



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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FEB 28 2011

Subject: Label Amendment – Adding New Uses on Potatoes, Tomatoes, and Peppers
Product Name: Fomesafen Technical
EPA Registration Number: 100-1017
Submission Date: December 21, 2009
Decision Number: 425351

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided you address the following:

- Per the Label Review Manual, replace the phrase “To the extent permitted by applicable law” with “To the extent consistent with applicable law throughout the CONDITIONS OF SALE AND LIMITATIONS OF WARRANTY AND LIABILITY” section. Note: This required change was cited in a letter dated August 11, 2010 from the Agency.
- Address the following data requirements within 12 months of the date of this letter:
 - a) Acute Dermal Toxicity Study (Guideline 869.1200)
 - b) Acute Inhalation Toxicity Study (Guideline 870.1300)
 - c) Skin Sensitization Study (Guideline 869.2600)
 - d) Acute Neurotoxicity Study (Guideline 870.7200)
 - e) Subchronic Neurotoxicity Study (Guideline 870.7200)
 - f) Immunotoxicity Study (Guideline 870.7800)
 - g) Freshwater fish early life-stage toxicity, modified protocol to investigate enhanced toxicity under UV lighting (LDPH herbicides)¹
 - h) Testing using the TGAI for the following data requirements²:
 - i. Freshwater invertebrate acute toxicity (850.1010)
 - ii. Freshwater fish acute toxicity (850.1075)
 - iii. Estuarine/marine fish acute toxicity (850.1025)
 - iv. Estuarine/marine fish early life-stage toxicity (850.1400)
 - v. Avian acute oral toxicity (850.2100)

Products shipped after 18 months from the date on this notice or the next printing of the

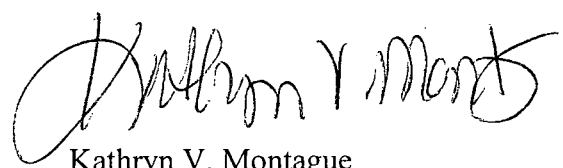
¹ Registrant is a member of the LDPH Task Force; therefore, this requirement is already being addressed.

² Required if previously tested formulation (JF7383) is not representative of formulations marketed in the United States

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master label whichever occurs first, must bear the new label language. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA. Your release for shipment of this product constitutes acceptance of these conditions. As required, you must submit one copy of the final printed label before the product is released for shipment. If you have any questions please contact Michael Walsh by phone at (703) 308-2972 or via email at "walsh.michael@epa.gov"

Sincerely,



Kathryn V. Montague
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

Enclosure

Fomesafen Technical

An Herbicide for Formulating Use Only

Active Ingredient:	
Fomesafen*	98.0%
Other Ingredients:	2.0%
Total:	100.0%

*CAS No. 72178-02-0

KEEP OUT OF REACH OF CHILDREN.

DANGER - PELIGRO

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.)

See additional precautionary statements and directions for use on label.

EPA Reg. No. 100-1017

EPA Est.

SCP 1017A

_____ lbs.
Net Weight

ACCEPTED
with COMMENTS
 In EPA Letter Dated:
FEB 28 2011
 Under the Federal Insecticide,
 Fungicide, and Rodenticide Act
 as amended, for the pesticide
 registered under EPA Reg. No.
100-1017

FIRST AID	
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 swallowed	<ul style="list-style-type: none"> • Call a 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 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.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not 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 treatment advice.
NOTE TO PHYSICIAN	
Probable mucosal damage may contraindicate the use of gastric lavage.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
HOT LINE NUMBER	
For 24 Hour Medical Emergency Assistance (Human or Animal) or Chemical Emergency Assistance (Spill, Leak, Fire, or Accident), Call 1-800-888-8372	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER

This product contains fomesafen which has been determined to cause tumors in laboratory animals (mice). Risks can be reduced by closely following use directions and precautions and by wearing the protective clothing specified elsewhere on this label.

CORROSIVE. CAUSES IRREVERSIBLE EYE DAMAGE. DUE TO CORROSIVE NATURE, MAY BE HARMFUL OR FATAL IF SWALLOWED. HARMFUL IF INHALED OR ABSORBED THROUGH SKIN. Do not get in eyes, on skin or on clothing. Avoid

breathing vapors or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.

Personal Protective Equipment (PPE)

Manufacturers and other handlers must wear:

- Coveralls.
- Waterproof gloves.
- Shoes plus socks.
- Protective eyewear.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this technical material. Do not reuse them.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

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.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. 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 manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of SYNGENTA CROP PROTECTION, Inc. or Seller. To the extent permitted by applicable law, Buyer and User agree to hold SYNGENTA and Seller harmless for any claims relating to such factors.

SYNGENTA warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. To the extent permitted by applicable law: (1) this warranty does not extend to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to or beyond the control of Seller or SYNGENTA, and (2) Buyer and User assume the risk of any such use. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, SYNGENTA MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS WARRANTED BY THIS LABEL.**

To the extent permitted by applicable law, in no event shall SYNGENTA be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF SYNGENTA AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF SYNGENTA OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

SYNGENTA and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of SYNGENTA.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

Formulators using this product are responsible for obtaining EPA registration for their formulated products.

Only for formulation into an herbicide for the following uses:

- **TERRESTRIAL - FOOD:** cotton, dry beans, peppers, potatoes, snap beans, soybeans and tomatoes.
- Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and
- Uses for experimental purposes that are in compliance with USEPA requirements.

STORAGE AND DISPOSAL

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

Pesticide Storage

Store above 32°F in original containers only. If product freezes, return to room temperature and agitate to reconstitute. Keep container closed when not in use. Do not store near food or feed. In case of spill or leak on floor or paved surfaces, soak up with sand, earth, or synthetic absorbent. Remove to chemical waste area.

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. Open dumping is prohibited.

Container Handling

Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into formulation equipment. Then offer for recycling if available or dispose of liner in a sanitary landfill or by incineration or, if allowed by state and local authorities by burning. If burned, stay out of smoke. If drum is contaminated and cannot be reused, dispose of it in a manner required by its liner.

CONTAINER IS NOT SAFE FOR FOOD, FEED OR DRINKING WATER.

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For non-emergency (e.g., current product information), call
Syngenta Crop Protection at 1-800-334-9481.

Manufactured for:
Syngenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, North Carolina 27419-8300

SCP 1017A

FOM TECH 1017 MAS AMEND 0111 – bb – 1-13-11

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