

35935-53

03/17/2009

1/5



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:

35935-53

Date of Issuance:

17 MAR 2009

Term of Issuance:

Conditional

Name of Pesticide Product:

Fluroxypyr Technical

NOTICE OF PESTICIDE:

X Registration
Reregistration
(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Nufarm Limited
150 Harvester Drive
Suite 200
Burr Ridge, IL 60527

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

- 1) Submit and/or cite all data required for registration/re-registration review of your product when the Agency requires all registrants of similar products to submit data.
2) Add the phrase "EPA Reg. No. 35935-53" to the labeling. Assure that the EPA Establishment Number and Net Contents are also on the label.
3) Per the chemistry review, the registrant must conduct the one year storage stability (830.6317) and corrosion characteristics (830.6320) for the proposed fluroxypyr technical TGAI/MUP under the full GLP requirements.
4) Per the chemistry review, the registrant must generate and submit the results of oxidization/reduction (830.6314) and vapor pressure studies (830.7950) for the fluroxypyr TGAI/MUP within one-year from the date on this registration.

SEE NEXT PAGE FOR ADDITIONAL COMMENTS

Signature of Approving Official:

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

Handwritten signature of Joanne I. Miller

Date:

17 MAR 2009

5) Per the chemistry review, there are several typographical errors at the bottom of page 26 in the Preliminary Analysis Report (MRID No. 475510-01) that should be addressed. Specifically, the names of Impurity #2 and Impurity #6 corresponding to the impurities listed in "Table 1 – Percentage Results of the assays of Technical Fluroxypyr-Meptyl." must be corrected. Please consult the chemistry report for additional details.

6) Under Directions for Use on page 2, correct the typographical error changing "date" to "data". The sentence should read "All other uses for which the U.S. EPA has accepted the required **data** and/or citations of data that the formulator has submitted in support of registration."

7) Per Chapter 8 of the Label Review Manual, the first paragraph under Environmental Hazards on page 1 should read:

"ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollution Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product into sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA."

8) Make the following changes under the Storage and Disposal section on page 3:

a) The Pesticide Disposal section should read:

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

b) The Container Disposal text you originally submitted for review was changed to comply with 40 CFR Part 156. The Container Disposal section should read:

"CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. For metal or plastic containers, triple rinse container (or equivalent) promptly after emptying. For fiber drums, completely empty the residue into manufacturing equipment. Then (for all containers), offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill or by incineration if allowed by state or local authorities."

9) Note: Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

Fluroxypyr Technical

ACTIVE INGREDIENT:

Fluroxypyr 1-methylheptyl ester..... 97%

OTHER INGREDIENTS: 3%

TOTAL 100%

EPA Reg. No. 35935-
EPA Est. No.

ACCEPTED
with COMMENTS
in EPA Letter Dated

17 MAR 2009

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

35935-53

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

IF IN EYES

Hold eye open and rinse slowly and gently with water for 15 to 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 INHALED

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

IF ON SKIN OR CLOTHING

Take off contaminated clothing.
Rinse skin immediately with plenty of water for 15 to 20 minutes.
Call a poison control center or doctor for treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.
You may also contact 1-877-325-1840 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Harmful if inhaled or absorbed through skin. Avoid contact with eyes, skin or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking or using tobacco products. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or public water unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product into sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

NET CONTENTS:

**MANUFACTURED FOR
NUFARM LTD.
BURR RIDGE, IL 60527**

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This product is for manufacturing use only and is intended for formulation into end use products for:

Crops, including barley, wheat and oats, field corn, sweet corn, onions (dry bulb), pome fruit, sorghum, and grasses grown for seed.

Fallow cropland

Non-cropland, including rangeland, permanent pastures and pine plantations

Turf

All other uses for which the 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 EPA requirements.

Detailed information on chemical and physical properties and other formulating recommendations for this product are available upon request from Nufarm. Obtain and read this information before undertaking the formulation of Fluroxypyr Technical in order to avoid formulation hazards and insure a satisfactory finished product.

Formulators using the product are responsible for obtaining EPA registration for their formulated product. Labeling for products formulated from this product must conform to that which is currently registered with the U.S. Environmental Protection Agency. For specific information on federally registered uses, contact Nufarm Americas Inc.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Keep container closed when not in use. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If the container is leaking or material is spilled for any reason or cause, carefully sweep material into a pile and dispose of as directed for pesticides below.

Refer to Precautionary Statements on label for hazards associated with the handling of this material. In spill or leak incidents, keep unauthorized people away. You may contact Chemtrec (800) 424-9300.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, 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: Metal or plastic containers should be triple rinse (or equivalent), then offer for recycling or reconditioning or punctures and dispose of in a sanitary landfill or by incineration or if allowed by State and Local authorities, by burning. If burned, stay out of smoke. Do not use container in connection with food, feed, or drinking water. Completely empty fiber drums. Empty residue into manufacturing equipment. Crush or puncture and dispose of in sanitary landfill or by incineration if allowed by state or local authorities

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300
For Medical Emergencies Only, Call (877) 325-1840

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES,

GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

(NEW)

9/11/2008 GLM