

7969-56

09-18-2009

1/5



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Charles T. Levey
BASF Corporation, Agricultural Products
PO BOX 13528, 26 Davis Drive
Research Triangle Park, NC 27709

SEP 18 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated July 29, 2009 for:

EPA Registration 7969-56 POAST Manufacturer's Concentrate

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number BASF Corporation/7969-56	2. EPA Product Manager Jim Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BASF Corporation/POAST Manufacturer's Concentrate	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation 26 Davis Dr. Durham, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated 8/18/08

Resubmission in response to Agency letter dated _____ "Me Too" Application. **NOTIFICATION**

Notification - Explain below. Other - Explain below. **SEP 18 2009**

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Please see cover letter.

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container

5. Location of Label Directions
 On Container

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Charles T. Levey	Title Product Registration Manager	Telephone No. (Include Area Code) 919-547-2059
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Certification
 I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

2. Signature

3. Title
Product Registration Manager

4. Typed Name
Charles T. Levey charles.levey@basf.com

5. Date
July 29, 2009

6. Date Application Received (Stamped)

313



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number BASF Corporation/7969-56		2. EPA Product Manager Jim Tompkins		3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted	
4. Company/Product (Name) BASF Corporation/POAST Manufacturer's Concentrate		PM# 25			
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation 26 Davis Dr. Durham, NC 27709 <input type="checkbox"/> Check if this is a new address			6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____		

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated <u>8/18/08</u>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION
SEP 18 2009

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Please see cover letter.

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container

3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container <u>20,000 kg</u>	5. Location of Label Directions <input checked="" type="checkbox"/> On Container
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Charles T. Levey	Title Product Registration Manager	Telephone No. (Include Area Code) 919-547-2059
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Certification
 I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

2. Signature 	3. Title Product Registration Manager	6. Date Application Received (Stamped)
4. Typed Name Charles T. Levey charles.levey@basf.com	5. Date August 31, 2009	



The Chemical Company

July 29, 2009

Mr. James Tompkins (PM 25)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Subject: Label Notification for POAST® Manufacturer's Concentrate (EPA Reg. No. 7969-56)

Dear Mr. Tompkins,

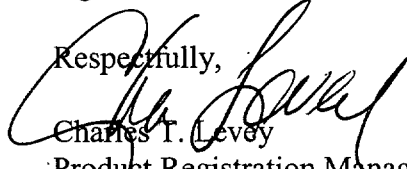
BASF Corporation is submitting a label notification in response to PR Notice 2007-4 and Agency letter dated 8/18/08 for the subject product. The changes are clearly highlighted on the enclosed label to expedite your review. I certify the following:

PR Notice 2007-4:

"Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 15 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

Please call me at 919-547-2059 or email at charles.levey@basf.com, if you have any questions in regards to this submission. Thanks in advance for your cooperation.

Respectfully,


Charles T. Levey
Product Registration Manager
BASF Corporation

® Registered Trademark of BASF

BASF Corporation
Agricultural Products
26 Davis Drive
Research Triangle Park, NC 27709
Tel: (800) 669-1770
www.agproducts.basf.com

4/5



The Chemical Company

Poast[®] Manufacturer's Concentrate

For Formulating Use Only

A Liquid Concentrate For Formulating Sethoxydim-Containing Herbicides

Active Ingredient:

2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one 50.0%

Other Ingredients:..... 50.0%

Total:..... 100.0%

Contains Petroleum Distillates

EPA Reg. No.: 7969-56

EPA Est. No.: 72056-JP-001

KEEP OUT OF REACH OF CHILDREN

CAUTION/PRECAUCION

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.)

Precautionary Statements Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed. Avoid contact with skin, eyes and clothing. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

FIRST AID	
If swallowed	<ul style="list-style-type: none"> Immediately call a poison control center of doctor. DO NOT induce vomiting unless told to by a poison control center or doctor. DO NOT give any liquid to the person. 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 further treatment advice.
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 first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-332-HELP (4357)	
Note to Physician: May pose an aspiration pneumonia hazard. Contains petroleum distillate.	

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 local State Water Board or Regional Office of EPA. **DO NOT** contaminate water when disposing of equipment washwaters or rinsate.

Net Contents:

Product of Japan

NOTIFICATION

SEP 18 2009

Directions For Use

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

Only for formulation into a herbicide for the following uses: 1) apple pomace, asparagus, beans (dry & succulent), beet (garden), blueberry, brassica, bulb vegetables, caneberrries, canola/crambe/rapeseed, carrot, cherries (sweet & sour), citrus, clover, corn, cotton, cranberry, cucurbits, date (**non-bearing only**), deciduous trees, non-food crop areas, fallow land, fescue, (tall), flax, fruiting vegetables, grape, head & petiole type vegetables, horseradish, lentil, leafy vegetables, mint, nectarine, orchard floor middles, peach, peanut, peas (dry & succulent), potatoes, set aside conservation land, soybean, strawberry, sugar beet, sunflower, tobacco seedbeds, tree nuts, tree farms, tuberous and corn vegetables, nonbearing food crops, ornamental and nursery plantings, rights of way, wildflowers and turf; 2) uses for which U.S. EPA has accepted the required data or citations of data that the formulator has submitted in support of registration; and 3) uses for experimental purposes that are in compliance with U.S. EPA requirements. Consult BASF Corporation before using this product for formulating purposes. Each formulator is responsible for obtaining EPA registration for their end-use product(s). This product may be used to formulate products for any additional uses not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such uses.

Storage and Disposal

DO NOT contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in original container in a cool, dry, well-ventilated area separately from fertilizer, feed and foodstuffs. Avoid cross-contamination with other pesticides. Spillage or leakage should be contained, carefully swept up, and collected for disposal.

Pesticide Disposal: Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility. If these wastes cannot be disposed of 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.

Container Disposal: Refillable Container. Refill this container with pesticide only. **DO NOT** reuse this container for any other purpose. Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. **Triple rinse as follows:** 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% 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. Dispose of rinsate in compliance with state and local regulations for pesticide products.

Conditions of Sale and Warranty

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions For Use. **TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.** BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warranty which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

In Case of Emergency

In case of large scale spillage in the U.S. regarding this product, call:

CHEMTREC 1-800-424-9300

BASF Corporation 1-800-832-HELP (4357)

In case of medical emergency regarding this product, call: 1) Your local doctor for immediate treatment. 2) Your local poison control center (hospital). 3) BASF Corporation 1-800-832-HELP. **Steps to be taken in case material is released or spilled:** Dike and contain spill with inert material (sand, earth, etc.) and transfer liquid and solid material to separate labeled containers for disposal. Remove contaminated clothing and wash affected skin areas with water. Wash clothing before reuse. Keep spill out of all sewers and open bodies of water.

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Produced for:
BASF Corporation
26 Davis Drive, Research Triangle Park, NC 27709

007969-0056.20090407.NVA 2008-13-025-0096

7/10