

42519-1

08-10-2010

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Henry M. Jacoby
Agent for Luxembourg-Pamol, Inc.
c/o The Acta Group, LLC
1203 Nineteenth Street, NW, Suite 300
Washington DC, 20036

AUG 10 2010

Subject: Notification per PR Notice 98-10 (correction to Agency's response dated 5/12/10,
sub-label for use on highway rights-of-way)
Target 6.6
EPA Reg. No. 42519-1
Application Dated May 4, 2010
Resubmission Dated May 27, 2010

Dear Mr. Jacoby:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the subject product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

This letter replaces the Agency's response letter dated May 12, 2010, in response to the notification dated May 4, 2010. It is noted that it was not the registrant's intent to remove any uses from the current master labeling.

If you have any questions, please call me directly at 703-305-5697 or Mindy Ondish at 703-605-0723.

Sincerely,

Mindy Ondish for

Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

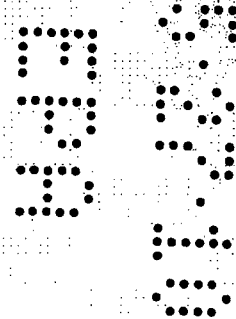


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May 27, 2010

Via E-Mail

Document Processing Desk (NOTIF)
Mr. James Tompkins (PM 25)
Registration Support Branch
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
2777 South Crystal Drive, Room S-4900
Arlington, VA 22202-4501



RE: Resubmission of a Sub-label for Highway Rights-of-Way Target® 6.6,
EPA Registration Number 42519-1

Dear Mr. Tompkins:

The Acta Group, L.L.C. (Acta) resubmits on behalf of Luxembourg-Pamol, Inc. (Luxembourg) the notification for a sub-label of the above-referenced registered product for use on highway rights-of-way only. The original notification was submitted to the U.S. Environmental Protection Agency (EPA) on May 4, 2010. A copy of the date-stamped transmittal letter is attached. From EPA's May 12, 2010, letter (copy attached) and our subsequent conversation, it became clear that EPA did not interpret the May 4, 2010, as the submission of a market sub-label for EPA's files. Instead, EPA appears to have interpreted Luxembourg's May 4, 2010, submission as an amendment to remove all the uses except for the highway rights-of-way from the master label. This was not the intent of the original notification submission, which clearly stated that Luxembourg was submitting a sub-label for EPA's files. For the purpose of the sub-label notification only, the language on the product master label not pertinent to the highway right-of-way use has been deleted and no new language has been added. As discussed in our telephone conversation, Luxembourg is resubmitting this sub-label, along

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SUSTAINABLE CHEMICAL PRODUCT
INNOVATION AND DEVELOPMENT

Mr. James Tompkins
May 27, 2010
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with the last-submitted master label¹ to EPA as a notification consistent with Pesticide Registration (PR) Notice 98-10 and the guidance in EPA's Label Review Manual. To be clear, it is Luxembourg's intent not to delete any uses from its master label, but instead only to place the sub-label into the product's registration record.

Included with this submission are the following:

- EPA Form 8570-1;
- Three copies of the final, formatted, printed sub-label for Highway Rights-Of-Ways, attached to the above-referenced product's master label.
- Date-stamped copy of the transmittal letter for the May 4, 2010, submission; and
- EPA's May 12, 2010, letter.

Luxembourg understands that it is a violation of 18 U.S.C. Section 1001 to make willfully any false statement to EPA. Luxembourg further understands that if this notification is not consistent with the terms of PR Notice 98-10 and 40 C.F.R. Section 152.46, this product may be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and Luxembourg may be subject to enforcement action and penalties under FIFRA Sections 12 and 14. Accompanying this letter is EPA Form 8570-1, which contains this certification as prescribed in PR Notice 98-10 and has been signed by Luxembourg's representative.

As there is no additional language added to the sub-label for highway rights-of-way, only a clean copy of the revised product label is included with this notification, along with the current master label. If you have any questions or comments following review of the enclosed notification, please call either me at (301) 865-9090 or my colleague, Sheryl Lindros Dolan, at (202) 266-5031.

¹ The last approved master label for this product in EPA's PPLS database is dated August 4, 2009. Luxembourg submitted by notification a revised version of the master label on December 14, 2009, which incorporated EPA's comments on the August 4, 2009, label.



SUSTAINABLE CHEMICAL PRODUCT
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We hope this information is helpful. As always, please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Henry M. Jacoby".

Henry M. Jacoby

Attachments

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<p>United States Environmental Protection Agency Washington, DC 20460</p>		Registration	OPP Identifier Number
		Amendment	
	<input checked="" type="checkbox"/>	Other	

Application for Pesticide - Section I

1. Company/Product Number 42519-1	2. EPA Product Manager Jim Tompkins	3. Proposed Classification
4. Company/Product (Name) Target 6.6	PM# 25	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (Include Zip Code) Luxembourg-Pamol, Inc. 5100 Poplar Avenue, Suite 2700, PMB 111 Memphis, TN 38137 <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 to: EPA Reg. No. _____ Product Name _____

NOTIFICATION
AUG 10 2010

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input checked="" type="checkbox"/> Resubmission in response to Agency letter dated May 12,2010	<input type="checkbox"/> "Me Too" Application.
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation:
Notification of a sub-label for use on highway rights-of-way pursuant to PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR § 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. § 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR § 152.46, 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:				2. Type of Container	
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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product		<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Henry M. Jacoby, M.S.	Title Agent	Telephone No. (Include Area Code) (301) 865-9090
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 <i>H. Eldan</i>	3. Title Director, Toxicology and Regulatory Affairs	
4. Typed Name Michal Eldan, Ph.D.	5. Date May 27, 2010	

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NOTIFICATION

AUG 10 2010

SUB-LABEL - APRIL 27, 2010

TARGET® 6.6

MSMA Liquid for Selective Postemergent Weed Control in Highway Rights of Way

ACTIVE INGREDIENT:

Monosodium acid methanearsonate (MSMA)* 51.00%

OTHER INGREDIENTS: 49.00%

TOTAL: 100.00%

Total arsenic (as elemental) all in water soluble form 23.61%

*Product contains 6.6 lbs MSMA per gallon

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

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.
If in eyes: 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: 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 by mouth-to-mouth, if possible. Call a poison control center or doctor for further 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 1-800-424-9300 for emergency medical information.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

FOR CHEMICAL SPILL, LEAK, FIRE OR EXPOSURE CALL TOLL FREE: 1-800-424-9300

AGRICULTURAL CHEMICAL DO NOT SHIP OR STORE WITH FOODS, FEEDS, DRUGS, OR CLOTHING

EPA Reg. No.: 42519-1

EPA Est. No.: 42519-ISR-1

Net contents: 30 Gallons



Manufactured for:
LUXEMBOURG-PAMOL, INC.
5100 Poplar Avenue, Suite 2700
Memphis, Tennessee 38137, U.S.A.

1/100323_30G

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation. Do not apply this product through any type of irrigation system. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. In addition, do not apply this product in a manner that results in spray (or dust) drift that could cause an adverse effect to people or any other non-target organism or site. Only protected handlers may be in the area during application.

Non-Agricultural Use Requirements

Keep children and domestic animals off treated areas until this material has been washed into the soil. The area being treated must be vacated by unprotected persons.

STORAGE AND DISPOSAL

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

Pesticide Storage: Open dumping is prohibited. Do not store this product near fertilizers, seeds, insecticides, or fungicides. Do not store near heat or open flame. Freezing point of this product is approximately -5°F. If stored below freezing point, warm to 50°F and agitate thoroughly before using. Containers should not be stacked more than six (6) high. Reclose all partially used containers by thoroughly tightening screw cap. Damaged or leaking containers which cannot be used immediately should be transferred to suitable sound containers and properly marked. Absorb any spills with a suitable clay absorbent and dispose of as indicated under "Pesticide Disposal." For safety and prevention of unauthorized use, all pesticides should be stored in locked facilities. Opened, partially used pesticides should be stored in original labeled containers when possible. When transfer to another container is necessary because of leakage or damage, carefully mark and identify contents of the new container.

Pesticide Disposal: Pesticide wastes are toxic. 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. Triple rinse container (or equivalent) promptly after emptying.

For 5 gallons or less, 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 flow begins to drip. Repeat this procedure two more times.

For 5 gallons or more, 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. Then offer for recycling or 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.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Harmful if swallowed. Avoid breathing spray mist. Avoid contact with skin, eyes, and clothing. In cases of contact, immediately flush eyes or skin with plenty of water. Get medical attention if irritation occurs.

Personal Protective Equipment

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear:

- long sleeved shirt and long pants
- chemical-resistant gloves Category A, such as butyl rubber > 14 mils, or natural rubber > 14 mils, or neoprene rubber > 14 mils, or nitrile rubber > 14 mils
- shoes and socks
- protective eyewear
- chemical-resistant apron when cleaning equipment, mixing or loading

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:

- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- 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

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 cleaning equipment or disposing of equipment washwaters. Do not apply when weather conditions favor drift from target area.

GENERAL INFORMATION

Target® 6.6 is useful for selective post-emergent weed control, particularly for grassy weeds. Its activity is enhanced by addition of a suitable surfactant (cleared for application to growing crops) to the spray solution. It is most effective on young, actively growing weeds at air temperatures above 70°F. Its phytotoxic properties are quickly inactivated on contact with soil.

Note to Users: Do not apply this product in Florida.

MIXING INSTRUCTIONS

Target® 6.6 must be thoroughly dissolved. Fill the spray equipment reservoir about half full with water and add the required amount of herbicide and surfactant with agitation. Finish filling the reservoir with water and apply. After use,

clean equipment thoroughly by flushing with water. Do not store spray solution in tank for a prolonged period.

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment-and-weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Sensitive areas

This pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive area).

NON-CROP

Target® 6.6 is useful for controlling johnsongrass, nutsedge, barnyardgrass, and other weeds on highway rights of way. Not for use in Florida.

HIGHWAY RIGHTS OF WAY

Only 2 broadcast applications are allowed per season. Do not apply within 100 feet of permanent water bodies or aquatic habitat, including, but not limited to, lakes, reservoirs, rivers, streams, marshes, ponds, and estuaries.

Mix Target® 6.6 at a rate of 3 to 6 pints, plus 1 to 2 quarts of a suitable surfactant in 100 gallons of water. Spray the unwanted vegetation thoroughly to just short of run-off. Any spray equipment that gives good coverage may be used. If regrowth occurs, make a second broadcast application.

Do not use on highway rights of way in Florida.

After December 31, 2013, applications to highway rights of way are prohibited.

WARRANTY - CONDITION OF SALE

OUR RECOMMENDATIONS FOR USE of this product are based upon field use and tests believed reliable. Follow directions carefully. Timing and method of application, weather and crop conditions, mixtures with other chemicals not specifically recommended, and other influencing factors in the use of this product are beyond the control of the Seller. To the extent consistent with applicable law, buyer assumes all risks of use, storage, and handling of this material not in strict accordance with directions given herewith.

To the extent consistent with applicable law, in no case shall Luxembourg-Pamol, Inc. or the Seller be liable for consequential, special, or indirect damages resulting from the use of this product when such use and/or handling is not in strict accordance with directions given herewith. To the extent consistent with applicable law, the foregoing is a condition of sale by Luxembourg-Pamol, Inc. and is accepted as such by the Buyer.

Target® is a registered trademark of Luxembourg

Manufactured by Luxembourg Industries Ltd.
Made in Israel