

264-473

12/29/1998

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

DEC 29 1998

James A. Barron, Ph.D.
Rhone-Poulenc Ag Company
2 Alexander Drive
Research Triangle Park, NC 27709

Subject: Bromoxynil Phenol
EPA Registration Number 264-473
Your label amendment submitted September 29, 1998

Dear Dr. Barron:

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

1. You must make the following changes to your proposed label:
 - a. In the STATEMENT OF PRACTICAL TREATMENT section, there are two IF INHALED statements. You must remove the second IF INHALED statement.
 - b. In the ENVIRONMENTAL HAZARDS section, remove the sentence "Do not contaminate water by cleaning of equipment or disposal of wastes."
 - c. You must modify the last paragraph of the LIMITED WARRANTY AND DISCLAIMER section, which begins "BUYER'S EXCLUSIVELY REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY...", to the following language:

Manufacturer or seller expressly disclaim liability for any and all claims, losses, damages or injuries resulting from the use or handling of this product, whether or not based in contract, negligence, strict liability in tort other than, at the manufacturer's option, to replacement of, or the repayment of the purchase price for, the quantity of product with respect to which damages are claimed. Manufacturer or seller expressly disclaim liability for special, indirect or consequential damages resulting from the use or handling of this product.

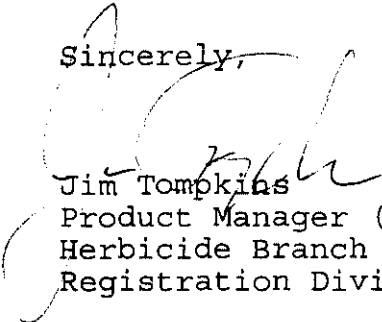
2. Submit one copy of your final printed labeling before you release the product for shipment.

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

A stamped copy of the label is enclosed for your records.

If you have any questions about this letter, please contact Tobi Colvin-Snyder at 703-305-7801.

Sincerely,



Jim Tompkins

Product Manager (25)

Herbicide Branch

Registration Division (7505C)

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ACCEPTED
with COMMENTS
In EPA Letter Dated

BROMOXYNIL PHENOL

Technical Grade

For Formulation of Herbicides Only.

Formulators who use this product are responsible for obtaining EPA supplemental distributor registration for their formulated products.

DEC 29 1998
Under the Federal Insecticide,
Fungicide, and Herbicide Act
as amended, for the pesticide
reg. No. 264-473

ACTIVE INGREDIENT:

Bromoxynil (3,5-dibromo-4-hydroxybenzotrile).....95.0%

INERT INGREDIENTS:

5.0%

EPA Reg. No. 264-473

EPA Est. No. 33521-EN-1

KEEP OUT OF REACH OF CHILDREN WARNING

For **EMERGENCY** Information **ONLY** Call 24 Hours A Day 1-800-334-7577

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Call a physician or Poison Control Center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

IF INHALED: Remove victim to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. Get medical attention.

IF IN EYES: Hold eyelids open and flush with a steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention.

IF INHALED: Remove victim to fresh air. If not breathing, give artificial respiration preferably mouth to mouth respiration. Get medical attention.

PRECAUTIONARY STATEMENTS

WARNING

HAZARD TO HUMANS AND DOMESTIC ANIMALS

May be fatal if swallowed or inhaled. Harmful if absorbed through skin. Do not breathe dust, vapor or spray mist. Wear a mask or pesticide respirator jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health. Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear protective eyewear (goggles, face shield, or safety glasses). Avoid contact with skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not contaminate water by cleaning of equipment or disposal of wastes. 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 into 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.

STORAGE AND DISPOSAL

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

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or, by other procedures approved by state and local authorities.

Only For Formulation Into a Herbicide, for (1) The Following Uses: Corn (pop and field), non-residential turf, mint, garlic, onions, wheat, barley, oats, rye, triticale, seedling alfalfa, sorghum, flax, grasses grown for seed or sod production, and Conservation Reserve Program Areas.

(2) Uses for Which USEPA has Accepted the Required Data and/or Citations of Data that the Formulator has Submitted in Support of Registration; and (3) Uses for Experimental Purposes that are in Compliance with USEPA Requirements.

DISCLAIMER AND INDEMNITY FOR FORMULATORS' USES

THE MANUFACTURER EXPRESSLY DISCLAIMS ALL LIABILITY FOR CLAIMS AND ACTIONS (WHETHER BASED ON CONTRACT, TORT, STRICT LIABILITY OR BREACH OF WARRANTY) ARISING OUT OF, RESULTING FROM OR CONNECTED WITH A FORMULATION CONTAINING THIS PRODUCT WHEN USED FOR ANY PURPOSE OTHER THAN THOSE USES SET FORTH IN (1) ABOVE. THE MANUFACTURER HAS NOT DEVELOPED SCIENTIFIC DATA TO SUPPORT, NOR HAS IT EXPLICITLY OR IMPLICITLY APPROVED, ANY USES OTHER THAN THOSE IN (1) ABOVE.

ANY FORMULATOR OR BUYER WHO USES THIS PRODUCT IN FORMULATIONS FOR ANY USE OTHER THAN THOSE STATED IN (1) ABOVE ASSUMES ALL LIABILITY FOR CLAIMS AND ACTIONS ARISING OUT OF, CONNECTED WITH OR RESULTING FROM SUCH USE AND AGREES BY SO USING THIS PRODUCT TO INDEMNIFY AND HOLD HARMLESS THE MANUFACTURER FROM SUCH CLAIMS AND ACTIONS.

THIS DISCLAIMER AND INDEMNITY IS IN ADDITION TO, NOT IN LIEU OF, THE BELOW DISCLAIMER AND LIMITATIONS.

LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants that this product conforms to the chemical description on the label; that this product is reasonably fit for the purposes set forth in item (1) of the Directions for Use when it is used in accordance with such Directions; and that the statements under item (1) of the Directions, the warnings and other statements on this label, other than the suggested uses under items (2) and (3) of the Directions, are based upon responsible experts' evaluation of reasonable tests of effectiveness, of toxicity to laboratory animals and to plants, and of residues on food crops and upon reports of field experience. Tests have not been made on all varieties or in all states or under all conditions. THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE, ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS, OR CAUTIONS.

BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF, OR THE REPAYMENT OF THE PURCHASE PRICE FOR, THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States. Seller's guarantee shall be limited to the terms set out on the label and subject thereto, the buyer assumes the risk to persons or property arising from the use or handling of this product on that condition.

Rhône-Poulenc Ag Company
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Bromoxynil Phenol (PENDING) Submitted 9/29/98.

