

42750-51

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JAN 30 2004

Mr. Mike Kellog
Pyxis Regulatory Consulting, Inc.
11324 17th Ave. Ct. NW
Gig Harbor, WA 98332

Subject: Bromoxynil Octanoate Technical
EPA Registration No. 42750-51
Revised labeling submitted September 9, 2003

Dear Mr. Kellog:

The amended labeling referred to above is acceptable. This labeling supercedes all previously accepted labeling for this product (except supplemental labeling). A stamped copy of the label is enclosed for your records.

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

Sincerely,

Tobi Colvin-Snyder, for

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

JAN 30 2004
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
42750-51

ALBAUGH

BROMOXYNIL OCTANOATE TECHNICAL

FOR MANUFACTURING PURPOSES ONLY

FORMULATORS WHO USE THIS PRODUCT ARE RESPONSIBLE
FOR OBTAINING EPA REGISTRATION FOR THEIR FORMULATED PRODUCTS

ACTIVE INGREDIENT:

Octanoic acid ester of bromoxynil (3,5-dibromo-4-hydroxybenonitrile octanoate)*..... 95.0%

OTHER INGREDIENTS:..... 5.0%

TOTAL 100.0%

*Product contains bromoxynil octanoate equivalent to 65.3% of bromoxynil.

EPA Reg. No. 42750-51

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN

WARNING

FIRST AID	
If swallowed:	<ul style="list-style-type: none"> • 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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 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 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 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 treatment information.	

See page two for additional precautionary statements.

Manufactured for:
Albaugh, Inc.
121 NE 18th St.
Ankeny, IA 50021

NET WEIGHT
_____ Lbs
_____ Kg

FOR CHEMICAL SPILL, LEAK, FIRE, OR EXPOSURE
CALL CHEMTREC (800) 424-9300

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
WARNING**

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. Wear protective clothing and chemical resistant gloves such as barrier laminate \geq 14 mils or viton \geq 14 mils. 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

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

PESTICIDE STORAGE: Store in original container in a well-ventilated area separately from fertilizer, feed and foodstuffs. Do not store near heat or open flame.

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, Small Grains (Wheat, Barley, Oats, Rye, Triticale), Seedling Alfalfa, Sorghum (including Sudangrass), Flax, Grasses Grown for Seed or Sod Production, Conservation Reserve Program Areas and Non-Cropland/Industrial 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.**

CONDITIONS OF SALE AND WARRANTY

The **DIRECTIONS FOR USE** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, 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 ALBAUGH, INC. or the Seller. All such risks shall be assumed by the Buyer.

ALBAUGH, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use subject to the inherent risks referred to above. **ALBAUGH, INC. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS.**

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. When Buyer suffers losses or damages resulting from the use or handling of this product (including claims based on contract, negligence, strict liability, or other legal theories), Buyer must promptly notify Seller in writing of any claims to be eligible to receive either remedy stated above. **IN NO CASE SHALL ALBAUGH, INC. OR THE SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.** ALBAUGH, INC. and the Seller offer this product, and the Buyer accepts it, subject to the foregoing Conditions of Sale and Warranty, which may be varied only by agreement in writing signed by a duly authorized representative of ALBAUGH, INC. No employee or agent of ALBAUGH, INC. or the Seller is authorized to vary or exceed the terms of this Warranty in any other manner.

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 the Directions for Use. The manufacturer has not developed scientific data to support, nor has it explicitly or implicitly approved, any uses other than those in the Directions for Use.

Any formulator or buyer who uses this product in formulations for any other than those stated in the Directions for Use 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 above Conditions of Sale and Warranty.