
- Special Penetrating Formula Kills the Toughest Vines and Woody Plants.
- Works Systemically Killing Weeds Right Down to the Root
- Begins Working in 1 - 3 Days
- Also Use to Kill Stumps
- Rainfast in hours
- Kills Tough Brush - Roots & All
- Kills Poison Ivy, Poison Oak, Blackberry, Kudzu & other listed brush
- Plus Kills Stumps
- Rainproof in hours
- Kills Roots
- 100% Satisfaction Guaranteed * (or your money back)
- Treats 4,000 Square Feet (32 fl. oz. size)
- Kills Kudzu to the Root
- Kills Kudzu - Roots & All
- Attach to Hose and Spray
- Hook to Hose and Go
- Plus Kills Hard to Control Weeds
- Also Kills Poison Ivy, Poison Oak, Blackberry & other listed brush
- Plus [Even] Kills Kudzu
- [Now] [XX]% more* (*vs. [X][fl.oz.] size)

[The word "listed" can appear as a footnote on the same page as the claim with the appropriate phrase, such as *listed brush types]

ACTIVE INGREDIENT:

Triclopyr, triethylamine salt 8.8 %**

OTHER INGREDIENTS: 91.2 %

** 6.36% Triclopyr acid equivalent

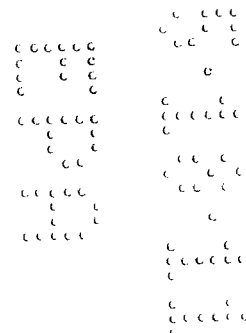
Net Contents: 32 fl. oz. (946 mL) or 40 fl. oz. (1.18 L) or 64 fl. oz. (1.89 L) or 1 gal (3.78 L)

*Trademark of Dow AgroSciences

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Back Panel Booklet for Additional Precautionary Statements




(BACK PANEL)

This product kills the tough brushy & viney weeds, roots and all. This concentrated formula kills Kudzu, Poison Ivy, Poison Oak and Blackberries. Over 75 hard-to-kill plants in all - to the root. Ideal for large areas - treats 4,000 square feet (32 fl. oz. size). No messy cleanup. Eliminating unsightly brush, vines and weeds from your home's landscape has never been easier.

OR

Triclopyr 8.8% Concentrate Herbicide kills tough brush and vines, roots and all. This concentrated formula controls Poison Ivy, Poison Oak, Blackberries, Kudzu and over 70 other hard-to-kill plants. Eliminating unsightly brush, vines, weeds and stumps from your home's landscape has never been easier.

READ THE LABEL FIRST!

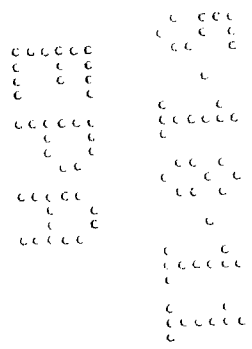
QUICK FACTS (Marketing Claims Positioned Here)	
KILLS	<ul style="list-style-type: none"> • Brush, Vines and Other Woody Plants • Poison Ivy, Poison Oak, Blackberry, Wild Berries and Bushy Plants • Stumps [Concentrate only, not Ready-to-Spray] • Kudzu • Broadleaf Weeds
WHERE TO USE	Use around homes, cabins, buildings, fences, walkways, trails and wooded areas.
COVERAGE	• This bottle treats up to 4000 square feet (32 fl. oz. size). [Just hook bottle to hose and go.]
WHEN TO USE	<ul style="list-style-type: none"> • When weeds are leafed out. • When brush is leafed out
	For questions or comments, call toll-free 1-877 BayerAG or visit us on-line at www.BayerAdvanced.com

FOR OUTDOOR RESIDENTIAL USE ONLY

EPA Reg. No. 72155-19

EPA Est. No. XXXX-AA-XX

DIRECTIONS FOR USE - FOR CONCENTRATE	
It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.	
BEFORE YOU USE Read and follow directions when using.	<ul style="list-style-type: none"> • TRICLOPYR 8.8% CONCENTRATE HERBICIDE will kill or injure all woody plants contacted. Certain warm season grasses may experience temporary yellowing when sprayed to excess. <ul style="list-style-type: none"> - If a desirable plant (other than grass) is accidentally sprayed, immediately rinse with plenty of water. - Apply when wind is calm. - Keep people and pets off treated areas until spray has dried. • Do not apply to or around fruits or vegetables used for food. • Measuring utensils such as measuring cups or measuring spoons should not be used for any food or drinking water purposes after use with this product.



DIRECTIONS FOR USE (Continued)	
HOW TO USE	<ul style="list-style-type: none"> • Determine amount of spray solution to prepare – See “How Much to Use”. • Make up spray solution by following directions specific to your sprayer – See “Sprayer Types”. • Adjust sprayer nozzle to a coarse spray. Spray the weeds you want to kill until thoroughly wet but not dripping. <p>TIPS:</p> <ul style="list-style-type: none"> • Use a sheet of cardboard or plastic to protect desirable plants from accidental contact with the product. • To Kill Vines, For vines growing on desirable plants, cut the vine and treat as directed for stump removal. • To Kill Poison Ivy or Poison Oak Contact with Poison Ivy or Poison Oak anytime of the year can cause an allergic reaction. Handle dead plants with rubber gloves. Dispose of plants and gloves in tightly sealed garbage bags. • To Kill Stumps, Completely cover freshly cut stump with undiluted product using a paintbrush. Do not reuse paintbrush for other uses. When discarding, wrap brush in newspaper and put in trash.
HOW MUCH TO USE	<p>Brush, Vines, Woody Plants and Other Hard-to-Kill Weeds Add 4 fl. oz. (1/2 Cup or 8 TBS) to 1 gallon of water to treat up to 500 square feet. Do not apply more than 9 lbs ai/A triclopyr (17 oz brush killer per 500 square feet) per year.</p> <p>Stumps Use full strength. Do not dilute</p>
SPRAYER TYPES	<p>Pump-up Tank Sprayers</p> <ol style="list-style-type: none"> 1. Add the appropriate amounts of concentrate and water to the sprayer tank. 2. Close sprayer, shake well and pressurize. 3. Adjust nozzle to a coarse spray pattern and apply. 4. Occasionally re-pressurize the sprayer to maintain a good spray pattern. <p>Dial-style Hose-end Sprayers</p> <ol style="list-style-type: none"> 1. Fill sprayer jar with enough concentrate to cover plants to be treated. 2. Close sprayer and set dial. 3. Attach sprayer to hose and apply. 4. Pour any unused product back into this original container for future use. <p>Concentrate-plus-water Hose-end Sprayers</p> <ol style="list-style-type: none"> 1. Pour concentrate into sprayer jar to the required ‘Fluid Ounce’ mark. 2. Add the appropriate amount of water to the ‘Gallons’ mark. 3. Replace sprayer top and shake well. 4. Attach sprayer to hose and apply. <p>Refill for 24 fl. oz. Triclopyr 0.8% RTU Herbicide To empty container, add 2 fl. oz. (4 TBSP) of Triclopyr 8.8% Concentrate Herbicide, then fill with water very slowly to avoid foaming.</p>
FOR BEST RESULTS	<ul style="list-style-type: none"> • Apply when weeds are fully leafed out and actively growing. • Rain or water 4 hours after application will not wash away effectiveness. • Pump-up Tank Sprayers work best for spot treatments while Hose-end Sprayers work best for large areas. • Certain hard-to-kill weeds [such as Purple Loosestrife] may require a repeat application if regrowth occurs. • To kill Buckthorn, first cut down plant and then treat remaining stump as explained in the HOW TO USE section.
HOW TRICLOPYR 8.8% CONCENTRATE HERBICIDE WORKS	<p>This selective systemic herbicide enters plants through their leaves, green or cut woody shoots, and roots then moves throughout the plant and interferes with processes found only in plants. Visual symptoms, such as wilting and yellowing, appear in 1 to 6 weeks.</p>

DIRECTIONS FOR USE – FOR READY-TO-SPRAY

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

BEFORE YOU USE

Read and follow directions when using.

- This product will kill or injure all woody plants contacted. Certain warm season grasses may experience temporary yellowing when sprayed to excess.
 - If a desirable plant (other than grass) is accidentally sprayed, immediately rinse with plenty of water.
 - Apply when wind is calm.
 - Keep people and pets off treated areas until spray has dried.
- Do not apply to or around fruits or vegetables used for food.

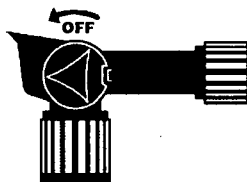
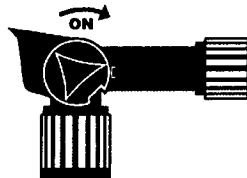
HOW MUCH TO USE

Measure area to be sprayed. Calculate 'square feet' by multiplying length times width. This bottle treats up to 4,000 square feet (32 fl. oz. size).
Do not apply more than 9 lbs ai/A triclopyr (17 oz brush killer per 500 square feet) per year.

HOW TO USE

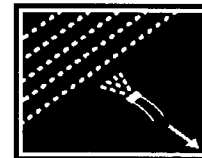
[For Ready to spray hose end bottle]

Shake Well Before Use



CONNECT

1. Shake well before use.
2. Connect sprayer to garden hose.
3. Turn on water.



SPRAY

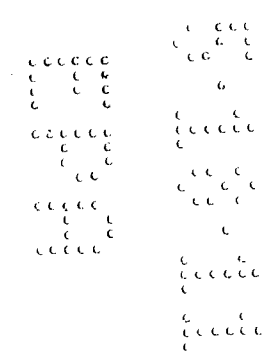
1. Extend hose to farthest area to be treated, point sprayer nozzle in direction to be sprayed.
2. Begin spraying <Insert sprayer-specific language here> Hayes HP-2 and Calmar RTS sprayers: Press lock tab while using other hand to turn sprayer valve to ON position. Green Garden RTS sprayer: Turn sprayer valve to ON position.
3. Walk at a steady pace while spraying, using an even sweeping motion, and slightly overlap the treated areas. Work back toward the faucet to avoid walking over wet, treated area.

FINISH

1. To stop spraying, < Insert sprayer-specific language here.> Hayes HP-2 RTS sprayer: Press lock tab while using other hand to turn sprayer valve to OFF position. Calmar & Green Garden RTS sprayers: turn sprayer valve to OFF position.
2. Turn off water at faucet.
3. Relieve water pressure in hose by turning sprayer valve back to ON position until water slows to a drip then turn sprayer valve to OFF position.
4. Disconnect sprayer from hose.


TIPS:

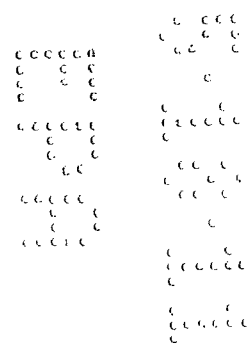
- Use a sheet of cardboard or plastic to protect desirable trees, shrubs, and plants from accidental contact with the product.
 - To Kill Vines,
 - For vines growing on desirable plants, cut the vine and use Triclopyr 8.8% Concentrate Herbicide, following the directions for stump removal.
 - To Kill Poison Ivy or Poison Oak
- Contact with Poison Ivy or Poison Oak anytime of the year can cause an allergic reaction. Handle dead plants with rubber gloves. Dispose of plants and gloves in tightly sealed garbage bags.




FOR BEST RESULTS	<ul style="list-style-type: none"> • Apply when weeds are fully leafed out and actively growing. • Rain or water 4 hours after application will not wash away effectiveness. • Certain hard-to-kill weeds [such as Purple Loosestrife] may require a repeat application if regrowth occurs. 			
HOW THIS PRODUCT WORKS	<p>This selective systemic herbicide enters plants through their leaves, green or cut woody shoots, and roots then moves throughout the plant and interferes with processes found only in plants. Visual symptoms, such as wilting and yellowing, appear in 1 to 6 weeks.</p>			
KILLS	<p>Alder Arkansas Rose Arrowwood Ash Aspen Beech Bindweed Birch Blackberry Blackgum Black Medic Box Elder Brazilian Pepper Buckthorn* Burdock California Rose Canada Thistle Carolina geranium Cascara Ceanothus Cherry Chickweed, Mouseear Chicory</p>	<p>Chinquapin Choke Cherry Clover Common Chickweed Cottonwood Crataegus Curly Dock Dandelion Douglas Fir Dogwood Elderberry Elm Evening Primrose Field Bindweed Field Horsetail Rush Florida Pusley Hawthorn Hazel Henbit Honeysuckle Hornbeam Japanese knotweed Kudzu Lambsquarter Lespedeza</p>	<p>Locust Madrone Maples Mesquite Mimosa Morning Glory (bindweed) Mulberry Multiflora rose Oaks Oxalis Parsley Piert Persimmon Pine Plantain Poison Ivy Poison Oak Poplar Purple Loosestrife Ragweed Raspberry Salmonberry Sassafras Scotch Broom Smartweed</p>	<p>Spurge Sumac Sweetbay Magnolia Sweetgum Sycamore Tanoak Tansy Ragwort Thimbleberry Thistle Trumpet Creeper Tulip Poplar Vetch Virginia Creeper Western Hemlock Wild Grape Wild Lettuce Wild Onion Wild Rose Wild Violet Willow Winged Elm Yellow Rocket</p>

*Requires stump treatment with undiluted product [*Concentrate product only*]

	<p>Do not allow people or pets onto treated areas until spray has dried.</p>
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Important – Directions for Storage and Disposal

Storage Conditions	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet. Protect From Freezing.
Disposal 	<p>If empty:</p> <ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse container. • Place empty container in trash or offer for recycling if available. <p>If partly filled:</p> <ul style="list-style-type: none"> • Call your local solid waste agency or toll free 1-877-229-3724 for disposal instructions. • Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION	
<ul style="list-style-type: none"> • Causes moderate eye irritation. • Harmful if swallowed, inhaled or absorbed through skin. • Avoid contact with eyes, skin or clothing. • Avoid breathing spray mist. • Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. • Remove contaminated clothing and wash before reuse. • Wear a long-sleeved shirt, long pants, shoes, and socks when applying this product. 	

FIRST AID

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"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.

NOTE: When calling a poison control center, have this product label accessible. If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. You may call toll-free 877-229-3763 for medical emergency information.

Active Ingredient: 8.8% Triclopyr, triethylamine salt (CAS # 57213-69-1).

ENVIRONMENTAL HAZARDS

<ul style="list-style-type: none"> • To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run-off to water bodies or drainage systems.
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10/10

NOTICE: Research and testing have determined that the "Directions For Use" are appropriate for the proper use of TRICLOPYR 8.8% CONCENTRATE HERBICIDE under expected conditions. To the extent consistent with applicable law, the Buyer assumes responsibility for lack of performance or safety if not used according to the directions.

***Money Back Guarantee:** If you are not satisfied with this product, we will gladly refund your original purchase price.



www.bayeradvanced.com

A Business Unit of Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Triclopyr 8.8% Concentrate (MASTER) Approved 02/15/11, Notification 04/28/11

Submitted 5/12/11

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