

October 24, 2011

Classified for
"RESTRICTED USE"
in New York State
under 6NYCRR Part 326

New York State Department
of Environmental Conservation
Division of Materials Management
Pesticide Product Registration

Section 24(c) SLN Labeling



Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268-1054 USA

Garlon® 3A

EPA Reg. No. 62719-37

EPA 24(c) Special Local Need Registration SLN NY-110005
(For Distribution and Use Only in New York State)

Precautions for Potable Water Intakes for Emerged Aquatic Weed Control

ATTENTION

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This labeling must be in the possession of the user at the time of application.
- Read this Special Local Needs (SLN) labeling and the label affixed to the container for Garlon® 3A specialty herbicide before applying. All applicable use directions, precautions and restrictions on this SLN labeling and the labeling affixed to the container must be followed.

Directions for Use

Precautions for Potable Water Intakes for Emerged Aquatic Weed Control

See chart below for specific setback distances near functioning potable water intakes. **Note:** Existing potable water intakes which are no longer in use, such as those replaced by potable water wells or connections to a municipal water system, are not considered to be functioning potable water intakes. These setback restrictions do not apply to terrestrial applications made adjacent to potable water intakes.

Area Treated (acres)	Garlon 3A Application Rate			
	2 qt/acre	4 qt/acre	6 qt/acre	8 qt/acre
	Setback Distance (ft)			
4	500	1,100	1,600	2,100
>4 - 8	700	1,400	2,200	2,900
>8 - 16	1,000	2,000	3,100	4,100
>16	1,400	2,900	4,300	5,800

To apply Garlon 3A around and within the distances noted above from a functioning potable water intake, the intake must be turned off until the triclopyr level in the intake water is determined to be 50 parts per billion (ppb) or less by laboratory analysis or immunoassay.

- **Recreational Use of Water in Treatment Area:** Do not swim in water treated with Garlon 3A for three (3) hours after treatment. There are no restrictions on use of water in the treatment area for fishing.
- **Livestock Use of Water from Treatment Area:** There are no restrictions on livestock consumption of water from the treatment area.

®Trademark of Dow AgroSciences LLC

R101-011
Accepted: __/__/__
Replaces: R101-003

New York State Department of Environmental Conservation

Division of Materials Management

Bureau of Pest Management

Product Registration and Pest Management Alternatives

625 Broadway, Albany, New York 12233-7257

Phone: (518) 402-8768 • Fax: (518) 402-9024

Website: www.dec.ny.gov/chemical/8528.html

E-Mail: ppr@gw.dec.state.ny.us



Joe Martens
Commissioner

October 24, 2011

Mr. Jim Baxter
State Regulatory Manager
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, Indiana 46268-1054

Dear Mr. Baxter:

**Re: Registration of Special Local Need Labeling for Garlon 3A and Element 3A
(EPA Reg. No. 62719-37) Assigned SLN No. NY-110005**

The Department has reviewed your application to register Special Local Need (SLN) labeling for Garlon 3A and Element 3A (EPA Reg. No. 62719-37) in New York State. The product contains the active ingredient triclopyr, triethylamine salt (chemical code 116002) which is currently registered in New York State for control of woody plants and broadleaf weeds in range and pasture, forests and non-crop areas including manufacturing and storage sites, rights-of-way such as electrical power lines, communication lines, pipelines, roadsides, railroads, fence rows, non-irrigation ditch banks, and around farm buildings, and applications to grazed areas, and establishment and maintenance of wildlife openings and in Christmas tree plantations and aquatic sites as well as several residential turf and ornamental applications.

The federal product labeling for Garlon 3A and Element 3A has been split to two sub-labels which provides one sub-label (A) for uses on terrestrial sites and marginal aquatic sites listed as non-irrigation ditch banks, seasonally dry wetlands (such as flood plains, deltas, marshes, swamps, or bogs), and transitional areas between upland and lowland sites. Sub-label B provides complete labeling for open water use sites as licensed to Sepro Corporation by Dow AgroSciences.

The terrestrial/aquatic labeling provided by Dow AgroSciences for SLN registration in New York State (Garlon 3A and Element 3A) will be registered as "restricted use" in order that sales and use data can be collected and that certified applicators with training and knowledge of state specific permitting requirements apply for the appropriate permits prior to application of the product to emerged aquatic weeds along non-irrigation ditch banks and weeds and brush in designated state wetland areas. New York will require state specific use requirements as determined previously during a major change in labeling review (Department letter dated September 15, 2006 to Dow AgroSciences) and more restrictive than the federal label as determined for protection of human health in New York State:

- Precautions for Potable Water Intakes for Emerged Aquatic Weed Control. The SLN labeling lists more restrictive setback distances than determined on the EPA accepted label.

- Recreational Use of Water in Treatment Area prohibits swimming in water treated with Garlon 3A and Element 3A for three (3) hours after treatment.

The Department hereby grants, under the authority of Section 24(c) of FIFRA, a Special Local Need registration for Garlon 3A and Element 3A (EPA Reg. No. 62719-37) to control woody brush and broadleaf weeds near or emergent from standing water. The Special Local Need labeling is assigned **SLN No. NY-110005**.

The Certificate of Pesticide Registration and a copy of the New York State stamped "ACCEPTED" SLN labeling for Garlon 3A and Element 3A (SLN No. NY-110005) and the container labeling stamped "Accepted for Use Only in Conjunction with SLN Labeling" are enclosed for your records.

The SLN labeling specifies use of the product on marginal non-crop areas that may include aquatic sites. All labeling precautions and SLN label requirements must be followed in order for Garlon 3A and Element 3A Herbicide to be legally used in New York State. All precautionary statements, applicable use directions, use precautions and limitations of the labeling affixed to the Garlon 3A and Element 3A container(s) must be followed.

Please also note the "yes" under the "restriction" column on the enclosed Certificate of Pesticide Registration and the "classified for restricted use in New York State" stamp on the enclosed product label(s). As such, this product is restricted in its purchase, distribution, sale, use and possession in New York State. Furthermore, this product may **only** be purchased and used by a certified applicator in New York State.

According to New York State Department of Environmental Conservation Regulations 6NYCRR 326.3(a): "It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit."

Should you require information regarding commercial permits, please contact the Pesticide Reporting and Certification Section at (518) 402-8748.

The Pesticide Reporting Law (PRL) in Article 33 Title 12 of the Environmental Conservation Law requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. **Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production.** If no sales are made within New York State, a report still must be filed with the Department indicating this is the case.

If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department's website or contact the Pesticide Reporting and Certification Section at (518) 402-8748.

Please be reminded that a copy of the accepted SLN label must be in the possession of the user at the time of pesticide application.

Please contact Ms. Paula McBath, of my staff, at (518) 402-8768, if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeanine M. Broughel". The signature is fluid and cursive, with the first name "Jeanine" being the most prominent part.

Jeanine M. Broughel
Chief
Product Registration and Pest Management Alternatives

Enclosures