

7969-58

08/07/2006

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG - 7 2006

Ms. Charlotte A. Sanson
BASF Corporation
Agricultural Products
P. O. Box 13528
Research Triangle Park, NC 27709

Dear Ms. Sanson:

Subject: Poast Herbicide (Reduce PPE for Peppers)
EPA Registration No. 7969-58
Application Dated September 12, 2005 and Label Submitted July 31, 2006

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended is acceptable, provided you make the following change before you release the product for shipment.

--Revise your Conditions of Sale and Warranty as per the attachment entitled "Warranty Disclaimers on FIFRA Labels Issue Paper". These revisions are required for all labels submitted to the Agency.--

Submit one copy of your final printed labeling incorporating the above changes before you release the product for shipment. A stamped copy of labeling is enclosed for your records.

Supplemental labeling must be incorporated into a master label 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 on a case by case basis.

Sincerely,

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

ACCEPTED
with COMMENTS
In EPA Letter Dated:

AUG 7 2006

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BASF

The Chemical Company

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
7969-58

Poast

herbicide

**Supplemental
Labeling**

For use in Peppers (all types)

EPA Registration Number 7969-58

Active Ingredient:*

Sethoxydim: 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one* 18.0%

Other ingredients: 82.0%

Total: 100.0%

* Equivalent to 1.5 pounds of sethoxydim per gallon.

All applicable directions, restrictions and precautions on the EPA-registered label are to be followed. This labeling must be in the possession of the user at the time of application.

Directions For Use

It is a violation of federal law to use this product in a manner inconsistent with its labeling. **DO NOT** apply this product in a way that will contact workers or other persons, either directly or through drift. Only *protected handlers may be in the area during application*. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

I. General Information

Apply to actively growing grasses. In irrigated areas, it may be necessary to irrigate prior to treatment with **Poast**⁶ herbicide to ensure weeds are growing actively. See **Poast** label for complete list of annual and perennial grasses controlled with use of this herbicide.

Always adjust spray pressure, spray volume and height of spray boom to ensure thorough coverage of grasses to be controlled.

For maximum use rate per application and per season and for the minimum time from application to harvest, see **Table 1**.

II. Restrictions and Limitations

DO NOT plant other crops to be harvested for 30 days after application unless **Poast** is registered for use on that crop.

DO NOT make more than 3 applications of **Poast** to peppers per growing season.

DO NOT apply to grasses or crops under stress such as stress due to lack of moisture, hail damage, flooding, herbicide injury, mechanical injury, or widely fluctuating temperatures, as unsatisfactory control may result. Irrigation may be needed.

DO NOT apply to crops that show injury (leaf phytotoxicity or plant stunting) produced by any other prior herbicide applications, because this injury may be enhanced or prolonged.

Physical incompatibility, reduced weed control, or crop injury may result from mixing **Poast** with other pesticides (fungicides, herbicides, insecticides, or miticides), additives, or fertilizers. BASF does not recommend using tank mixes other than those listed on BASF labeling. Local agricultural authorities may be a source of information when using other than BASF recommended tank mixes.

Table 1. Crop-Specific Restrictions and Limitations for Poast

Crop	Minimum Time From Application to Harvest (PHI)	Maximum Rate Per Acre per Application	Maximum Rate Per Acre per Season
Peppers (all types)	7 days	1.5 pints	4.5 pints

*Refer to **Poast** label for complete directions for use and application timings for use in peppers (fruiting vegetables).

RECEIVED
7/31/06
Lynn

Conditions of Sale and Warranty

The **Directions For Use** of this product reflects the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. All such risks shall be assumed by the Buyer.

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**, subject to the inherent risks, referred to above.

BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT PERMITTED BY LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, 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.

Poast is a registered trademark of BASF.

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BASF Corporation
Agricultural Products
26 Davis Drive
Research Triangle Park, NC 27709

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The Chemical Company