

75240-4

6/15/2004

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg.
Number:

75240-4

Date of Issuance:

JUN 15 2004

Term of Issuance:

Conditional

Name of Pesticide Product:

PHEN

NOTICE OF PESTICIDE:

☒ Registration
☐ Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Ms. Janelle Kay
AgValue-DP, LLC
c/o Pyxis Regulatory Consulting, Inc.
11324 17th Ave. Ct. N.W.
Gig Harbor, WA 98332

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product.
~~under FIFRA section 4.~~

2. Add the phrase "EPA Registration No. 75240-4".

3. You are required to submit the results of the one-year study for both Corrosion and Storage Stability upon completion, or 18 months from the date of this letter.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Submit three (3) copies of your final printed labeling before you release the product for shipment.

Enclosed for your records is a copy of your label stamped "Accepted with Comments".

Signature of Approving Official:

Date:

6-15-04

JUN 15 2004

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
75240-4



AgValue

PHEN

Herbicide

FOR AGRICULTURAL USE ONLY

Postemergence Herbicide for Control of Weeds in Spinach
(Grown for Processing and Seed Only) and Red Beets

ACTIVE INGREDIENT:

Phenmedipham*	15.9%
OTHER INGREDIENTS**	84.1%
Total	100.0%

*3-methoxycarbonylamino-phenyl-3-methylcarbanilate

**Contains petroleum distillates

Contains 1.3 lbs. active ingredient per gallon.

This product contains the toxic inert ingredient isophorone.

EPA Reg. No. 75240-[REDACTED]

EPA Est. No. 070989-IA-001

Keep Out of Reach of Children

WARNING – AVISO

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.)

For 24-Hour Emergency Contact, call CHEMTREC (1-800-424-9300)

FIRST AID	
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 a poison control center or doctor.• Do not give any liquid to the person.• 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 15-20 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.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
Contains petroleum distillate – vomiting may cause aspiration pneumonia.	

See inside label booklet for additional Precautionary Statements

Net Contents: 2.5 Gallons

PRECAUTIONARY STATEMENTS

Hazards to Humans (and Domestic Animals)

WARNING – AVISO

Causes substantial but temporary eye irritation and causes skin irritation. Harmful if swallowed. Wear protective eyewear such as goggles. Do not get in eyes or on clothing. Avoid contact with skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

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 F on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, or Viton® ≥ 14 mils
- 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, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls Statement

When handlers use closed systems, enclosed cabs, or aircraft in a manner 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.

Environmental Hazards

This pesticide is toxic to fish and aquatic organisms. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to fish and aquatic organisms in adjacent aquatic sites. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container and keep closed. Store in a cool, dry place away from heat or open flame.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

When Packaged in Plastic Containers:

Container Disposal: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. **DO NOT REUSE THIS CONTAINER.**

When Packaged in Bulk/Mini-bulk Tanks:

Bulk/Mini-bulk Tanks: Triple rinse (or equivalent) and wash with appropriate cleaners before reusing.

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.

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.

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 such as barrier laminate or butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, or Viton® ≥ 14 mils
- Shoes plus socks

GENERAL INFORMATION

PHEN is a selective postemergence herbicide for use in spinach (grown for processing and seed) and red (table) beets.

Note: Use PHEN Herbicide on spinach only when temperatures are below 75°F in order to prevent possible injury. PHEN is effective for control of the following weeds:

Wild mustard	<i>Brassica kaber</i>	Coast fiddleneck	<i>Amsinckia intermedia</i>
Common lambsquarters	<i>Chenopodium album</i>	Common chickweed	<i>Stellaria media</i>
Shepherdspurse	<i>Capsella bursa-pastoris</i>	Purslane	<i>Portulaca oleracea</i>
London rocket	<i>Sisymbrium irio</i>	Common ragweed	<i>Ambrosia artemisiifolia</i>
Nettleleaf goosefoot	<i>Chenopodium murale</i>	Annual sowthistle	<i>Sonchus oleraceus</i>
Groundcherry	<i>Physalis lanceifolia</i>		

For best results, spray when the weeds are at the two-leaf stage.

General Precautions and Restrictions

DO NOT APPLY THIS PRODUCT THROUGH ANY TYPE OF IRRIGATION SYSTEM.

DO NOT APPLY PHEN TO SPINACH LATER THAN 40 DAYS PRIOR TO HARVEST. DO NOT APPLY PHEN TO RED BEETS LATER THAN 60 DAYS PRIOR TO HARVEST.

DO NOT ROTATE WITH CEREAL GRAIN CROPS FOR 120 DAYS FOLLOWING POST-EMERGENCE APPLICATION OF PHEN.

PHEN MAY CAUSE INJURY IF THE CROP IS UNDER STRESS FROM ONE OR MORE OF THE FOLLOWING CONDITIONS:

- Rapid climatic changes from cool, overcast days, to hot (75°F or over), bright days. Windy conditions or drought
- Use of a preplant or preemergence herbicide or other chemicals
- Insect or disease injury
- Close cultivation

If stress conditions are present, delay application in order to give plants a chance to recover.

If extreme weather conditions are of short duration, delay spraying until the end of such a period.

If PHEN applications must be made on days with extreme temperature and/or brightness, delay spraying until evening.

DO NOT OVERTREAT: The use of higher than recommended rates may cause injury.

Do not spray while dew is present.

Rainfall within 6 hours of spraying may reduce weed kill. Do not allow spray drift to contact adjacent crops which may be injured by spray drift.

Important

PHEN Herbicide may cause temporary growth retardation and/or chlorosis or tip-burn. Crops usually resume normal growth within 10 days.

When used as directed, PHEN is selective in spinach and red beets past the 4 to 6 true-leaf stage. Crops may be severely injured if treated before the 4 to 6 true-leaf stage. The stage of growth of the weeds is very important for satisfactory control.

For best results, spray when the weeds are at the two true-leaf stage. Best results are obtained when the weeds are actively growing and are not under water or heat stress.

MIXING THE SPRAY: MAKE SURE THE SPRAYER IS CLEAN.

PHEN is an emulsifiable concentrate. The formulation contains sufficient wetting agents for optimum coverage. Do not add additional wetting agents or other spray adjuvants. Add sufficient water to fill the lines. Then add the desired amount of PHEN and the remaining quantity of water with the bypass agitator running. Bypass agitation is sufficient. Mechanical agitation is not necessary. Only use freshly prepared spray emulsions.

Always spray immediately after preparing the spray solution. Prepare only enough spray solution to last less than four hours.

Practices to Lower the Potential for Spray Drift

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather-related factors determine the potential for spray drift. The applicator and grower are responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications to agricultural field crops. These requirements do not apply to forestry applications, public health uses or to applications using dry formulations.

1. The distance of the outer most nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backwards parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they should be observed. The applicator should be familiar with and take into account the information covered in the **Aerial Drift Reduction Advisory Information** section below.

Aerial Drift Reduction Advisory Information:

Information on Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (See Wind, Temperature and Humidity, and Temperature Inversions).

Controlling Droplet Size

- **Volume** – Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows produce larger droplets.
- **Pressure** – Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- **Number of nozzles** – Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle Orientation** – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.
- **Nozzle Type** – Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length

For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind, smaller drops, etc.)

Wind

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential.

Note: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Rate of Application

- **By Ground:** Apply PHEN at the rate of 3 to 6 pints per acre in 11 to 22 gallons of water broadcast basis. For band application, see dosage chart. TOO MUCH WATER MAY CAUSE PRECIPITATION.
- **By Air:** Apply PHEN at the rate of 3 to 6 pints per acre using 5 to 20 gallons of spray per acre.

Use a maximum of 6 pints per acre per year with a split application of 2-1/2 to 3 pints at the 2-leaf stage of spinach instead of the 4 to 6 true-leaf stage and the repeat application of 3 pints, 4 to 6 days later.

Use the 6 pint rate only on well-established crops which are not under stress. Avoid phytotoxic spray drift to nontarget crops during application of PHEN.

DO NOT APPLY WHEN WIND SPEED IS OVER 10 MILES PER HOUR. AVOID APPLICATIONS WHEN CONDITIONS FAVOR DRIFT.

For further information, contact your County Agricultural Agent, Farm Advisor or AgValue, Inc.

DOSAGE CHART FOR BAND APPLICATIONS

Broadcast Equivalent	Band Rate	
	Band Width	Row Spacing 26"
3 pints/acre	5"	9.2 fl. oz.
	7"	12.9 fl. oz.
6 pints/acre	5"	18.5 fl. oz.
	7"	25.8 fl. oz.

TERMS AND CONDITIONS OF USE

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

WARRANTY DISCLAIMER

AgValue, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. AgValue, Inc. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of AgValue, Inc. or the seller. All such risks shall be assumed by buyer.

LIMITATION OF REMEDIES

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at AgValue, Inc.'s election, one of the following:

- (1) Refund of purchase price paid by buyer or user for product bought, or
- (2) Replacement of amount of product used

AgValue, Inc. shall not be liable for losses or damages resulting from handling or use of this product unless AgValue, Inc. is promptly notified of such loss or damage in writing. In no case shall AgValue, Inc. be liable for consequential, incidental or special damages or losses.

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