

33906-10

11-16-2006

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

NOV 16 2006

Mr. E. David Lewis  
Agent for Nissan Chemical Industries, Ltd  
Lewis and Harrison, Consultants In Government Affairs  
122 C Street, N. W., Suite 740  
Washington, DC 20001

Dear Mr. Lewis:

Subject: Quizalofop-p-Ethyl MUP Herbicide (Add Barley, Flax, Sunflowers, Wheat)  
EPA Registration No. 33906-10  
Label Submitted October 10, 2006

The amendment referred to above, submitted in connection with registration under Section 3(c) (7) (B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you agree in writing that:

1. You will submit a revised Section F, proposing the following tolerances, as per commodity listing on page 19 of the draft HED Risk Assessment within 6 months from the date of this notice.
  - a. Separate tolerances for barley, grain; barley, hay; barley, straw; wheat, grain; wheat, forage, wheat, hay, and wheat, straw; each at 0.05 ppm.
  - b. A tolerance level of 1.9 ppm for sunflower, seed.
  - c. A tolerance level of 0.25 ppm for milk, fat.
2. You will submit the following information/data within three years from the date of this letter.
  - a. The laboratory which did the independent laboratory validation (ILV) has recommended some changes/clarifications to HPLC method SARS-98-06 (flax and sunflowers). These modifications recommended by the ILV laboratory as well as any additional modifications recommended by EPA's Analytical Chemistry Branch (ACB) will have to be made prior to acceptance as a tolerance enforcement method.
  - b. The method descriptions in HPLC Methods SARS-98-06 (sunflowers and flax) and Morse Method Met-147 (barley and wheat), do not address the issue of the determination of the s-enantiomers of quizalofop-p-ethyl and quizalofop-p. Both methods should be modified to

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A Registration No. 33906-10

Include a statement addressing the inclusion of the S-enantiomers in the method determination, because the S-enantiomers are included in the tolerance expression for quizalofop-p-ethyl.

A residue decline study for sunflowers. Refer to page 20 of the draft HED Risk Assessment for ails.

Chronic toxicity studies for estuarine/marine fish.

Terrestrial Plant Studies using TEP (typical end-use product) as per Agency guidelines.

An Early Life-Cycle chronic toxicity test using *Daphnia magna* exposed to quizalofop-p-ethyl.

You will submit environmental fate studies using quizalofop acid if the Agency requires such a in the future.

You will submit /cite all data required for registration/reregistration of your product when the Agency requires all registrants of similar products to submit such data.

You will submit production information (pounds or gallons produced) for this product for the fiscal year in which the uses on barley, flax, sunflower, and wheat are conditionally registered, in accordance with section 29. The fiscal year begins October 1 and ends September 30. The production information will be submitted to the Agency no later than November 15, following the end of the preceding fiscal year.

Additional information will be submitted to:

Owen F. Beeder  
U.S. Environmental Protection Agency  
Office of Pesticide Programs  
Registration Division (7505P)  
100 Pennsylvania Avenue, N. W.  
Washington, DC 20004

You will make the following label changes before you release the product for shipment including the amended labeling:

Under Storage and Disposal, revise "Storage" to read "Pesticide Storage" and revise "Disposal" to read "Pesticide Disposal".

In your Notice of Warranty, the first sentence, revise "rea-sonably" to read "reasonably".

In your Notice of Warranty, revise the second sentence to read "**To the extent consistent with applicable law, in no case shall Nissan be liable for consequential, special or indirect ...**".

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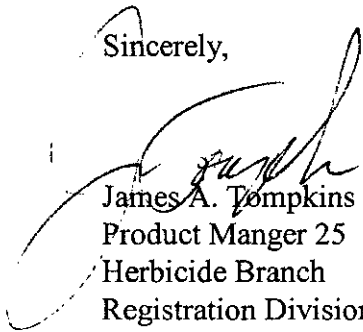
d. In your Notice of Warranty, revise the last sentence to read **“TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NISSAN MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY...”**

7. Submit one copy of your final printed labeling before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of labeling is enclosed for your records.

Sincerely,



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

# Quizalofop-P-Ethyl MUP herbicide

## FOR FORMULATION USE ONLY

### ACTIVE INGREDIENT: Quizalofop-P-ethyl

Ethyl (R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionate ..... 97.8%

INERT INGREDIENTS ..... 2.2%

TOTAL: ..... 100.0%

EPA Reg No 33906-10EPA Est No 33906-JP-002

### KEEP OUT OF REACH OF CHILDREN

## CAUTION

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### CAUTION! CAUSES EYE IRRITATION.

Do not get in eyes, on skin or on clothing. Wash thoroughly with soap and water after handling and before eating or smoking. Avoid inhalation of dust and contamination of food and feed. Remove and wash contaminated clothing before reuse.

#### FIRST AID

**If in eyes:** Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. 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 inhaled:** 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

For emergencies involving this product, call toll free 1-800-982-1215.

#### ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. 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. Do not contaminate water when disposing of equipment washwaters.

#### DIRECTIONS FOR USE

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

Only for formulation into an end use herbicide

- For the following uses  
Terrestrial Food Crops—Sunflowers, Flax, Wheat, Barley, Soybeans, Cotton, Dry & Succulent Beans, Sugarbeets, Caneola and Pineapple. Terrestrial Non-crop areas.
  - Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration
  - Uses for experimental purposes that are in compliance with USEPA requirements.
- Formulators using this product are responsible for obtaining EPA registration of their formulated product.

#### STORAGE AND DISPOSAL

**STORAGE:** Store product in original container only. Do not contaminate water, other pesticides, fertilizer, food or feed in storage.

**DISPOSAL:** Do not contaminate water, food or feed by storage or disposal. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**CONTAINER DISPOSAL:** Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

### NOTICE OF WARRANTY

Nissan warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with directions under normal use conditions. It is impossible to eliminate all risks inherently associated with 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 Nissan. In no case shall Nissan be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. With regard to any formulator's product prepared from this manufacturing use product, Nissan disclaims any liability related to unsupported and unlisted uses not appearing on this label. Nissan MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

Net 50 kg (110 lb)

Made in Japan

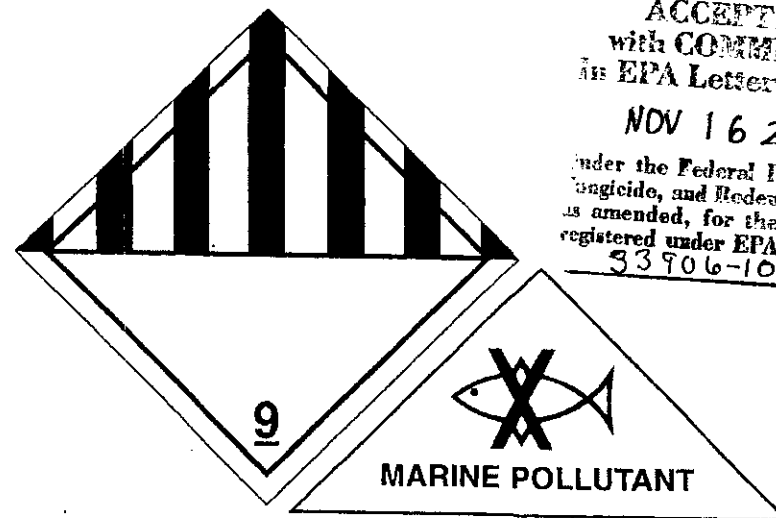
Nissan Chemical Industries, Ltd. (Nissan), 7-1, 3-chome, Kanda-Nishiki-cho, Chiyoda-ku, Tokyo 101-0054, Japan

ENVIRONMENTALLY HAZARDOUS SUBSTANCE,  
SOLID, N.O.S.  
(QUIZALOFOP-P-ETHYL)

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

NOV 16 2006

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
33906-10



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