

352-605

04107/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 7 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Kristi Barnett
Dupont Crop Protection
Stine-Haskell Research Center
P.O. Box 30
Newark, DE 19714

**RE: Amendment Dated 10/19/07
Famoxadone Technical
EPA Reg. No. 352-605; PRIA Decision 386102**

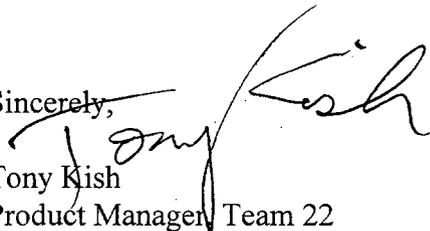
Dear Ms. Barnett:

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to add new uses for caneberry subgroup 13-07A; cilantro, leaves; onion, bulb, subgroup 3-07A; onion, green, subgroup 3-07B; vegetable, leafy, except *Brassica*, group 4; and which changes the existing "fruiting vegetables" to "pepper" and "tomato", and changes the existing "grapes" to "grapes east of the Rockies", and which deletes the existing head lettuce because it's part of leafy vegetables, is acceptable providing two copies of a final printed label are submitted within 45 days:

The associated rule published March 4, 2009 adds the new uses and deletes existing tolerances on lettuce, head; and caneberry, subgroup 13A that are superseded by new tolerances on vegetable, leafy, except *Brassica*, group 4, except spinach; spinach (separate tolerance); and caneberry subgroup 13-07A.

Please attach a copy of this letter with your final printed labels. Enclosed please find a copy of the label stamped "Accepted". If you have questions concerning this letter, please contact me at 703-308-9443.

Sincerely,


Tony Kish
Product Manager Team 22
Fungicide Branch
Registration Division (7505P)



DuPont™ Famoxadone Technical

ACCEPTED

APR 7 2009

FOR THE MANUFACTURE OF FUNGICIDES ONLY

ACTIVE INGREDIENT

Famoxadone: 5-Methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidinedione

INERT INGREDIENTS

EPA Reg. No. 352-605

BY WEIGHT

97.8%

2.2%

TOTAL 100.0%

EPA Est. No. _____

Under the Federal Insecticide, Fungicide, and Rodenticide Act, registered for the pesticide _____ under 352-605

KEEP OUT OF REACH OF CHILDREN CAUTION FIRST AID

If swallowed: 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: 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 in eyes: 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 inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

Note to Physicians: Activated charcoal mixture may be beneficial. Suspend 50 g activated charcoal in 400 mL water and mix well. Administer 5 mL/kg, or 350 mL for an average adult.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

For medical emergencies involving this product, call toll free 1-800-441-3637.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Harmful if swallowed, inhaled, or absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans or public waters unless this product is specifically identified and addressed in an National Pollutant Discharge Elimination System (NPDES) permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

INSTRUCTIONS FOR FORMULATION

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

Only for formulation into an end use product for use on caneberry (subgroup 13-07A); cilantro leaves; cucurbit vegetables; grapes (east of the Rocky Mountains); hops; bulb onion (subgroup 3-07A); green onion (subgroup 3-07B); potato; pepper; tomato; leafy vegetables, except Brassica, group 4. Formulators using this product are responsible for obtaining EPA registration of their formulated product.

**E. I. du Pont de Nemours and Company, 1007
Market Street, Wilmington, DE 19898 U.S.A.**

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store product in original container only. Do not contaminate water, other pesticides, fertilizer, food or feed in storage.

PESTICIDE DISPOSAL: Do not contaminate water, food or feed by disposal. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING:

Refer to the Net Contents section of this product's labeling for the applicable "Refillable Container" or "Nonrefillable Container" designation.

Nonrefillable Plastic and Metal Containers (Capacity Equal to or Less Than 50 Pounds): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then, (a) for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning; if burned, stay out of smoke, or (b) for Metal Containers, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Plastic and Metal Containers (Capacity Greater Than 50 Pounds): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then, (a) for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning; if burned, stay out of smoke, or (b) for Metal Containers, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Plastic and Metal Containers, e.g., Intermediate Bulk Containers (IBC) (Size or Shape Too Large to be Tipped, Rolled or Turned Upside Down): Nonrefillable container. Do not reuse or refill this container. Pressure rinse as follows: Empty the remaining product contents into application equipment or a mix tank. Insert pressure rinsing nozzle in the container, and rinse at about 40 PSI for at least 30 seconds. Drain rinsate for 10 seconds after the flow begins to drip. Pour or pump rinsate into application equipment or rinsate collection system. Then, (a) for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning; if burned, stay out of smoke, or (b) for Metal Containers, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Paper or Plastic Bags, Fiber Sacks including Flexible Intermediate Bulk Containers (FIBC) or Fiber Drums With Liners: Nonrefillable container. Do not reuse or refill this container. Completely empty paper or plastic bag, fiber sack or drum liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment. Then offer for recycling if available or dispose of empty paper or plastic bag, fiber sack or fiber drum and liner in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Refillable Fiber Drums With Liners: Refillable container (fiber drum only). Refill this container with DuPont™ Famoxadone Technical containing famoxadone only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then, (a) for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning; if burned, stay out of smoke, or (b) for Metal Containers, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn out threads and closure devices. Check for leaks after refilling and before transporting.

Outer Pouches of Water Soluble Packets (WSP): Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or, dispose of the empty outer foil pouch in the trash as long as WSP is unbroken. If the outer pouch contacts the formulated product in any way, the pouch must be triple rinsed with clean water. Add the rinsate to the spray tank and dispose of the outer pouch as described previously.

Do not transport if this container is damaged or leaking. If the container is damaged, leaking or obsolete, or in the event of a major spill, fire or other emergency, contact DuPont at 1-800-441-3637, day or night.

LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read this 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.

DuPont warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the directions under normal conditions. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, DUPONT MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL DUPONT OR SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BUYER'S OR USER'S BARGAINED-FOR EXPECTATION IS CROP PROTECTION. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE EXCLUSIVE LIABILITY OF DUPONT OR SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, TORT OR STRICT LIABILITY), WHETHER FROM FAILURE TO PERFORM OR INJURY TO CROPS OR OTHER PLANTS, AND 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 DUPONT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

To the extent consistent with applicable law that allows such requirement, buyer and all users shall promptly notify DuPont or a DuPont Ag Retailer of any claims, whether based on contract, negligence, strict liability, other tort or otherwise, or be barred from any remedy. This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

N/N