

82808-1

04-09-2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

John DeMarco
AgroChem, Inc.
3 Duplainville Road
Saratoga Springs, NY 12866

APR 9 2010

Re: **Registration Review** for ForageGuard
EPA Registration Number 82808-1
Decision Number 431392
Response to EPA/SRRD Email Dated 12/30/08

Dear Mr. DeMarco:

The Agency is in receipt of your revised label submitted April 29, 2009, and has confirmed the specified language with respect to the baling of hay has been added as requested. As previously noted, this change ensures negligible environmental exposure, and therefore allows the Agency to proceed with a final registration review decision without data call in for the following:

- 850.4100 Seedling Emergence, Tier 1
- 850.4150 Vegetative Vigor, Tier 1
- 830.7050 Ultraviolet/Visible Absorption

The label is acceptable provided the following changes are made:

1. Add the following immediately below the signal word DANGER: "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.)"
2. Put the **FIRST AID** instructions into a box to set them off from the rest of the text.
3. In the section HAZARDS TO HUMANS AND DOMESTIC ANIMALS change "Harmful if swallowed or absorbed through skin." to "Harmful if swallowed, absorbed through skin, or inhaled."
4. In the **STORAGE AND DISPOSAL** instructions, replace the CONTAINER DISPOSAL instructions with the following:

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

Triple rinse or pressure rinse container promptly after emptying

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip

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container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Offer rinsed container for recycling or reconditioning if available, or puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.”

5. Put **STORAGE AND DISPOSAL** instructions into a box to set them off from the rest of the text.

One copy of the label stamped “Accepted with comments” is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment.

The Agency has determined that the registrant may distribute and sell propionic acid products bearing old labels/labeling for 12 months from the date of issuance of this letter. Registrants and persons other than the registrant remain obligated to meet existing stocks requirements applicable to products they sell or distribute.

If you have any questions, please contact Robert Westin by phone at (703) 305-5721 or via email at westin.robert@epa.gov.

Sincerely,

Lisa Jones FOR

Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7504P)

Enclosure: Label stamped “Accepted with Comments”

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ForageGuard

(FOR THE PRESERVATION OF BALED HAY AND HAYLAGE)

ACTIVE INGREDIENT	
Propionic Acid	67.7 %
OTHER INGREDIENTS:	
Ammonium Hydroxide, water	32.3%
TOTAL	100.00%

**ACCEPTED
with COMMENTS
In EPA Letter Dated
APR 9 2010
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
82806-1**

**KEEP OUT OF REACH OF CHILDREN
DANGER**

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 SWALLOWED: Call 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 INHALED: Move person to fresh air. If person is breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further 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.

HOT LINE NUMBER: Have the product container or label with you when calling a poison control center or doctor or going for treatment. For emergency medical attention, call 1-800-222-1222

NOTE TO PHYSICIAN: probable mucosal damage may contraindicate the use of gastric lavage.

WARRANTY: To the fullest extent permitted by law, AgroChem Inc. is in no way responsible to people or property resulting from the use of this product that is inconsistent with this label.

**SEE SIDE LABEL FOR ADDITIONAL PRECAUTIONARY,
STORAGE, AND DISPOSAL INFORMATION.**

DIRECTIONS FOR USE:

It is a violation of federal law to use this product in a manner inconsistent with its labeling. ForageGuard is a preservative for hay that is baled at 16% to 30% moisture and haylage with 50% to 70% moisture. It can be used on alfalfa, bermuda grass, blue grass, brome grass, clover, cowpea hay, fescue, lespedeza, lupines, orchard grass, peanut hay, peavine hay, rye grass, soybean hay, sudan grass, timothy, and vetch. When used in accordance with label directions, it will prevent the growth of mold in the hay and the related heating, discoloration, and loss of feed value.

FOR USE ON HAY: Spray ForageGuard on the hay as it is fed into the baler using the application rates below:

Small Square & Large Round Balers			Large Square Balers	
Hay Moisture	Stem Moisture	Dew Moisture	Stem Moisture	Dew Moisture
16%-22%	4 lb / ton	2 lb / ton	6 lb / ton	3 lb / ton
22%-26%	8 lb / ton	6 lb / ton	10 lb / ton	8 lb / ton
27%-30%	16 lb / ton	12 lb / ton	do not bale	16 lb / ton

not recommended for hay above 30% moisture

1. Avoid baling if the windrow moisture level exceeds 30 percent.
2. Always check the hay moisture level before baling high moisture hay.
3. For rained-on hay or poorly ventilated storage, increase the application rate by 4-5 lb/ton.
4. Make sure that the spray nozzle's openings and placement are such that good coverage is obtained.
5. Make sure that the storage area for the baled hay is well ventilated.
6. Do not store untreated dry hay on top of treated wet hay.

FOR USE ON HAYLAGE: Spray ForageGuard on crop at chopper intake or blower intake using the following application rate:

% Haylage Moisture	Rate
50% - 70%	2.5 - 3.5 lb / ton

This product may only be used during the baling process if appropriate baler equipment is used which prevents exposure of non-target organisms to this pesticide product. Do not apply to pre-harvest hay and straw, cut hay and straw in the field prior to baling, or to hay and straw after it has been baled. Apply product to the hay and straw as it is fed into the baler, using the rates on this label. The baler application equipment must prevent drippage and drift, and must function properly and be used/maintained in accordance with the manufacturer's written operation instructions.

**AgroChem Inc.,
3 Duplainville Road,
Saratoga Springs, NY 12866
(518) 226-4850**

EPA Reg. No. 82808-1
EPA Est. No. 82808-NY-001
NET CONTENTS: 450 lbs
LOT# FG040109A
1 GALLON = 8.90 LBS

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FORAGEGUARD PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS. DANGER. Causes irreversible eye damage. Do not get in eyes. Wear protective eyewear (goggles, face shield, or safety glasses). Harmful if swallowed or absorbed through skin. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. Wear chemical resistant gloves, chemical resistant aprons, chemical-resistant footwear, and goggles or face shield when loading application equipment unless a closed loading system is used. Avoid working near high concentrations of spray or mist vapor. Use with adequate ventilation.

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 wash waters.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Seal tightly. Do not store in direct sunlight.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent), then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.