

87663-5

7/25/2012

1/14



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D C 20460

JUL 25 2012

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Sam Ghantous Manager  
Emery Oleo chemicals LLC  
4900 Este Ave  
Cincinnati OH 45232

Subject Emery Agro 7040 Ready To Use (RTU)  
EPA Registration No 87663 5  
Label Amendment to add additional producers to CSF add alternate packaging size to the label  
and amend the Environmental Hazards statement by adding the point source discharge statement  
for large containers  
Decision # 462776  
Application Dated March 15 2012

Dear Mr Ghantous

The amendment referred to above submitted in connection with registration under FIFRA section 3(c)(5) is **acceptable** provided that you

- 1 Submit and/or cite all data required for registration/reregistration of your product under FIFRA section 3(c)(5) when the Agency requires all registrants of similar products to submit such data
- 2 Submit three (3) copies of your final printed labeling before you release the product for shipment Final printed labeling means the label or labeling of the product when distributed or sold Clearly legible reproductions or photo reductions will be accepted for unusual labels such as those silk screened directly onto glass or metal containers or large bags or drum labels

If these conditions are not complied with the registration will be subject to cancellation in accordance with FIFRA section 6(b) Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions

Should you have any questions you may contact Ms Menyon Adams directly at 703 347 8496 or via email at [adams.menyon@epa.gov](mailto:adams.menyon@epa.gov)

Sincerely

SYMBOL	ASUP								
SURNAME	Adams								
DATE	07/15/12								

Biochemical Pesticides Branch  
Dropesticides and Pollution  
Prevention Division (7511P)

EPA Form 1526-1A (1/99)

OFFICIAL FILE COPY



# Emery Agro 7040 Ready-to-Use (RTU)

Non selective Herbicide

FOR ORGANIC GARDENING

NOT FOR FOOD USE

MASTER LABEL

SUBLABEL A FOR COMMERCIAL USE

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES  
FOR ORNAMENTALS TURF LANDSCAPES INTERIORSCAPES GREENHOUSES AND RESIDENTIAL  
SITES

SUBLABEL B FOR RESIDENTIAL USE

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES  
FOR HOMES AND GARDENS

<b>Active ingredient</b>	
Ammonium Nonanoate	5.0 wt %
Other ingredients	<u>95.0 wt %</u>
Total	100.00 wt %

# ACCEPTED

JUL 25 2012

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

87663-5

**SUBLABEL A FOR COMMERCIAL USE**

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES  
FOR ORNAMENTALS TURF LANDSCAPES INTERIORSCAPES GREENHOUSES AND RESIDENTIAL  
SITES

**Emery Agro 7040 Ready-to-Use (RTU)**

**FOR ORGANIC GARDENING**

**NOT FOR FOOD USE**

<b>Active ingredient</b>	
Ammonium Nonanoate	5 0 wt %
Other ingredients	<u>95 0 wt %</u>
Total	100 00 wt %

EMERY AGRO 7040 READY TO USE (RTU) contains 0 42 lbs of ammonium nonanoate per U S gallon

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

**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 )**

<b>FIRST AID</b>	
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15 20 minutes</li> <li>• Remove contact lenses if present after the first 5 minutes then continue rinsing eye</li> <li>• Call a poison control center or doctor for treatment advice</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing</li> <li>• Rinse skin immediately with plenty of water for 15 20 minutes</li> <li>• Call a poison control center or doctor for treatment advice</li> </ul>
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air</li> <li>• If person is not breathing call 911 or an ambulance then give artificial respiration preferably by mouth to mouth if possible</li> <li>• Call a poison control center or doctor for treatment advice</li> </ul>
<b>EMERGENCY NUMBER</b>	
<b>FOR 24 HOUR EMERGENCY MEDICAL ASSISTANCE, CALL THE NATIONAL POISON CONTROL CENTER 1 800 222 1222</b>	
Have the product container or label with you when calling a poison control center or doctor	

This product is protected by U S Patent No 6 323 156  
EPA Reg No 87663 5  
EPA Establishment No 72038 DE 001 6574 KY 001 064784 OK 001 067441 IL 001  
Lot No xxxxxxxxx  
Net Contents 3 4 16 & 32 fl oz 1 2 5 5 55 270 & 6000 gals

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution Harmful if inhaled Causes moderate eye irritation Avoid breathing spray mist Avoid contact with eyes skin or clothing Wash thoroughly with soap and water after handling Remove and wash contaminated clothing before reuse

### ENVIRONMENTAL HAZARDS

**For terrestrial uses** This pesticide is toxic to fish and aquatic invertebrates Use care when applying in areas adjacent to any body of water Do not apply directly to water to areas where surface water is present or to intertidal areas below the mean high water mark Do not contaminate water when disposing of equipment wash water or rinsate Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas This product is toxic to bees exposed to direct treatment or residues on blooming crops or weeds Do not apply this product if bees are visiting the treatment area

### For containers greater than 5 gallon

Do not discharge effluent containing this product into lakes streams ponds estuaries oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority For guidance contact your State Water Board or Regional Office of the EPA

## 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 State/Tribal agency responsible for pesticide regulation**

### METHODS OF USE AND GENERAL APPLICATION INSTRUCTIONS

#### General Instructions

**EMERY AGRO 7040 READY TO USE (RTU)** is a contact non selective herbicide for spray application only to undesirable plant growth Do not allow spray to contact any green plant parts of desirable plants **EMERY AGRO 7040 READY TO USE (RTU)** provides control and burndown suppression of annual and perennial broadleaf and grass weeds Spore producing plants such as mosses and liverworts are also controlled The amount of burndown and the duration of weed suppression may be reduced when weed growth conditions are unfavorable or when plants are mature

**EMERY AGRO 7040 READY TO USE (RTU)** is a non volatile and water soluble herbicide for foliar application to weeds Complete and uniform coverage of weeds by the spray solution is required for the best weed control Plant foliage will change from a green color to brown/black necrotic tissue within one to two hours after spray application **EMERY AGRO 7040 READY TO USE (RTU)** effect on plant tissue may be more rapid in warm weather than in cold conditions However weed control is normally unaffected by temperature

**EMERY AGRO 7040 READY TO USE (RTU)** herbicide is a soap product which penetrates the cell walls of plants to disrupt the cellular organization of physiological functions which are compartmentalized by membranes within the cell walls. Plant growth ceases when cellular contents are mixed and brown necrotic plant tissue is formed.

**EMERY AGRO 7040 READY TO USE (RTU)** does not migrate through the soil and is not translocated in plants. **To ensure satisfactory control, plant leaves must be thoroughly and uniformly covered with the spray solution.** **EMERY AGRO 7040 READY TO USE (RTU)** does not provide any residual weed control in soil to affect germinating weed seeds.

### **Application Instructions**

**EMERY AGRO 7040 READY TO USE (RTU)** is completely soluble in water. No shaking or agitation is required.

During application, some foaming may occur, however, weed control is not reduced if the foam is deposited on the plant surface and is not blown away as drift.

**Apply EMERY AGRO 7040 READY TO USE (RTU) when weed surfaces are dry.**

### **Application Precautions**

- Do not apply to weeds when wet from dew, rain, or irrigation.
- Do not irrigate within 2 hours after application.
- Do not apply if rainfall is expected within 2 hours.

Difficult to control weeds may require several applications for complete control.

### **Hand-Held Spray Application**

The amount of weed vegetation will determine the spray volume required for complete coverage of undesired plants (weeds). Weed vegetation conditions that affect spray coverage are number of weeds present, leaf shape, weed size, and weed species.

Thorough saturation of the foliage and stems is required for control. Apply sprays until run-off from weed leaves occurs. Use low spray pressure to reduce foaming and avoid contact with desirable plants.

### **Directed Spray Application**

Use a shielded sprayer to prevent spray contact on desirable plants. Avoid spray contact of green plant stems or green bark of young trees and shrubs.

Some visible foam may appear on the leaves as the plants are sprayed. Overspray or drift onto desirable plants is usually not a serious problem because leaves and stems require a thoroughly wet spray coverage for significant injury. Repeat applications as often as necessary to obtain desired control.

### **Use Methods**

Determine the weed control situation and select the use method required as follows:

**A Vegetative Burndown** Broadcast spray for weed control for no-till planting or seedbed preparation to control weeds prior to seeding or transplanting. Spot sprays may be used in crops, ornamentals, pastures, and turf.

**B Directed and shielded sprays** Spray nozzle type or configuration for directed spray or a shield placed around the nozzle to prevent spray contact on the foliage or green stems or bark. Directed/shielded spray applications to area between plastic mulch strips and staked crops for weed control.

**PESTS****I Weeds controlled or suppressed by EMERY AGRO 7040 READY TO USE (RTU)****COMMON NAMES****TAXONOMIC NAMES****Broadleaf Weeds**

Algae	Gloeocapsa magma
Bittercress, hairy	Cardamine hirsuta
Chickweed, common	Stellaria media
Chickweed, mouse ear	Cerastium vulgatum
Cocklebur, common	Xanthium strumarium
Corn spurry	Spergula arvensis
Cudweed, purple	Gnaphalium purpureum
Groundsel	Senecio spp
Lambsquarters, common	Chenopodium album
Liverwort	Machantia spp
Marestail or Horseweed rosettes	Conyza canadensis
Morningglory, annual	Ipomoea spp
Moss	Bryophyta
Mustards	Brassica spp
Oxalis or Woodsorrel	Oxalis stricta
Pansy, wild	Viola tricolor
Plantain	Plantago spp
Pigweed, smooth and redroot	Amaranthus spp
Mallow, roundleaved	Malva spp
Moneywort	Lysimachia nummularia
Shepherdspurse	Capsella bursa pastoris
Sorrel, sheep	Rumex acetosella
Spurge, spotted	Euphorbia maculata
Field pennycress	Thlaspi arvense
Velvetleaf	Abutilon theophrasti

**Grass and Other Weeds**

Bentgrass, colonial	Agrostis tenuis
Bluegrass, annual	Poa annua
Crabgrass, large	Digitaria sanguinalis
Fescue, creeping red	Festuca rubra
Fescue, hard	Festuca ovina
Nimblewill	Muhlenbergia scheberi
Onion, wild	Allium canadense
Ryegrass, perennial	Lolium perenne
Star of Bethlehem	Ornithogalum nutans

**II Weeds Moderately Difficult to Control**

Bermudagrass (Wireweed)	Cynodon dactylon
Dandelion	Taraxacum officinale
Nutsedge, yellow	Cyperus esculentus
Ragweed, common	Ambrosia artemisiifolia

**STORAGE AND HANDLING**

**DO NOT** contaminate water food or feed by storage or disposal

**Pesticide Storage** Store container in cool place until used Store at temperatures above 32° F

**Pesticide Disposal** Wastes resulting from use of this product must be disposed of on site or at an approved waste disposal facility

**Container Handling**

**Non refillable Containers** Do not reuse or refill this container Offer for recycling if available

**Clean container promptly after emptying (liquid formulations)**

**Non refillable container equal to or less than 5 gals** Triple rinse as follows Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip Fill the container ¼ full with water and recap Shake for 10 seconds Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal Drain for 10 seconds after the flow begins to drip Repeat this procedure two more times

**Non refillable container between 5 55 gals** Triple rinse as follows Empty the remaining contents into application equipment or a mix tank Fill the container ¼ full with water Replace and tighten closures Tip 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

**Refillable container 5 gals to bulk** Refill this container with this pesticide only Do not reuse this container for any other purpose Cleaning the container before final disposal is the responsibility of the person disposing of the container Cleaning before refilling is the responsibility of the refiller To clean the container before final disposal empty the remaining contents from this container into application equipment or a mix tank Fill the container about 10 percent full with water Agitate vigorously or recirculate water with the pump for 2 minutes Pour or pump rinsate into application equipment or rinsate collection system Repeat this rinsing procedure two more times Dispose of in a sanitary landfill or by other procedures approved by state and local authorities

**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 and Disclaimer Notice**

To the extent consistent with applicable law Emery Oleochemicals LLC makes no warranty or guarantee of any kind expressed or implied concerning the effects of use of this product other than those specified on this label Buyers or users accept all responsibility for results due to misuse or improper handling of this product

**Inherent Risks of Use**

It is impossible to eliminate all risks associated with use of this product Crop injury lack of performance or other unintended consequences may result because of such factors as use of the product contrary to the label instructions (including adverse conditions noted on the label such as unfavorable temperatures wind 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 Emery Oleochemicals LLC or the seller To the extent consistent with applicable law all such risks shall be assumed by the buyer

**Limitation of Remedies**

To the extent consistent with applicable law the exclusive remedy for losses or damages resulting from the use of this product (including claims based on contract negligence strict liability or other legal theories) shall be limited to at Emery Oleochemicals LLC 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

To the extent allowable by state law Emery Oleochemicals LLC shall not be liable for losses or damages resulting from handling or use of this product unless Emery Oleochemicals LLC is promptly notified of such loss or damage in writing In no case shall Emery Oleochemicals LLC be liable for consequential or incidental damages or losses

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements No employee or sales agent of Emery Oleochemicals LLC or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner

**Produced for  
Emery Oleochemicals LLC  
4900 Este Avenue  
Cincinnati , OH 45232  
513 762 2500  
www Emeryoleo.com**



9/14

**SUBLABEL B FOR RESIDENTIAL USE**

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES  
FOR HOMES AND GARDENS

**Emery Agro 7040 Ready-to-Use (RTU)**

**FOR ORGANIC GARDENING**

**NOT FOR FOOD USE**

**Active ingredient**

Ammonium Nonanoate

50 wt %

Other ingredients

950 wt %

Total

10000 wt %

EMERY AGRO 7040 READY TO USE (RTU) contains 0.42 lbs of ammonium nonanoate per U S gallon

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

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<b>EMERGENCY NUMBER</b>	
<b>FOR 24 HOUR EMERGENCY MEDICAL ASSISTANCE, CALL THE NATIONAL POISON CONTROL CENTER 1 800 222 1222</b>	
Have the product container or label with you when calling a poison control center or doctor	

This product is protected by U S Patent No 6 323 156

EPA Reg No 87663 5

EPA Establishment No 72038 DE 001 6574 KY 001 064784 OK 001 067441 IL 001

Lot No xxxxxxxxx

Net Contents 3.4 16 & 32 fl oz 1.25 & 5 gals

10/14

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution Harmful if inhaled Causes moderate eye irritation Avoid breathing spray mist Avoid contact with eyes skin or clothing Wash thoroughly with soap and water after handling Remove and wash contaminated clothing before reuse

### ENVIRONMENTAL HAZARDS

**For terrestrial uses** This pesticide is toxic to fish and aquatic invertebrates To protect the environment do not allow pesticide to enter or run off into storm drains drainage ditches or gutters or surface waters Applying this product in calm weather when rain is not predicted for the next 24 hours will help 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 This product is toxic to bees exposed to direct treatment or residues on blooming crop or weeds Do not apply this product if bees are visiting the treatment area

## DIRECTIONS FOR USE

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covered with the spray solution **EMERY AGRO 7040 READY TO USE (RTU)** does not provide any residual weed control in soil to affect germinating weed seeds

### **Application Instructions**

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During application some foaming may occur however weed control is not reduced if the foam is deposited on the plant surface and is not blown away as drift

**Apply EMERY AGRO 7040 READY TO USE (RTU) when weed surfaces are dry**

### **Application Precautions**

- Do not apply to weeds when wet from dew rain or irrigation
- Do not irrigate within 2 hours after application
- Do not apply if rainfall is expected within 2 hours

Difficult to control weeds may require several applications for complete control

### **Hand Held Spray Application**

The amount of weed vegetation will determine the spray volume required for complete coverage of undesired plants (weeds) Weed vegetation conditions that affect spray coverage are number of weeds present leaf shape weed size and weed species

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### **Use Methods**

Determine the weed control situation and select the use method required as follows

**A Vegetative Burndown** Broadcast spray for weed control for no till planting or seedbed preparation to control weeds prior to seeding or transplanting Spot sprays may be used in crops ornamentals pastures and turf

**B Directed and shielded sprays** Spray nozzle type or configuration for directed spray or a shield placed around the nozzle to prevent spray contact on the foliage or green stems or bark Directed/shielded spray applications to area between plastic mulch strips and staked crops for weed control

**PESTS**

**I Weeds controlled or suppressed by EMERY AGRO 7040 READY TO USE (RTU)**

**COMMON NAMES**

**TAXONOMIC NAMES**

**Broadleaf Weeds**

Algae	Gloeocapsa magma
Bittercress, hairy	Cardamine hirsuta
Chickweed, common	Stellaria media
Chickweed, mouse ear	Cerastium vulgatum
Cocklebur, common	Xanthium strumarium
Corn spurry	Spergula arvensis
Cudweed, purple	Gnaphalium purpureum
Groundsel	Senecio spp
Lambsquarters, common	Chenopodium album
Liverwort	Machantia spp
Marestail or Horseweed rosettes	Conyza canadensis
Morningglory, annual	Ipomoea spp
Moss	Bryophyta
Mustards	Brassica spp
Oxalis or Woodsorrel	Oxalis stricta
Pansy, wild	Viola tricolor
Plantain	Plantago spp
Pigweed, smooth and redroot	Amaranthus spp
Mallow, roundleaved	Malva spp
Moneywort	Lysimachia nummularia
Shepherdspurse	Capsella bursa pastoris
Sorrel, sheep	Rumex acetosella
Spurge, spotted	Euphorbia maculata
Field pennycress	Thlaspi arvense
Velvetleaf	Abutilon theophrasti

**Grass and Other Weeds**

Bentgrass, colonial	Agrostis tenuis
Bluegrass, annual	Poa annua
Crabgrass, large	Digitaria sanguinalis
Fescue, creeping red	Festuca rubra
Fescue, hard	Festuca ovina
Nimblewill	Muhlenbergia scheberi
Onion, wild	Allium canadense
Ryegrass, perennial	Lolium perenne
Star of Bethlehem	Ornithogalum nutans

**II Weeds Moderately Difficult to Control**

Bermudagrass (Wireweed)	Cynodon dactylon
Dandelion	Taraxacum officinale
Nutsedge, yellow	Cyperus esculentus
Ragweed, common	Ambrosia artemisiifolia

**STORAGE AND HANDLING**

**DO NOT** contaminate water food or feed by storage or disposal

**Pesticide Storage** Store container in cool place until used Store at temperatures above 32° F

**Pesticide Disposal** Wastes resulting from use of this product must be disposed of on site or at an approved waste disposal facility

**Container Disposal**

**If empty Non refillable** Do not reuse or refill this container Offer for recycling if available

**If partly filled** Call your local solid waste agency or 1 800 CLEANUP for disposal instructions Never place unused product down any indoor or outdoor drain

**Terms and Conditions of Use**

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- 1 Refund of purchase price paid by buyer or user for product bought

Or

- 2 Replacement of amount of product used

To the extent allowable by state law Emery Oleochemicals LLC shall not be liable for losses or damages resulting from handling or use of this product unless Emery Oleochemicals LLC is promptly notified of such loss or damage in writing. In no case shall Emery Oleochemicals LLC be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Emery Oleochemicals LLC or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

**Produced for  
Emery Oleochemicals LLC  
4900 Este Avenue  
Cincinnati, OH 45232  
513 762 2500  
[www.Emeryoleo.com](http://www.Emeryoleo.com)**