



The Chemical Company

For distribution and use in bermudagrass grown for forage, hay and grazing in the state of Oklahoma, under the Specific Exemption Use Directions pursuant to Section 18 of FIFRA, as amended.



FIFRA Sec. 18 Specific Exemption Use Directions

EPA Reg. No. 241-418

EPA File Symbol No. 09-OK-04

For use in bermudagrass to control sandbur

This specific exemption is effective from March 12, 2009 to June 30, 2009.

Refer to the **Prowl[®] H₂O herbicide** main label, EPA Reg. No. 241-418, for complete directions for use and all applicable restrictions and precautions. This label, the full **Prowl H₂O** container label and these Specific Exemption Use Directions must be in the possession of the user at the time of application.

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.

Prowl H₂O is a selective herbicide for controlling sandbur as it germinates. Uniformly apply **Prowl H₂O** with properly calibrated ground equipment in 20 or more gallons of water or 20 or more gallons of liquid fertilizer per acre. Use multi-nozzle broadcast boom sprayers equipped with nozzles that provide accurate and uniform application. **DO NOT** apply with cluster jet nozzles nor with other boomless tip spray equipment.

Adequate precipitation (defined as 1 inch of irrigation or rainfall) must be received prior to sandbur germination to achieve effective control. Incorporation is most effective when a minimum of

1 inch of precipitation is received in a single event.

Always perform a mixing test to check the compatibility of **Prowl H₂O** with all potential tank mix partners. Follow all precautions and restrictions on the labels of all products applied in combination with **Prowl H₂O**. Always follow the most restrictive label.

Endangered Species Protection

If endangered species occur in proximity to the application site, the following mitigation measures are required:

- If applied by ground, leave untreated buffer zone of 200 feet. The product must be applied using a low boom (20 inches above the ground) and ASAE fine to medium/coarse nozzles.

To determine whether your county has an endangered species, consult the website <http://www.epa.gov/espp/usa-map.htm>.

Endangered Species Bulletins may also be obtained from Extension offices or state pesticide agencies. If the bulletin is not available for your specific area, check with the appropriate local state agency to determine if known populations of endangered species occur in the area to be treated.

Spray Drift: Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determines the potential for spray drift. The applicator and grower are responsible for considering all these factors when making decisions. It is the responsibility of the applicator to avoid spray drift onto non-target areas.

Application Instructions

Prowl® H₂O herbicide may only be applied by ground.

Established Bermudagrass: Apply to established bermudagrass grown for forage, hay and pasture grazing when in dormancy. (Established bermudagrass defined as planted in the fall or spring which has gone through a first cutting/mowing).

Uniformly apply **Prowl H₂O** at a broadcast rate of 2.1 to 3.2 quarts per acre prior to weed emergence. Applications can be made during winter dormancy or in the spring prior to green up.

Restrictions and Limitations

- **DO NOT** apply aurally or by chemigation methods.
- **DO NOT** exceed 3.2 quarts of **Prowl H₂O** per acre in any one-crop season.
- Follow all precautions and restrictions on the labels of all products applied in combination with **Prowl H₂O**. Always follow the most restrictive label.
- **DO NOT** apply **Prowl H₂O** less than 40 days prior to bermudagrass harvest for forage or hay or pasture grazing.
- **Some stunting and chlorosis of the bermudagrass may occur with postemergence applications.**
- **Applications made after the bermudagrass exceeds 6 inches in height may result in poor weed control due to possible reduced spray coverage to the soil.**

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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The Chemical Company



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MAR 12 2009

Mr. Terry L. Peach, Secretary and Commissioner
Oklahoma Department of Agriculture
2800 N. Lincoln Blvd.
P.O. Box 528804
Oklahoma City, Oklahoma 73132

Date Issued: March 12, 2009
Expiration Date: June 30, 2009
Final Report Due: December 30, 2009
File Symbol: 09-OK-04

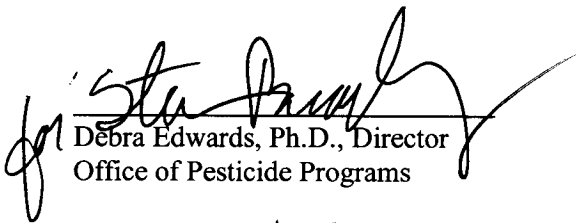
Attn: Ms. Debbie Cunningham

The U.S. Environmental Protection Agency (EPA) hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Oklahoma Department of Agriculture for the use of pendimethalin as a pre-emergent treatment to control sandbur species in Bermudagrass pastures and hay fields. This specific exemption is subject to the conditions and restrictions set forth in your application as well as the following:

1. The Oklahoma Department of Agriculture is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 Code of Federal Regulations (CFR) §166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 6 office by December 30, 2009 or prior to requesting another specific exemption for this use. In accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
2. The product Prowl H₂O[®] Herbicide, EPA Reg. No. 241-418, manufactured by BASF Corporation may be used. All applicable directions, restrictions, and precautions on the EPA-registered product label, as well as those outlined on the Section 18 Emergency Exemption use directions provided with your February 24, 2009 correspondence must be followed.
3. Application may be made by ground (low-boom) sprayer equipment only, at a rate of 2.1 to 3.2 quarts per acre (2.0 to 3.0 lb. a.i. per acre) prior to weed emergence. One application may be made during winter dormancy or in the spring prior to green-up. The product needs at least 1 inch of rain to activate it before sandbur germination. No more than 3.2 quarts per acre may be applied in any crop season.

4. All User Safety Recommendations on the registered Prowl H₂O[®] Herbicide label, including the personal protective equipment (PPE) requirements must be followed.
5. The minimum pre-harvest interval (PHI) is 40 days. Do not apply less than 40 days prior to Bermudagrass harvest for forage or hay or pasture grazing.
6. Application by air or through any type of irrigation system (i.e. chemigation) is prohibited. Do not apply with cluster jet nozzles nor with other boomless tip spray equipment.
7. A maximum of 2.2 million acres may be treated under this exemption.
8. Residues of pendimethalin resulting from applications made in accordance with this exemption are not expected to exceed 25 ppm in Bermuda grass forage and 60 ppm in Bermuda grass hay. The Agency has determined that these levels are adequate to protect public health. A Federal Register document which reflects these time-limited tolerances is expected to publish in the near future.
9. EPA Headquarters and the EPA Region 6 offices shall immediately be informed of any adverse effects resulting from use of this pesticide in connection with this exemption.
10. This specific exemption expires on June 30, 2009.

This is the second year that the Oklahoma Department of Agriculture has requested this use under the emergency exemption program. The registrant and IR-4 project have completed field residue trials and have submitted a tolerance petition for the establishment of full registration of this use. Thus, progress toward registration can be considered adequate for the purposes of this request.


Debra Edwards, Ph.D., Director
Office of Pesticide Programs

Date: 3/12/09

cc: Johnie Dowell, USEPA Region 6
Johnie Dowell/R6/USEPA/US