

11603-34

01/08/2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms Christie Hitchcock
Agent for Agan Chemical Manufacturers, Ltd.
C/O Makhteshim Agan of North America, Inc
4515 Falls of Neuse Rd, Suite 300
Raleigh, NC 27609

JAN 8 2010

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 October 16, 2009 for:

EPA Registration 11603-34 Clethodim 37% MUP

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 read "Linda Arrington".

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

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 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 11603-34	2. EPA Product Manager Linda Arrington	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Clethodim 37% MUP	PM# 23 Registration Support Branch	
5. Name and Address of Applicant (Include ZIP Code) Agan Chemical Manufacturers, Ltd. c/oMakhteshim Agan of North America, Inc. 4515 Falls of Neuse Rd, Suite 300, Raleigh, NC 27609 <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 type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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NOTIFICATION

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

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance of PR Notice 2007-4 and 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 18 U.S.C. Sec. 1001 to willfully make any false statements 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.

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 checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 5 gals or less; greater than 5 gals	
5. Location of Label Directions <input checked="" type="checkbox"/> on label		6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input checked="" type="checkbox"/> Other Self-Adhesive	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Christie Hitchcock	Title Regulatory Specialist	Telephone No. (Include Area Code) 919-256-9342
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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Regulatory Specialist	(Stamp area with grid)
4. Typed Name Christie Hitchcock	5. Date 10-16-09	

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CLETHODIM 37% MUP

FOR MANUFACTURING USE ONLY

ACTIVE INGREDIENT:	% BY WT.
Clethodim: (E)-2-[1-[[[3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one	37.2%
OTHER INGREDIENTS:	<u>62.8%</u>
	TOTAL 100.0%

Contains petroleum distillate.

KEEP OUT OF REACH OF CHILDREN

CAUTION

Manufactured for:
 Agan Chemical Manufacturers, Ltd
 c/o Makhteshim Agan of North America, Inc.
 4515 Falls of Neuse Road, Suite 300
 Raleigh, NC 27609

NOTIFICATION

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EPA Reg. No. 11603-34

EPA Est. No. _____

NET CONTENTS: _____ GALS

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so 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 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 the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
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 mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact PROSAR at 1-877-250-9291 for emergency medical treatment information. NOTE TO PHYSICIAN: Ingestion of this product or subsequent vomiting can result in aspiration of light hydrocarbon liquid, which can cause pneumonitis. If ingested, probable mucosal damage may contraindicate the use of gastric lavage.</p>	

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

Harmful if swallowed, absorbed through skin, or inhaled. Wash thoroughly with soap and water after handling.
 Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

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 State Water Board or Regional Office of the EPA.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

No end use for this product other than manufacturing is intended or implied in the **DIRECTIONS FOR USE** and **LIMITATION OF WARRANTY AND LIABILITY STATEMENT**.

Only for Formulation into herbicide products intended for:

The following use(s):

Terrestrial, Food Uses: Alfalfa (including sainfoin, holy clover, birdsfoot trefoil), asparagus, beans, beet (garden), broccoli, cabbage, canola, carrot, cauliflower (and other head and stem brassica vegetables including: Chinese broccoli; Brussels sprout; Chinese (napa) cabbage; Chinese mustard; cavalo broccolo; and kohlrabi), celery, clover (grown in Idaho, Oregon, and Washington only), cotton, cranberry, cucumber, cucurbits (including but not limited to cantaloupe (all), cucumber, gherkin, honeydew melon, muskmelon (all), watermelon), dry beans, eggplant (and other fruiting vegetables including groundcherry), flax, garlic, herb crop group, hops, horseradish (and other root vegetables including but not limited to burdock, edible; celeriac; chervil, turnip-rooted; chicory; ginseng; parsley, turnip-rooted; parsnip; radish, oriental; rutabaga; salsify; salsify, black; salsify, Spanish; skirret and turnip,) leaf lettuce, leafy vegetable (except brassica vegetables) group, mint, mustard seed, onions (dry bulb and green including: leeks, scallions (spring onions), Japanese bunching onions, shallots (dry bulb and green), eschalots), pea; shelled and succulent, peanuts, pepino, peppers (bell and non-bell), potatoes, radish, rhubarb (and other leaf petioles including: cardoon, Chinese celery, celtuce, Florence fennel, and Swiss chard), safflower, sesame, soybean, spinach, squash (including pumpkin), strawberry, sugar beet, sunflower, sweet potato, tomato, tomatillo, yam (and other tuberous and corm vegetables including: arracacha, arrowroot, artichoke (Chinese and Jerusalem), edible burdock, edible canna, cassava (bitter and sweet), chayote (root), chufa, dasheen (taro), ginger, leren, taniel, turmeric and bean yam), mustard greens and (other leafy brassica greens) including broccoli raab, cabbage, (Chinese bok choy); collards; kale, mizuna, mustard spinach; rape greens, and turnip greens

Other Uses: Greenhouses, Shadehouses, Lathhouses, Golf courses, Nurseries, and Outdoors, Non-Food Uses, Native prairie warm season grass restoration projects, Niger seed (*guizotia abyssinica*) grown for use as wild bird feed, Ornamentals, Non-bearing Food Crops (including but not limited to apple, berries, cherry (sweet), citrus fruits, grapes, olives, peaches, pears, prunes, stone fruits, strawberries, tree nuts (including but not limited to: almond, filbert, pecan, pistachio, walnut), **Conifer trees, Fallow land (and other non-producing agricultural areas), and Non-crop or Non-planted areas.**

Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and

Uses for experimental purposes that are in compliance with USEPA requirements.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal or cleaning of equipment. Open dumping is prohibited.

PESTICIDE STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in cool, dry place. Do not store diluted spray.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING:

Nonrefillable Container (five gallons or less): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling if available, or offer for reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Nonrefillable Container (greater than five gallons): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container 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. Offer for recycling if available, or

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offer for reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Refillable Container: Refillable container. Refill this container with clethodim only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. 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 percent 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.

LIMITATION OF WARRANTY AND LIABILITY

Read the entire Directions for Use, Conditions of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks 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 the manner of use or application, all of which are beyond the control of AGAN CHEMICAL MANUFACTURERS, LTD. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, AGAN CHEMICAL MANUFACTURERS, LTD. makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of AGAN CHEMICAL MANUFACTURERS, LTD. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, AGAN CHEMICAL MANUFACTURERS, LTD. disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at AGAN CHEMICAL MANUFACTURERS, LTD.'S election, the replacement of product.

Clethodim 37% MUP (11603-34)(notif to EPA 10-16-09)rev 12-03-09
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