

7969-137

3/21/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Dave G. Bolin
Product Registration
BASF Corporation, Agricultural Products
PO Box 13528
Research Triangle Park, NC 27709-3528

MAR 21 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change
EPA Reg. No.7969-137
Application Dated March 4, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 03/04/08 for the above product. The Registration Division (RD) has conducted a preliminary screen of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

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

2085



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 / 7969-137	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BASF Corporation / Clarity herbicide	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation P.O. Box 13528 Research Triangle Park, 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 13 Feb 2008

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

Notification - Explain below. Other - Explain below.

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

BASF is submitting Notification of final printed Clarity herbicide label incorporating changes per EPA letter on 13 Feb 2008

No PRIA fee is associated with this action as no data review is required.

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

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 Dave G. Bolin	Title Product Registration Manager	Telephone No. (Include Area Code) 919-547-2108
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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 Dave G. Bolin	5. Date March 4, 2008	



The Chemical Company

3045

Ms. Joanne Miller
U.S. Environmental Protection Agency
Registration Division (7505P), PM Team 23
One Potomac Yard (South Building)
2777 S. Crystal Drive
Arlington, VA 22202

March 4, 2008

**Re: Clarity® Herbicide (EPA Registration No. 7969-137)
Notification of Final Print Labeling.**

Dear Ms. Miller,

BASF hereby submits one (1) copy of the final print label for Clarity Herbicide. This communication is in submitted in accordance with your letter dated February 13, 2008. Also included are: completed EPA form 8570-1, copy of the stamped approved label, and your comments letter dated 2/13/08.

As specified in the approval, BASF made the following changes to the Final Print Label

- Deleted "Research, Field Trials"
- Modified Soybean Use Restrictions to read: "DO NOT feed MON 87708 soybean fodder or hay. MON 87708 soybean grain, forage, and hay cannot be used or processed for food or feed."
- **The sentence "Do not use MON 87708 Soybeans for seed" has been removed per voicemail from Mr. James Stone to Dave Bolin on Feb 28, 2008.** This was done as the sentence is in direct conflict with the Banner Statement describing the use.

As no data review is required, BASF believes that there is no PRIA fee associated with this action.

Please feel free to contact me (919-547-2108 / david.bolin@basf.com) if you have any questions.

Respectfully Submitted,

Dave G. Bolin
Product Registration Manager –
U.S. Regulatory Affairs

® Registered Trademark of BASF

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





The Chemical Company

Clarity[®]

herbicide

Supplemental Label

FOR USE ON DICAMBA-TOLERANT SOYBEAN MON 87708 GROWN FOR 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 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 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.

DO NOT feed MON 87708 soybean fodder or hay. MON 87708 soybean grain, forage, and hay cannot be used or processed for food or feed.

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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The Chemical Company