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Systems Integration Group, Inc.

42750-51

06/10/2000

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

JUN 10 2000

Janelle Whitehouse  
1134 17<sup>th</sup> Avenue Court NW  
Gig Harbor, WA 98332

Subject: Bromoxynil Octanoate Technical  
EPA Reg. No. 42750-51  
Your submission dated March 14, 2000

Dear Ms. Whitehouse:

The label amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable, provided that you adhere to the following requirements:

1. Make the following changes to your labeling
  - a. In the PRECAUTIONARY STATEMENTS section, remove the parentheses surrounding "dust, vapor, or spray mist".
  - b. In the STORAGE AND DISPOSAL section, move the following sentence to immediately below the STORAGE AND DISPOSAL heading (and before the STORAGE heading):

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

- c. In the LIMITED WARRANTY AND DISCLAIMER section, replace the paragraph that begins "Buyer's exclusive remedy..." with the following:

Manufacturer or seller expressly disclaim liability for any and all claims, losses, damages, or injuries resulting from the use or handling of this product, whether or

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not based in contract, negligence, strict liability in tort other than, at the manufacturer's option, to replacement of, or the repayment of the purchase price for, the quantity of product with respect to which damages are claimed. Manufacturer or seller expressly disclaim liability for special, indirect, or consequential damages resulting from the use or handling of this product.

2. In PR Notice 2000-3, the Agency revised the recommended First Aid statements for pesticide products. We are encouraging registrants to begin using the new statements. The new statements were developed as part of the Consumer Labeling Initiative in close cooperation with poison control center personnel and other medical experts. While it is not mandatory that you revise your label at this time, you are strongly encouraged to substitute the revised statements (below) for those statements currently on the label at your next label printing:

### FIRST AID

If swallowed:	<ul style="list-style-type: none"> <li>· Call a poison control center or doctor immediately for treatment advice.</li> <li>· Have person sip a glass of water if able to swallow.</li> <li>· Do not induce vomiting unless told to by a poison control center or doctor.</li> </ul>
If in eyes:	<ul style="list-style-type: none"> <li>· 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.</li> <li>· Call a poison control center or doctor for treatment advice.</li> </ul>
If on skin:	<ul style="list-style-type: none"> <li>· Take off contaminated clothing.</li> <li>· Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>· Call a poison control center or doctor for treatment advice.</li> </ul>
If inhaled:	<ul style="list-style-type: none"> <li>· Move person to fresh air.</li> <li>· If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>· Call a poison control center or doctor for further treatment advice.</li> </ul>

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

3. Submit two copies of the final printed label for the record.

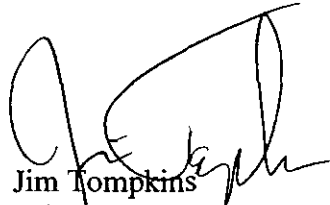
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If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

If you have any questions about this letter, please contact Tobi Colvin-Snyder at 703-305-7801.

Sincerely,



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



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## PRECAUTIONARY STATEMENTS

### WARNING

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

May be fatal if swallowed or absorbed through skin. Harmful if inhaled. Causes moderate eye irritation. Avoid breathing dust. Do not get in eyes, on skin, or on clothing. Wash thoroughly with soap and water after handling and before eating, drinking or using tobacco. Remove contaminated clothing and wash clothing before reuse.

### ENVIRONMENTAL HAZARDS

Keep out of lakes, streams, or ponds. Do not contaminate water by the cleaning of equipment or disposal of wastes. 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.

### DIRECTIONS FOR USE

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

### STORAGE AND DISPOSAL

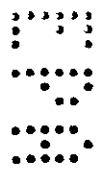
**STORAGE:** Do not store with foodstuff. Do not contaminate water, food, or feed by storage or disposal.

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

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or, by other procedures approved by state and local authorities.

### FOR MANUFACTURING USE ONLY

**Only for Formulation into an Herbicide for (1) The Following Uses:** Corn (Pop and Field), Non-residential turf, mint, garlic, onions, wheat, barley, oats, rye, triticale, seedling alfalfa, sorghum, flax grasses grown for seed or sod production, and Conservation Reserve Program Areas. **(2) Uses for Which USEPA has Accepted the Required Data and/or Citations of Data that the Formulator has Submitted in Support of Registration;** and **(3) Uses for Experimental Purposes that are in Compliance with USEPA Requirements.**



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### DISCLAIMER AND INDEMNITY FOR FORMULATORS' USES

The manufacturer expressly disclaims all liability for claims and actions (whether based on contract, tort, strict liability, or breach of warranty) arising out of, resulting from or connected with a formulation containing this product when used for any purpose other than those uses set forth in (1) above. The manufacturer has not developed scientific data to support, nor has it explicitly or implicitly approved, any uses other than those in (1) above.

Any formulator or buyer who uses this product in formulations for any other than those stated in (1) above assumes all liability for claims and actions arising out of, connected with or resulting from such use and agrees by so using this product to indemnify and hold harmless the manufacturer from such claims and actions.

This disclaimer and indemnity is in addition to, not in lieu of, the below disclaimer and limitations.

### LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants that this product conforms to the chemical description on the label; that this product is reasonably fit for the purposes set forth in item (1) of the Directions for Use when it is used in accordance with such Directions; and that the statements under item (1) of the Directions, the warnings and other statements on this label, other than the suggested uses under items (2) and (3) of the Directions, are based upon responsible experts' evaluation of reasonable tests of effectiveness, of toxicity to laboratory animals, and to plants, and of residues on food crops and upon reports of field experience. Tests have not been made on all varieties or in all states or under all condition. THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE, ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OF DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS, OR CAUTIONS.

BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION TO REPLACEMENT OF, OR THE REPAYMENT OF THE PURCHASE PRICE FOR, THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR INCONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

#### NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States. Seller's guarantee shall be limited to the terms set out on the label and subject thereto, the buyer assumes the risk to persons or property arising from the use or handling of this product on that condition.