

8 596-35

04-05-2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Jill Hyda
Regulatory Affairs Manager
Kemin AgriFoods North America, Inc.
2100 Maury Street
Des Moines, IA 50317-1100

APR 5 2010

Re: **Registration Review** for FRESH CUT® Plus Liquid
EPA Registration 8596-35
Decision Number 405730 and 401162
Response to EPA/SRRD Email Dated 12/30/08

Dear Ms Hyda:

The Agency is in receipt of your revised label submitted April 1, 2010, and has confirmed the specified language with respect to the baling of hay has been added as requested. As previously noted, this change ensures negligible environmental exposure, and therefore, allows the Agency to proceed with a final registration review decision without data call in for the following:

850.4100 Seedling Emergence, Tier 1
850.4150 Vegetative Vigor, Tier 1
830.7050 Ultraviolet/Visible Absorption

The label is acceptable provided the following changes are made:

1. Move the baling restrictions "This product may only be used during the baling....operation instructions" from the section **ENVIRONMENTAL HAZARDS** to the section **DIRECTIONS FOR USE** as paragraph #2 of that section.
2. In the section **WARRANTIES** change "No claim of any kind, whether or not based...." to "To the extent consistent with applicable law, no claim of any kind, whether or not based...."

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment.

The Agency has determined that the registrant may distribute and sell propionic acid products bearing old labels/labeling for 12 months from the date of issuance of this letter. Registrants and persons other than the registrant remain obligated to meet existing stocks requirements applicable to products they sell or distribute.

EPA Reg. No. 8596-35
FRESH CUT® Plus Liquid
Page 2 of 2

2/8

If you have any questions, please contact Robert Westin by phone at (703) 305-5721 or via email at westin.robert@epa.gov.

Sincerely,



Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7504P)

Enclosure: Label stamped "Accepted with Comments"

FIRST AID

IF IN EYES: Hold eyelids open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, and then continue rinsing eyes. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: 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 SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

Note to physician: Probable mucosal damage may contraindicate the use of gastric lavage.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, and then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for treatment advice.

NOTE: Have a product container or label with you when calling a poison control center, doctor, or going for treatment. For emergency information concerning this product, call the National Pesticides Information Center (NPIC) at 1-800-858-7378 seven days a week, 6:30 am to 4:30 pm Pacific Time (NPIC Web site: www.npic.orst.edu).

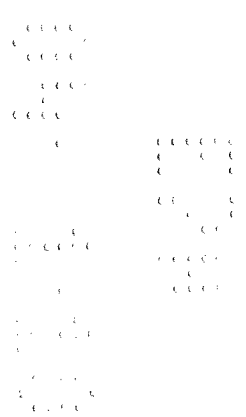
PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: Corrosive. Causes irreversible eye damage. Do not get in eyes or on skin or clothing. Harmful if absorbed through skin. Harmful if swallowed. Harmful if inhaled. Avoid breathing vapor or spray mist. Avoid working near high concentrations of spray mist/vapor. Use with adequate ventilation.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Wear chemical-resistant gloves made of any waterproof material, chemical-resistant apron, chemical-resistant footwear and goggles or face shield when loading application equipment unless a closed loading system is used. Applicators must wear protective eyewear, chemical-resistant gloves made of any waterproof material, long sleeved shirt and long pants, and shoes with socks.



USER SAFETY REQUIREMENTS

Wash thoroughly with soap and water after handling. Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

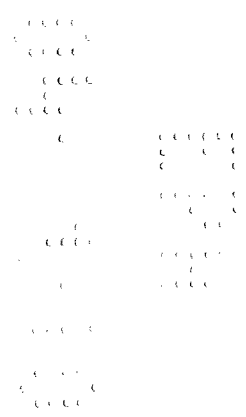
USER SAFETY RECOMMENDATIONS

User should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

This product may only be used during the baling process if appropriate baler equipment is used which prevents exposure of non-target organisms to this pesticide product. Do not apply to pre-harvest hay and straw, cut hay and straw in the field prior to baling, or to hay and straw after it has been baled. Apply product to the hay and straw as it is fed into the baler, using the rates on the label. The baler application equipment must prevent drippage and drift, and must function properly and be used/maintained in accordance with the manufacturer's written operation instructions.



DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read the entire label. Use strictly in accordance with precautionary statements and directions for use.

To apply, spray FRESH CUT Plus Liquid on the hay as it is fed into the baler using the application rates listed in the charts below.

Alfalfa Hay – Small Squares and Large Round

% Moisture	Pounds/Ton FRESH CUT Plus
18-20	4
21-25	6-8
26-30	12-15

Alfalfa Hay – Large Squares

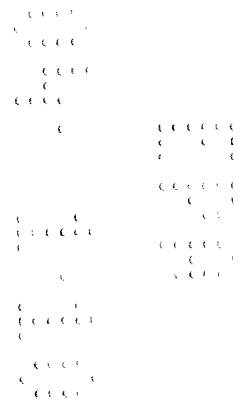
% Moisture	Pounds/Ton FRESH CUT Plus
15-20	8
21-24	12
24-27	14

HAY MANAGEMENT RECOMMENDATIONS

Do not store untreated hay near high moisture treated hay.
Store hay off of the ground under a roof.
If hay is stored in a barn, be certain there is good ventilation.

Harvest all hay at the proper moisture and stage of maturity.

NOTE: FRESH CUT Plus Preservative is not a substitute for good management practices.



STORAGE AND DISPOSAL

Do not contaminate food or feed by storage or disposal.

PESTICIDE STORAGE: Store in a warm, dry place above 40° F to prevent freezing.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use 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: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Offer for reconditioning, if appropriate. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

**For non-emergency Kemin product inquiries, please call Customer Service at 1-800-752-2864 between the hours of 7 a.m.-4:30 p.m. Central Standard Time, Monday - Friday.
For Chemical Emergency ONLY (spill, fire, exposure or accident), call the CHEMTREC 24-hour toll free number at 1-800-424-9300.**

Small, illegible text or markings in the bottom right corner of the page.

WARRANTIES

The manufacturer makes no warranties, expressed or implied, concerning this product or its use, which extend beyond the description on the face hereof. All statements made concerning this product apply only when used as directed.

The manufacturer neither makes nor authorizes any agent or representative to make any other warranties, including warranties of fitness for a particular purpose or merchantability, guarantee or representation, concerning this material. This product is sold only on the basis that the buyer assumes all risks of use or handling which result in loss or damage and which are beyond the manufacturer's control.

No claim of any kind, whether or not based on negligence, shall be in greater amount than the purchase price of the material in respect of which such a claim is made. To the extent consistent with applicable law, neither manufacturer nor seller shall be liable for special, indirect or consequential damages resulting from the use or handling of this material.

This warranty does not extend to, and the buyer shall be solely responsible for, any and all loss or damage which results from the use of this product in any manner which is inconsistent with the label directions, warnings, or cautions.

PRODUCT COLOR CHANGE WILL NOT AFFECT PERFORMANCE.



LOT NO.: _____
MFG DATE: _____

NET WT.: 5.54 gallons (50 LB – 22.68 KG)

EPA Registration No. 8596-35 EPA Est. 8596-IA-001

**KEMIN INDUSTRIES, INC.
2100 Maury Street
Des Moines, IA USA 50317**

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