

72155-74

03/11/2009

1/8



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Gregory C. Mattern
Regulatory Product Manager
Bayer Advanced
P.O. Box 12014
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

MAR 11 2009

Subject: Label Notification(s) for Pesticide Registration Notices 98-10 and 2008-1
1. Minor label changes

Dear Mr. Mattern:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2008-1 dated February 13, 2009 for:

EPA Registration 72155-74

Crabgrass Killer RTS Herbicide

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 2007-4 and 2008-1 and finds that the label changes requested falls within the scope of PR Notice 2007-4 and 2008-1. 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 identifying 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,

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

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



United States
Environmental Protection Agency
Washington, DC 20460

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

OPP Identifier Number

OK

Application for Pesticide - Section I

1. Company/Product Number 72155-74	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Crabgrass Killer RTS 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 _____	

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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.)
 Notification of minor label change per PR Notices 98-10 and 2008-1. See attached Section II Explanation.
 Contact info.: gregory.mattern@bayercropscience.com (919-549-2630)

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
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	Other (Specify) _____	
		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"/> Booklet	
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 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 February 13, 2009	

Section II - Explanation

Bayer Advanced is submitting a **Notification** for **Crabgrass Killer RTS Herbicide** (EPA Reg. No. 72155-74) in accordance with PR Notices 98-10 and 2008-1. The following minor changes have been made to the label:

1. Correction to add the missing "(when used as directed)" to two optional marketing claims (after "Will not harm listed lawns" and "Kills the weed, but won't harm listed lawns") on the front panel.
2. Correction to change the dagger symbol (†) before "For use on Kentucky Bluegrass ..." on the front panel to a bullet item since this is not intended to be a footnote for the phrases "won't harm listed lawns" (the correct footnote is "when used as directed").
3. Corrected the word "Lawn" to "Lawns" on the optional claim "Controls the weed, but won't harm listed lawn" on the front panel.
4. Added the optional word "[most]" after the word "[listed]" under the "Where to Use" section on Page 2.
5. Moved the text "¹Temporary discoloration may occur on Kentucky bluegrass lawns, but they will recover" from the "For Best Results" section on Page 3 to the front panel.
6. Added the optional word "[ON]" to the "Finish" subsection of the "How to Use" section on Page 3 in order to give proper directions for certain new types of RTS sprayers.
7. Added the optional text "[these ornamental plants]" to the "For Best Results" section on Page 3.
8. Updated the Environmental Hazard section to comply with PR Notice 2008-1.

Two copies of the revised label are enclosed, plus one copy with the changes highlighted.

This notification is consistent with the guidance in PR Notices 98-10 and 2008-1 and the requirements of EPA's regulations at 40CFR part 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. We understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. We further understand that if the amended label is not consistent with the requirements of 40CFR part 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and we may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

(Front Panel)

Crabgrass Killer Ready-To-Spray Herbicide

to be selected from the following list..

- (Systemic herbicide) Kills crabgrass to the root
- Kills crabgrass and other grass weeds to the root
- Kills crabgrass and other listed weeds in one easy step
- Kills crabgrass (and other listed grass weeds) – roots and all
- Will not harm listed lawns† - (when used as directed)
- Kills the weed, but won't harm listed lawns† - (when used as directed)
- Pre-mixed and ready to spray
- No mixing and measuring
- Just hook to hose (and spray)
- Kills post emergent listed grass weeds
- Even kills large Crabgrass(..to the root)
- Even kills hard to control crabgrass
- Systemic activity kills to the root
- (Exclusive) (Proprietary) Formula (even kills large crabgrass)
- One quart covers 5,000 square feet
- Miss your pre-emergent weed application? It's not too late to stop crabgrass. Kills post emergent grass weeds
- Stop crabgrass now
- Now you can control (post emergent) crabgrass
- Can be used throughout growing season
- Eliminates crabgrass so your lawn can flourish
- Can be used around established ornamental flowers and shrubs
- Eliminates grass weeds around ornamental flowers, trees and shrubs – won't harm the ornamentals
- Rainproof in one hour
- Treat your whole lawn
- [Curbs] [Knocks back] [Controls] Bermudagrass
- Controls Bermudagrass in Lawns
- Even Controls Crabgrass
- Controls Bermudagrass & Crabgrass in One Easy Step
- Won't Harm listed Lawns† (When used as Directed)
- Can be used Around (most)(many)(a wide range of) Flowers, Trees and Shrubs
- Controls the Weed, but Won't Harm listed Lawns† (when used as directed)
- Attach to Hose and Spray
- 100% Satisfaction Guaranteed* (Or Your Money Back)
- Won't Harm Your Lawn† (When used as directed)
- Won't Harm Lawns† (When used as directed)
- One Pint Treats 2,500 Square feet
- New!
- Hook to Hose and go!
- Kills grass weeds in flower beds
- For use on Kentucky Bluegrass¹, Perennial Ryegrass, and Fescue (fine & tall) Lawns. Not for use on Bermudagrass, Bentgrass, St. Augustine (including Floratam), Centipede, Bahia or Zoysiagrass Lawns

¹Temporary discoloration may occur on Kentucky bluegrass lawns, but they will recover.

Active Ingredients:

Fenoxaprop-p-ethyl*.....	0.41%
Other Ingredients	99.59%
	100.00%

*CAS No. 71283-80-2

Net Contents 32 fl. oz. (946 mL)

NOTIFICATION

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KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel for additional precautionary statements

(Back Panel)

[This product's exclusive formula kills crabgrass and other listed grass weeds – roots and all. And it will not harm your lawn when used as directed. The formula is ideal if you have [crabgrass] [bermudagrass] invading your lawn or if you missed your pre-emergent crabgrass control application. (The convenient sprayer connects to a garden hose and automatically dispenses the crabgrass killer.) One bottle treats 5,000 square feet. Controlling [crabgrass] [bermudagrass] and other listed weeds in your lawn (and/or landscaping) has never been easier!]

[This exclusive formula is ideal for controlling grass weeds like crabgrass and bermudagrass in your flower beds and planting areas. Simply hook to the end of your hose and spray around a wide variety of ornamental trees, shrubs and plants*. Without harming them! Controlling annoying and embarrassing grass weeds in your beds has never been faster or easier!]

READ THE LABEL FIRST!



QUICK FACTS	
Marketing claims to be selected from the front page	
KILLS	Bermudagrass [controls], Crabgrass, foxtail, sandbur, Japanese stiltgrass & other grass weeds
WHERE TO USE	<ul style="list-style-type: none"> On LAWNS without harming lawn grass (†DO NOT use on St. Augustine [including Floratam], bermudagrass, bentgrass, zoysiagrass, centipede or bahia lawns) Around [listed] [most] established ORNAMENTAL trees, shrubs, perennials & annuals (* DO NOT use around: barharbor juniper, philodendron, pittosporum, podacarpus, salvia)
COVERAGE	This bottle treats an average size lawn (5,000 sq ft). (Just hook bottle to hose & you're ready.)
Questions or comments? Call toll-free 1-877-BayerAG (1-877-229-3724)	

EPA Reg. No. 72155-74

EPA Est. No. XXXX-AA-1

OPEN Resealable Label for Directions & Precautions
PRESS TO RESEAL

FOR OUTDOOR RESIDENTIAL USE ONLY

DIRECTIONS FOR USE	
It is a violation of Federal law to use this product in a manner inconsistent with its labeling.	
<p>[WHERE TO USE] [OPTIONAL FOR ORNAMENTAL USE PRODUCTS] [For Use Around Ornamentals in Planting Beds, Lawns, & Outdoor Pots]</p>	<p>To kill undesirable weed grasses growing around the following plants, spray directly on the weeds, avoiding the desirable plant foliage as much as possible. The following plants are generally tolerant (will not be injured) although temporary discoloration of the foliage may occur occasionally on some of the listed plants if contacted by spray. If an unlisted plant is accidentally contacted, wash off immediately with water.</p> <p>Shrubs American Holly, Azalea, Barberry, Blue Rug Juniper, Cotoneaster, Dwarf Shore Juniper, Firethorn, Forsythia, Hawthorn, Hydrangea, Japanese Holly, Korean Boxwood, Meservae Holly, Nandina, Oleander, Parsonii Juniper, Privet, Rhododendron, Rose, San Jose Juniper, Viburnum, Weigela, Wiltoni Juniper</p> <p>Trees Flowering Dogwood, False Cypress, Hawthorn, Magnolia, Japanese Maple, Red Maple, White Pine, Willow, Yew</p> <p>Ground Covers & Flowers African Daisy, Ajuga, Annual Indian Blanket, Annual Statice, Astilbe, Baby Blue Eyes, Baby's Breath, Begonia, Bellflower, Bird's Eyes, Black-Eyed Susan, Bleeding Hear, Blue Hells, Blue Flax, California Poppy, Candytuft, Catchfly, Chrysanthemum, Coleus, Columbine, Coreopsis, Corn Poppy, Cosmos, Creeping Zinnia, Dames Rocket, Day Lily, Dwarf Columbine, Dwarf Cornflower, Dwarf Lance-Leafed Coreopsis, English Ivy, English Wallflower, Euonymus, Forget-Me-Not, Gaillardia, Garland Chrysanthemum, Gazania, Geranium, Gillia, Globe Gillia, Hosta, Iris, Johnny Jump Up, Lemon Mint, Leopards-Bane, Liatris, Liriope, Maiden Pinks Missouri Primrose, Mountain Phlox, Periwinkle, Petunia, Photinia, Pimpernel, Prairie Coneflower, Purple Coneflower, Red Yarrow, Rocket Larkspur, Rocky Mountain Penstemom, Roman Chamomile, Rose, Scarlet Flax, Shasta Daisy, Siberian Wallflower, Small</p>

Burnet, Snapdragon, Snow-in-Summer, Soapwort, Spurred Snapdragon, Starflower, Sweet Alyssum, Sweet William, Tall Evening Primrose, Tall Godetia, Tall Plains Coreopsis, Tidy Tips, White Yarrow, Wild Thyme, Zinnia

Ornamental Grasses
Big Bluestem, Blue Grama, Little Bluestem, Sideoats Grama

HOW TO USE
[For Ready to spray hose end bottle]

Shake Well Before Use

CONNECT

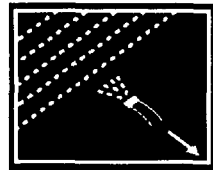
1. Shake well before use.
2. Connect sprayer to garden hose.
3. Turn on water.

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 grass.]

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] [WATER] position until water slows to a drip then turn sprayer valve to OFF position.
4. Disconnect sprayer from hose.



HOW TO USE
[For Concentrate bottle]

Shake Well Before Use

PUMP-UP TANK SPRAYERS (Best for spot spraying individual weeds)

1. Add appropriate amounts of water & product to sprayer tank – 3.2 fl. oz. (6 ½ Tbs) product in 1 gallon of water treats 500 sq. ft.
2. Close sprayer, shake well & pressurize. Adjust nozzle to a coarse spray.
Large Areas – Apply evenly over area.
Individual Weeds – Hold tip of wand about 12 inches from weed, aim at center of weed and spray.
3. Occasionally re-pressurize sprayer to maintain a good spray pattern.

DIAL STYLE HOSE-END SPRAYERS (Best for spraying large areas of the lawn)

1. Fill sprayer jar with enough product for area to be treated – 3.2 fl. oz. (6 ½ Tbs) product treats 500 sq. ft. **DO NOT ADD WATER!**
2. Close sprayer, set dial and apply.
3. Pour any unused product back into this original container.

CONCENTRATE-PLUS-WATER HOSE-END SPRAYERS (Best for spraying large areas of the lawn)

1. Pour product into sprayer jar to the required fluid ounce level – 3.2 fl. oz. (6 ½ Tbs) treats 500 sq. ft.
2. Add the appropriate amount of water to the gallons level.
3. Replace sprayer top, shake well and apply.

FOR BEST RESULTS WHEN TO APPLY

- Spray when grass weeds are small and actively growing and temperature is below 90°F
- To control Bermudagrass, up to seven applications spaced one month apart may be required. Make the first application in the spring when the Bermudagrass begins to green up. Repeat the following growing season if necessary.
- Do not make more than seven applications per year.
- Before treating new or renovated lawns,
 - new grass seedlings must be at least 1 month old (3 months for Kentucky bluegrass)
 - Kentucky bluegrass sod must be at least 1 month since installation
- Treated fescue and perennial ryegrass lawns may be re-seeded immediately after application, however, wait 3 weeks after application to Kentucky Bluegrass before reseeding.
- Do NOT use around [these ornamental plants]: barharbor juniper, philodendron, pittosporum, podocarpus, salvia.

MOWING: Do not mow for 24 hours after (spraying) (application).

WATERING: If lawn is dry, water 1 to 2 days before or within 1 day after using this product. Rain or watering 1 hour after application will not wash away effectiveness.

HOW IT WORKS	Crabgrass Killer R-T-S Herbicide contains a patented Bayer herbicide proven to control bermudagrass, crabgrass & other listed grass weeds down to the roots without harming the lawn or other desirable plants. This product is absorbed by the weed leaves therefore thorough coverage is important to ensure best control. Visible effects usually appear within 4 – 10 days as yellowing &/or reddening of the grass weed leaves.
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KILLS GRASS WEEDS	
Bermudagrass [controls]Crabgrass (Large/Hairy, Smooth), Barnyardgrass, Foxtail, Goosegrass (Silver Crabgrass), Japanese Stiltgrass, Johnsongrass (seedling), Panicum, Sandbur	

PRECAUTIONARY STATEMENTS

CAUTION
Hazards to Humans and Domestic Animals

- Harmful if swallowed.
 - Causes moderate eye and skin irritation.
 - Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco
 - Avoid contact with eyes, skin or clothing. Wear protective eyewear.
 - Wear long-sleeved shirt and long pants, socks and shoes.
 - When using this product, wear long sleeved shirt and long pants, shoes plus socks
- After using this product:
- If product gets on skin, wash thoroughly with soap & water.
 - If product gets on clothing, remove clothing as soon as possible and launder clothing separately before reuse.




Do not allow people (other than applicator) or pets on treatment area during application and until spray has dried.

ENVIRONMENTAL HAZARDS

This product is toxic to fish & aquatic invertebrates.
 Do not apply when weather conditions favor run off or drift.
 Drift or runoff may harm aquatic invertebrates and non-target plants.
 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.

FIRST AID	
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.
If in Eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for further treatment advice.
If on Skin	<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.
<p>For MEDICAL Emergencies Call 24 Hours A Day 1-877-229-3763.</p> <p>Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p> <p>NOTE: If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. Active Ingredients: 0.41% Fenoxaprop-p-ethyl (CAS # 71283-80-2).</p> <p>NOTE TO PHYSICIAN: This product may pose an aspiration pneumonia hazard. Contains petroleum distillates.</p>	

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: Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.</p> <p>If partly filled: 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.</p>

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.

NOTIFICATION

MAR 11 2009



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

Crab Grass Killer RTS (MASTER) Approved 07/28/08, Notification 02/13/09