

352-541

11/16/2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

NOV 16 2006

Ms. Rebecca M. Ashley
E.I. DuPont de Nemours & Company
DuPont Crop Protection
Stine-Haskell Research Center
P. O. Box 30
Newark, DE 19714-0030

Dear Ms. Ashley:

Subject: DuPont Assure II Herbicide (Add Flax and Sunflowers)
EPA Registration No. 352-541
Application Dated March 12, 2003 and Label Submitted September 27, 2006

The amendment referred to above, submitted in connection with registration under Section 3(c) (7) (B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you agree in writing that:

1. You will submit the following information/data within three years from the date of this letter.
 - a. A residue decline study for sunflowers. Refer to page 20 of the draft HED Risk Assessment for details.
 - b. Chronic toxicity studies for estuarine/marine fish.
 - c. Terrestrial Plant Studies using TEP (typical end-use product) as per Agency guidelines.
 - d. An Early Life-Cycle chronic toxicity test using *Daphnia magna* exposed to quizalofop-p-ethyl.
2. You will submit environmental fate studies using quizalofop acid if the Agency requires such data in the future.
3. You will submit /cite all data required for registration/reregistration of your product when the Agency requires all registrants of similar products to submit such data.
4. You will submit production information (pounds or gallons produced) for this product for the fiscal year in which the uses on flax and sunflower are conditionally registered, in accordance with section 29. The fiscal year begins October 1 and ends September 30. The production information will be submitted to the Agency no later than November 15, following the end of the preceding fiscal year.

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This information will be submitted to:

Mr. Owen F. Beeder
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division (7505P)
1200 Pennsylvania Avenue, N. W.
Washington, DC 20004

5. You will make the following label changes to your master/package labeling and any supplemental labeling to which changes apply, before you release the product for shipment bearing the amended labeling:

a. Revise your Environmental Hazards section of your label to read as below'

“This pesticide is toxic to fish and invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when cleaning equipment or disposing of equipment washwaters or rinsate.”

b. Add the following statement to minimize the potential surface water contamination to your master label.

“This product may contaminate water through drift of spray in wind. This product has a potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product. A level, well maintained vegetative buffer strip between areas to which the product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall-runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours. Sound erosion control practices will reduce this product’s contribution to surface water contamination.

c. Amend your master label and all other supplemental labels to clarify that all application rates are in the terms of fluid ounces (i.e. liquid measure) and not in terms of weighted ounces.

d. Under “Preplant Burndown”, add the statement “Do not exceed the maximum recommended rate/acre/season for this crop that is going to be planted when additional applications are made as preplant burndown.

e. Under “Rhizome Johnsongrass-Southern States”, add “Do not exceed the maximum recommended rate/acre/season for the crop that is going to be planted when additional applications are made to control Rhizome Johnsongrass.”

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f. Under "Spot or Small Area Spray Recommendations" add the following limitations.

1. Do not treat >10% of the total treated area as spot/small area treatment.
2. Do not exceed the maximum recommended rate/acre/season for the crop that is going to be planted when additional applications are made as spot treatment or small area treatment.

g. On page 9, under Seasonal Use Limits and Harvest Intervals, specify a minimum RTI for crops for which multiple applications are allowed.

h. Update your Limitation of Warranty and Liability based on recent guidance entitled "Warranty Disclaimers on FIFRA Labels Issue Paper", previously provided.

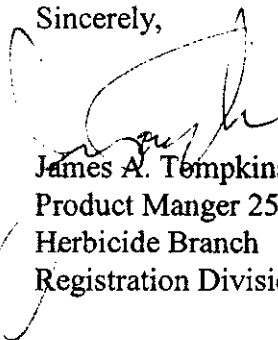
6. Please submit five copies of revised master labeling incorporating the above changes for our review and stamping, before your next printing.

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 labeling is enclosed for your records.

Supplemental labeling must be incorporated into master labeling and copies of master labeling submitted to the Agency for our files, at your next printing or within two years from the date of acceptance of supplemental labeling, whichever comes first. The Agency will consider a convincing argument as to why a supplemental label should not appear on a master label.

Sincerely,



James A. Tempkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

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ACCEPTED
with COMMENTS
In EPA Letter Dated:

SUPPLEMENTAL LABELING

DuPont Crop
Protection

"..... A Growing Partnership With Nature"

NOV 16 2006

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
352-541

DUPONT™ ASSURE® II
HERBICIDE
FOR USE ON FLAX AND SUNFLOWER

DUPONT™ ASSURE® II HERBICIDE

EPA REG. NO. 352-541

FOR USE ON FLAX AND SUNFLOWER

GENERAL INFORMATION

DuPont™ ASSURE® II herbicide can be used for weed control in flax and sunflower. ASSURE® II is a systemic herbicide that is rapidly absorbed by treated foliage and translocated to the roots and other growing points of the plant. In general, effects are first observed within 7 to 14 days after application depending on the grass species treated and the environmental conditions.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations. Use of ASSURE® II on flax and sunflower is subject to the use precautions and limitations provided here and on the complete ASSURE® II label.

ASSURE® II herbicide may be applied postemergence to flax and sunflower. Refer to the ASSURE® II herbicide label for information regarding use rates, weeds controlled, use restrictions, rotational cropping recommendations, sprayer cleanup, use precautions and other important information.

Other suitable herbicides, fungicides, and insecticides registered for use on flax and sunflower may be tank mixed or used sequentially with ASSURE® II, provided that the recommended application timing is the same. Read and follow all manufacturer's label recommendations for the tank mix partner prior to use. The most restrictive provisions on either label apply.

IMPORTANT PRECAUTIONS

SEASONAL USE LIMITS AND PRE-HARVEST INTERVALS

Flax

of

- Do not apply ASSURE® II within 70 days of harvest.
- The maximum use rate of ASSURE® II is 24 fluid ounces per acre per season.
- Application intervals should be greater than 7 days.

Sunflowers

of

- Do not apply ASSURE® II within 60 days of harvest.
- The maximum use rate of ASSURE® II is 18 fluid ounces per acre per season.
- Application intervals should be greater than 7 days.
- Unacceptable crop injury may occur if ASSURE® II is applied to Sunflowers under stress (see Environmental Conditions and Biological Activity Section of the ASSURE® II label). Delay application until the stress passes and sunflowers have resumed growth.
- Unacceptable crop injury may occur if petroleum-based crop oil concentrates, or methylated seed oils, are used with ASSURE® II. Nonionic surfactants at 1 quart of product per 100 gallons of spray solution (0.25% v/v) are the preferred adjuvant in sunflowers.

IMPORTANT

BEFORE USING ASSURE® II AND ANY TANK-MIX OR SEQUENTIALLY APPLIED PESTICIDES, READ AND FOLLOW ALL APPLICABLE DIRECTIONS, RESTRICTIONS AND PRECAUTIONS ON THE EPA-REGISTERED LABELS.

This label contains supplemental instructions for use of the referenced DuPont product which do not appear on the package label. Follow the instructions carefully.

This labeling must be in the possession of the user at the time of pesticide application.

Read the Limitation of Warranty and Liability on the Section 3 Federal product label before buying or using THIS product. If terms are not acceptable, return the unopened package at once to Seller for full refund of purchase price paid. Otherwise, use by Buyer or any other User constitutes acceptance of the terms of the Limitation of Warranty and Liability on the Section 3 Federal product label.

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