

72155-22

5/18/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Gregory C. Mattem
Product Registration
Bayer Advanced
P.O. Box 12014
2TW Alexander Drive
Research Triangle Park, NC 27709

MAY 18 2010

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change/Marketing Claims and Add Pest
EPA Reg. No. 72155-22
Application Dated April 22, 2010

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 04/22/10 for the above product. The Registration Division (RD) has conducted a preliminary screen of this request for its applicability under PRN 98-10 and finds that the action(s) 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 Owen F. Beeder of my staff at 703-308-8899.

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

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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 72155-22	2. EPA Product Manager Kathryn Montague	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Triclopyr 0.8% RTU Herbicide	PM# 23	
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 _____
<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.

NOTIFICATION
MAY 18 2010

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:

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	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* 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
 Label Container

4. Size(s) Retail Container
32 or 40 or 64 fl. oz., or 1 gal

5. Location of Label Directions
 Booklet

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled 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
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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 April 22, 2010

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Triclopyr 0.8% RTU Herbicide
EPA Reg. No. 72155-22
April 22, 2010

Section II - Explanation

Bayer Advanced is hereby submitting a label **Notification** for **Triclopyr 0.8% RTU Herbicide**, EPA Reg. No. 72155-22, in accordance with PR Notice 98-10.

1. To the Net Contents on Page 1, added "1 gallon (3.78 L), or other sizes within this range (24 fl. oz. to 1 gallon)". The package sizes (options) are being increased in accordance with sections II.E. and IV.B. of PR Notice 98-10. There are no specific package-size related restrictions for this product or the active ingredient in this product.
2. To active ingredient statements, added "Total 100%".
3. To the claims on Page 1, added "[Now][XX]% more* *(vs. [XX][fl. oz.]size)". This same claim was approved on the Concentrate version of this product (Reg. No. 72155-19).
4. To "WHEN TO USE" section of QUICK FACTS, added another line that reads "When brush is leafed out". This same text was approved on the Concentrate version of this product (Reg. No. 72155-19).
5. Added the missing "NOTICE" section to Page 4 (to match the Concentrate version of this product (Reg. No. 72155-19)).
6. To the KILLS table, added the following weeds: Common Chickweed, Evening Primrose, Florida Pusley, Japanese Knotweed, Lespedeza, Multifora Rose, Parsley Piert, Purple Loosestrife, Thistle, Wild Onion, Yellow Rocket

Enclosed are 3 copies of the product label (one clean copy and one copy with all changes 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.

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(FRONT PANEL)

COPY

NOTIFICATION

MAY 18 2010

Triclopyr 0.8% RTU Herbicide

Use around homes, cabins, buildings, fences, walkways, trails and wooded areas.

- Controls Woody Plants, Vines, Brush, Brambles, and Broadleaf Weeds
- Contains Hammer* Herbicide
- Covers up to 272 Square Feet
- 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
- Works Systemically Killing Weeds Right Down to the Root
- Begins Working in 1 - 3 Days
- Rainfast in hours
- Kills Tough Brush-Roots And All
- Kills Poison Ivy, Poison Oak, Blackberry Kudzu And Others
- Kills Roots
- 100% Satisfaction Guaranteed.
- [Now][XX]% more* *(vs. [XX][fl. oz.]size)

ACTIVE INGREDIENT:

Triclopyr, triethylamine salt	0.8 %**
OTHER INGREDIENTS:	99.2 %
TOTAL	100.0%

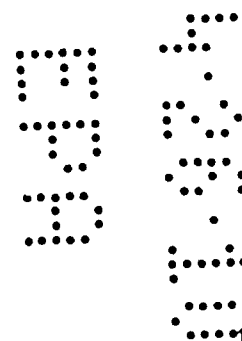
** 0.58% Triclopyr acid equivalent

Net Contents: 24 fl. oz. (709 mL), 1 gallon (3.78 L), or other sizes within this range (24 fl. oz. to 1 gallon)

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See Back Panel Booklet for Additional Precautionary Statements


*Trademark of Dow AgroSciences



(BACK PANEL)

Triclopyr 0.8% RTU Herbicide kills the tough brushy & viney weeds, roots and all. This convenient, ready-to-use formula controls Poison Ivy, Poison Oak, Blackberries and Kudzu - over 75 hard-to-kill plants in all. Eliminating unsightly brush, vines, brambles, and weeds 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, brambles and Other Woody Plants • Broadleaf Weeds
WHERE TO USE	Use around homes, cabins, buildings, fences, walkways, trails and wooded areas.
WHEN TO USE	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. 72155-22

EPA Est. No. XXXX-AA-XX

ATTACH SPRAYER: Remove sprayer from bottle and extend hose. Open flip-cap on bottle. Insert hose and plug into flip-cap opening until it snaps into place.


SPRAY: Adjust nozzle to stream or spray position. Point sprayer downward and squeeze trigger repeatedly until liquid is released.


AFTER USE: Turn sprayer nozzle to X (off) position. Do not unplug hose. Return sprayer to bottle. Sprayer will snap into place.

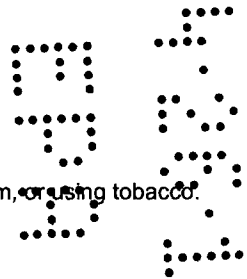
DIRECTIONS FOR USE	
It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.	
BEFORE YOU USE Read and follow these directions when using.	<ul style="list-style-type: none"> • TRICLOPYR 0.8% RTU HERBICIDE will kill or injure all woody plants contacted. Certain warm 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.
HOW TO APPLY Shake well before use	<ul style="list-style-type: none"> • Adjust sprayer nozzle to give a coarse spray. • Hold sprayer about 12" from weed. • 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 spray the stump. • 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.
REFILL	To this empty container (24 fl. oz.), add 2 fl. oz. (4 TBSP) of Triclopyr 8.8% Concentrate Herbicide, then fill with water very slowly to avoid foaming.
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 may require a repeat application if regrowth occurs.
HOW TRICLOPYR 0.8% RTU HERBICIDE WORKS	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.



KILLS	Alder	Cottonwood	Madrone	Spurge
	Arkansas Rose	Crataegus	Maples	Sumac
	Arrowwood	Curly Dock	Mesquite	Sweetbay Magnolia
	Ash	Dandelion	Mimosa	Sweetgum
	Aspen	Douglas Fir	Mulberry	Sycamore
	Beech	Dogwood	Multifora Rose	Tanoak
	Bindweed	Elderberry	Oaks	Tansy Ragwort
	Birch	Elm	Oxalis	Thimbleberry
	Blackberry	Evening Primrose	Parsley Piert	Thistle
	Blackgum	Field Bindweed	Persimmon	Trumpet Creeper
	Box Elder	Field Horsetail Rush	Pine	Tulip Poplar
	Brazilian Pepper	Florida Pusley	Plantain	Vetch
	Burdock	Hawthorn	Poison Ivy	Virginia Creeper
	California Rose	Hazel	Poison Oak	Western Hemlock
	Canada Thistle	Henbit	Poplar	Wild Grape
	Cascara	Honeysuckle	Purple Loosestrife	Wild Lettuce
	Ceanothus	Hornbeam	Ragweed	Wild Onion
	Cherry	Kudzu	Raspberry	Wild Rose
	Chicory	Japanese Knotweed	Salmonberry	Wild Violet
	Chinquapin	Lambsquarter	Sassafras	Willow
	Choke Cherry	Lespedeza	Scotch Broom	Winged Elm
	Clover	Locust	Smartweed	Yellow Rocket
	Common Chickweed			

	Do not allow people or pets onto treated areas until spray has dried.
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IMPORTANT: Directions for Storage and Disposal	
Pesticide Storage:	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet. Protect from freezing.
Pesticide and Container Disposal: 	<p>If Empty:</p> <ul style="list-style-type: none"> • Non-refillable container. Do not reuse or refill this container unless the directions for use allow a different (concentrated) product to be diluted in the 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

- 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 Swallowed

- 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: 0.8% Triclopyr, triethylamine salt (CAS # 57213-69-1).

ENVIRONMENTAL HAZARDS

- 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.

NOTICE: Research and testing have determined that the "Directions For Use" are appropriate for the proper use of this product 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.



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

Triclopyr 0.8% RTU Herbicide (MASTER) Approved 03/31/05, Notification Submitted 08/11/05, 11/18/05, Notification 02/23/09, Notification 04/22/10

