

7969-137

2-13-2008

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

13 FEB 2008

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Dave G Bolin
BASF Corporation
P.O. Box 13528
Research Triangle Park, NC 27709-3528

Dear Mr. Bolin:

Subject: Application to MON 87798 Soybeans
Clarity herbicide
EPA Registration No. 7969-137
Your Submission Dated January 29, 2008

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you:

1. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:

a. Delete references to "Research, Field Trials". This is a section 3 pesticide registration that EPA has determined will not cause an unreasonable adverse affect to man and the environment when used to control pests according to label directions.

b. For clarity modify the Soybeans Use Restrictions to read similar to the following:

Do not use Mon 87798 Soybeans for seed. Do not feed Mon 87798 Soybean fodder or hay. Mon 87798 Soybean grain, forage and hay cannot be used or processed for food or feed.

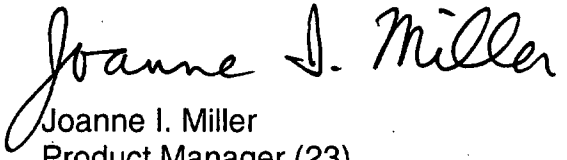
2. Submit one (1) copy of your final printed labeling before you release the product for shipment.

A stamped copy of the labeling is enclosed for your records.

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If you have any questions concerning this letter, please contact Mr. James Stone at 703-305-7391.

Sincerely yours,



Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505P)

Enclosure



The Chemical Company

Clarity[®]

herbicide

ACCEPTED
with COMMENTS
in EPA Letter Dated
13 FEB 2008

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

9969-137

Supplemental Label

FOR USE ON DICAMBA-TOLERANT SOYBEAN MON 87708 GROWN FOR RESEARCH,
FIELD TRIALS AND SEED PRODUCTION ONLY

EPA Reg. No. 7967-137

ACTIVE INGREDIENT:

diglycolamine salt of 3,6-dichloro-*o*-anisic acid* 56.8%

OTHER INGREDIENTS: 43.2%

TOTAL: 100.0%

*Contains 38.5% 3,6-dichloro-*o*-anisic acid (4 pounds acid equivalent per gallon or 480 grams per liter).

Follow all applicable directions, restrictions, Worker Protection Standard requirements and precautions on the EPA-registered product label for Clarity[®] herbicide, EPA Reg. No. 7969-137.

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

Dicamba-tolerant soybean MON 87708 contains proprietary gene technology licensed exclusively to Monsanto Company. Planting of dicamba-tolerant soybean MON 87708 may only be done under agreement and following all instructions of Monsanto Company.

Directions For Use

It is a violation of federal law to use this product in any 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 at the time of application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

Read the **Precautionary Statements, Environmental Hazards, Storage and Disposal statements, and Conditions of Sale and Warranty** statement appearing on the container label.

THIS PRODUCT MAY BE USED FOR WEED CONTROL AND FOR CONTROL OF NON-DICAMBA-TOLERANT SOYBEAN IN RESEARCH, FIELD TRIALS AND SEED PRODUCTION FIELDS OF DICAMBA-TOLERANT SOYBEAN MON 87708. SEVERE INJURY OR DESTRUCTION OF THE

SOYBEANS WILL RESULT IF SOYBEANS NOT DESIGNATED AS MON 87708 ARE SPRAYED WITH THIS PRODUCT.

USE INSTRUCTIONS

This product will control labeled weeds and non-dicamba-tolerant soybean in research and field trial plots and in seed production fields of dicamba-tolerant soybean MON 87708.

Apply up to 32 fluid ounces of this product in 5 to 20 gallons of spray solution per acre as a broadcast spray. A second application up to 32 fluid ounces per acre may be applied if needed to control weeds or non-dicamba-tolerant soybean plants.

Application Timing. This product may be applied to dicamba-tolerant soybean MON 87708 preplant, preemergence and from emergence to harvest.

USE RESTRICTIONS

Maximum Seasonal Use Rate. **DO NOT** exceed a maximum rate of 64 fluid ounces of Clarity per acre per year.

Avoid off-target movement. Use extreme care when applying Clarity to avoid injury to desirable plants. Refer to Clarity main label for information regarding aerial and ground application recommendations and restrictions.

Harvested dicamba-tolerant soybean MON 87708, grain, forage and hay may not be used or processed for food or feed.

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Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must 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. To the extent consistent with applicable law, 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.

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, 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.

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Crop Protection
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The Chemical Company