

352-632

01/05/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY JAN - 5 2010
Washington, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Richard Ambrose
E.I. du Pont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

Subject: Supplemental Label (Use on Optimum® GAT® Herbicide Tolerant Field Corn and Soybeans)
DuPont Express Herbicide (with TotalSol soluble granules)
EPA Reg. No. 352-632
Application Dated September 12, 2008

Dear Mr. Ambrose:

The supplemental labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable, provided that you do the following:

1. Submit the following data for tribenuron-methyl **within two (2) years** from the date of this letter as a condition of registration for the new uses on Optimum® GAT® field corn and Optimum® GAT® soybeans:
 - a. Guideline 850.2100: Avian Acute Oral Toxicity Test – Passerine Bird
Study protocol should be submitted prior to test initiation.
 - b. Guideline 850.4225: Tier II Seedling Emergence Toxicity Testing – Terrestrial Plants
Study must include a total of 10 species (4 monocots and 6 dicots).
 - c. Guideline 870.6200: Acute & Subchronic Neurotoxicity
 - d. Guideline 870.7800: Immunotoxicity
2. Submit and/or cite all data required for registration/registration review of your product when the Agency requires all registrants of similar products to submit data.
3. Submit production information (in pounds or gallons produced) for this product for the fiscal year in which the uses on **Optimum® GAT® field corn and Optimum® GAT® soybeans** are conditionally registered, in accordance with FIFRA §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.

This information must be submitted to:

Mr. Owen F. Beeder
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division (7505P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

4. Add the following ground water advisory statement to the Environmental Hazards section for **all end-use products containing tribenuron-methyl**:

“Ground Water Advisory: This chemical has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow.”

5. Add the following surface water advisory statement to the Environmental Hazards section for **all end-use products containing tribenuron-methyl**:

“Surface Water Advisory: This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water. This product is classified as having high potential for reaching surface water via runoff for several months or more after application. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of tribenuron-methyl from runoff water and sediment. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.”

6. Submit a label amendment for the tribenuron-methyl technical product to add the new uses on “Optimum[®] GAT[®] field corn” and “Optimum[®] GAT[®] soybeans”. The technical product registration must be amended to include the above new uses before any end-use product(s) can be used on Optimum[®] GAT[®] field corn and Optimum[®] GAT[®] soybeans.

7. Make the following changes to the **supplemental label**:

- a. Add a separate restricted-entry interval (REI) of **7 days for workers involved in detasseling treated corn grown for seed**. The established 12-hour REI remains for all other worker scenarios.

- b. Add the following restriction to address concerns to non-target terrestrial plants:
“For aerial applications, avoid potential adverse effects to non-target areas by

maintaining a 100 ft. buffer zone between the treated area and the closest downwind edge of sensitive plants.”

- c. Change the paragraph under Directions for Use to “Read and follow all manufacturer’s label **directions** for any companion herbicide(s). If those **directions** conflict with this label, do not tank mix the herbicide(s) with EXPRESS.”
- d. Change the paragraph under Tank Mixtures to “Weed control and crop safety...or in separately published DuPont **directions**, are the responsibility of the user.”

8. Make the following changes to the **main label**:

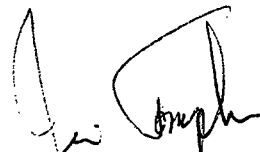
- a. Add the ground water and surface water advisory statements listed above in items 5 & 6 to the Environmental Hazards section.
- b. On page 4 under Ground Application, remove the phrase “For best performance,” so the sentence reads “Select nozzles and pressure that deliver MEDIUM spray droplets...”
- c. On page 4 under Aerial Application, revise the first sentence to read “Use **MEDIUM or COARSE** nozzles that will provide optimum spray distribution and maximum coverage at 2 to 5 GPA.”
- d. On page 4 under Aerial Application, add the restriction “Do not apply during a temperature inversion, when wind speed is less than 3 mph or above 10 mph, or when conditions favor poor coverage and/or off-target spray drift.”
- e. On page 8 under Wind, change the sentence from “AVOID APPLICATION DURING GUSTY OR WINDLESS CONDITIONS.” to “Do not apply when wind speed is less than 3 mph or above 10 mph.”

9. At your next label printing, or within eighteen (18) months of the date of this letter, whichever comes first, you must incorporate this supplemental labeling into the main product labeling.

A stamped copy of your label is enclosed for your records. You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after eighteen (18) months from the date of this letter or the next printing of the label, whichever occurs first, must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA §6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Page 4 of 4
EPA Reg. No. 352-632

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Tompkins". The signature is stylized and written over a faint circular stamp.

Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

ACCEPTED
with COMMENTS
in EPA Letter Dated
JAN - 5 2010

5/7
SUPPLEMENTAL LABELING

DuPont Crop
Protection

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

DUPONT™ EXPRESS®
HERBICIDE
(with TotalSol™ soluble granules)

352-632

DUPONT™ EXPRESS® HERBICIDE
(with TotalSol™ soluble granules)

EPA REG. NO. 352-632

USE ON OPTIMUM® GAT® HERBICIDE TOLERANT FIELD CORN AND
SOYBEANS

DuPont™ Express® Herbicide (with TotalSol™ soluble granules) (EXPRESS®) may be applied to OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans for pre-plant (burndown treatments), postemergence, and/or post-harvest control of certain broadleaf weeds.

EXPRESS® is a water soluble granule which should be mixed in water and applied as a uniform broadcast spray. The best weed control is obtained when EXPRESS® is applied to young, actively growing weeds.

DIRECTIONS FOR USE

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

EXPRESS® may be used in OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans to provide weed control, and may be used in combination with other suitable registered herbicides. Applications may be made pre-plant (burndown treatments), postemergence, and/or post-harvest.

Read and follow all manufacturers label recommendations for any companion herbicide(s). If those recommendations conflict with this label, do not tank mix the herbicide(s) with EXPRESS.

Include with EXPRESS® a nonionic surfactant, petroleum based crop oil concentrate, or vegetable-seed oil-based product (methylated seed oils are considered a vegetable seed-based oil). If another herbicide is tank mixed with EXPRESS® to increase the broadleaf weed spectrum, select adjuvants based on the adjuvant limitations of the other companion herbicide.

Application to OPTIMUM® GAT® Soybeans – Use Rates and Restrictions

Apply 0.25 – 1.0 ounce of EXPRESS® per acre per application.

For pre-plant (burndown treatments): Apply prior to planting. Make application when the majority of weeds have emerged and are actively growing.

For postemergence applications: Do not apply later than flowering (R2 growth stage). Allow 14 days between application and grazing or feeding soybean forage or hay. Do not apply more than 1 ounce of EXPRESS per acre per crop season.

For post-harvest applications: Apply to crop stubble when the majority of weeds have emerged and are actively growing.

Application to OPTIMUM® GAT® Field Corn – Use Rates and Restrictions

Apply 0.25 – 1.0 ounce of EXPRESS® per acre per application.

For pre-plant (burndown treatments): Apply prior to planting. Make application when the majority of weeds have emerged and are actively growing.

For postemergence applications: Do not apply later than 7 days before grain harvest. Allow at least 7 days between application and grazing or feeding corn forage or stover. Do not apply more than 1 ounce of EXPRESS® per acre per crop season.

For post-harvest applications: Apply to crop stubble when the majority of weeds have emerged and are actively growing.

TANK MIXTURES

EXPRESS® may be tank mixed with other products that are registered for use on soybeans or field corn and where the labeled method of application and timing of application are the same as for EXPRESS®. If another herbicide is tank mixed with

EXPRESS® to increase the broadleaf weed spectrum, select adjuvants based on the adjuvant limitations of the other companion herbicide.

Other than the exceptions noted, and in addition to the tank mix partners and rates indicated in this label, EXPRESS® may be tank mixed or followed with sequential applications of other products registered for use in soybeans. EXPRESS® may be applied in tank mix combinations with full or reduced rates of other products provided:

- The tank mix product is labeled for the same timing, method of application, adjuvants, and use restrictions as EXPRESS®.
- The tank mix is not specifically prohibited on the label of the tank mix product.
- The tank mix combination is compatible as determined by a "jar test" described in the TANK MIX COMPATIBILITY TESTING section on this label.
- Weed control and crop safety resulting from the use of tank mixtures not specifically noted on this label, or in separately published DuPont recommendations, are the responsibility of the user.

When applied as directed to OPTIMUM® GAT® corn and OPTIMUM® GAT® soybeans at rate of 0.25 – 1.0 oz per acre, EXPRESS® will control annual grass and broadleaf weeds including those listed in the following table:

WEEDS CONTROLLED

Pre-plant (burndown treatments), Postemergence, or Post-harvest

When applied as directed to OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans EXPRESS® effectively controls a number of weeds including the following:

- Black mustard
- Blue/Purple mustard
- Bushy wallflower /Treacle mustard
- Canada thistle**
- Coast fiddleneck
- Common Chickweed
- Common Groundsel
- Common Lambsquarters
- Common Purslane
- Corn, Gromwell**
- Corn spurry
- Cowcockle
- Curly Dock**
- False chamomile/ Wild chamomile/Scentless chamomile (*Matricaria maritima L.*)
- Field pennycress
- Flixweed
- Hairy buttercup
- Kochia**†
- London Rocket
- Mayweed chamomile/Stinking chamomile/dog fennel (*Anthemis cotula L.*)**
- Miners lettuce

- Pineappleweed
- Prickly lettuce**†
- Redroot pigweed
- Russian thistle**†
- Shepherd's-purse
- Slimleaf lambsquarters
- Smallseed falseflax
- Tansymustard
- Tarweed fiddleneck
- Tumble/Jim Hill mustard**
- Wild mustard

WEEDS PARTIALLY CONTROLLED*

When applied as directed to OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans EXPRESS® effectively partially controls a number of weeds including the following:

- Annual sowthistle
- Common cocklebur
- Common sunflower (volunteer)
- Common vetch
- Hairy nightshade
- Hairy vetch
- Henbit
- Pennsylvania smartweed
- Prostrate knotweed
- Redmaids
- Wild buckwheat
- Wild garlic
- Wild radish

* Partially controlled weeds exhibit a visual reduction in numbers as well as a significant loss of vigor.

** See the Specific Weed Problems section of the EXPRESS® label for more information.

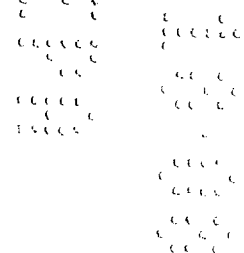
† Naturally occurring resistant biotypes of kochia, prickly lettuce and Russian thistle are known to occur. See the "SPECIFIC WEED PROBLEMS" sections of the EXPRESS® label for additional details. In addition, tank mix partners that are registered on field corn and soybeans with additional activity on these weeds maybe needed.

SPRAY ADJUVANTS

Applications of EXPRESS® must include a crop oil concentrate or nonionic surfactant except as specified in this labeling. An ammonium nitrogen fertilizer may also be required. If another herbicide is tank mixed with EXPRESS®, select adjuvants authorized for use with both products. Adjuvants must contain only EPA-exempt ingredients (40 CFR 1001).

Nonionic Surfactant

- Add a nonionic surfactant at the rate of 2 pt per 100 gal of spray solution (0.25% v/v).
- Surfactant products must contain at least 60% nonionic surfactant with a hydrophilic/lipophilic balance (HLB) greater than 12.



Crop Oil Concentrate

For improved weed control under hot, dry conditions, or for control of tough weeds like giant ragweed, a crop oil concentrate may be used in place of a nonionic surfactant.

Apply crop oil concentrate at the rate of 1 gal per 100 gal of spray solution (1.0% v/v).

- Use a good-quality, petroleum-based or methylated seed oil-based crop oil concentrate with at least 15% surfactant emulsifiers and 80% oil.

Ammonium Nitrogen Fertilizer

In addition to a nonionic surfactant or crop oil concentrate, an ammonium nitrogen fertilizer may be required with some tank mixture partners.

- Use 2 qt/acre of a high-quality urea ammonium nitrate (UAN), such as 28% N or 32% N, or 2 lb/acre of a spraygrade ammonium sulfate (AMS).
- Use 4 qt/acre UAN or 4 lb/acre AMS under arid conditions.
- Always use the lower rates of fertilizer with spray volumes of less than 15 gallons per acre.

Special Adjuvant Types

- Combination adjuvant products may be used at doses that provide the required amount of NIS, COC, MSO and/or ammonium nitrogen fertilizer. Consult product literature for use rates and restrictions.
- In addition to the adjuvants specified above, other adjuvant types may be used if they provide the same functionality and have been evaluated and approved by DuPont Product Management. Consult separate DuPont technical bulletins for detailed information before using adjuvant types not specified on this label.

Adjuvants for Tank Mixtures with Glyphosate Products

When tank mixing EXPRESS® + glyphosate herbicides, it is recommended to add 4.25 -17 lb ammonium sulfate per 100 gallons of spray mixture.

- The addition of surfactant at 0.25% v/v (1 qt per 100 gallons of spray) to some EXPRESS® + glyphosate tank mixes may improve weed control. Since some glyphosate products differ in their adjuvant contents, some glyphosate products, such as "Glyphomax" or "Roundup Original" allow for the addition of surfactants.
- See the glyphosate manufacturer's label for specific ammonium sulfate and surfactant recommendation.

TANK MIX COMPATIBILITY TESTING

Perform a jar test prior to tank mixing to ensure compatibility of EXPRESS® and other pesticides. Use a clear glass quart jar with lid and mix the tank mix ingredients in their relative proportions. Invert the jar containing the mixture several times and observe the mixture for approximately 1/2 hour. If the mixture balls-up, forms flakes, sludges, gels, oily film or layers, or other precipitates, it is not compatible.

ROTATIONAL CROP GUIDELINES

For applications up to 0.5 ounce of EXPRESS® per acre per season:

OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans, wheat, barley and triticale may be replanted anytime after the application of DuPont™ EXPRESS®. Sugarbeets, winter rape, and canola may be planted at 60 days after the application of EXPRESS®. Any other crop may be planted 45 days after the application of EXPRESS®.

For applications above 0.5 ounce of EXPRESS® per acre per season:

OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans may be replanted anytime after application of EXPRESS®. All other crops may be planted at 4 months after the application of EXPRESS®.

IMPORTANT PRECAUTIONS

- These application directions are specific for EXPRESS® applied to OPTIMUM® GAT® field corn and OPTIMUM® GAT® soybeans. Do not use EXPRESS® on non-OPTIMUM® GAT® field corn or soybeans as severe injury or death may occur.
- Follow all applicable precautions and restrictions listed on the EXPRESS® labeling.

IMPORTANT BEFORE USING EXPRESS, READ AND FOLLOW ALL APPLICABLE DIRECTIONS, RESTRICTIONS AND PRECAUTIONS ON THE EPA-REGISTERED LABEL.

This bulletin contains new or supplemental instructions for use of this product which do not appear on the EPA- registered 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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