

42750-84

3/19/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Morris Gaskins
Albaugh, Inc.
PO Box 2127
Valdosta, GA 31604-2127

MAR 19 2010

Dear Mr. Gaskins:

Subject: Add New Formulating Uses and Revised Labeling
Clethodim 37% MUP
EPA Registration No. 42750-84
Your Submission Dated December 21, 2009

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable provided that you:

1. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:
 - Delete the Duplicate "(1)" before the heading "Terrestrial Food Uses:".
2. Submit one (1) copy of your final printed labeling before you release the product for shipment.

A stamped copy of the labeling is enclosed for your records. If you have any questions concerning this letter, please contact me at 703-305-1243

Sincerely yours,

A handwritten signature in black ink that reads "Kathryn V. Montague".

Kathryn V. Montague
Product Manager (23)
Herbicide Branch
Registration Division (7505C)

Enclosure

2010

CLETHODIM 37% MUP

A Herbicide for Formulation

This product is for use in further preparation of herbicide products. DO NOT use for any other purposes. Products formulated with Clethodim 37% MUP will require registration with the Environmental Protection Agency.

Active Ingredient:

*Clethodim	37.0%
Other Ingredient:	<u>63.0%</u>
TOTAL:	100.0%

*(E)-2[1-[[[(3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one
Contains petroleum distillates.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

ACCEPTED
with COMMENTS
In EPA Letter Dated:
MAR 19 2010

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

42750-84

IF SWALLOWED:

- Call a poison control center or doctor immediately for treatment advice.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give any liquid to the person.
- 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 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.

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.

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

NOTE TO PHYSICIAN: Ingestion of this product or subsequent vomiting can result in aspiration of light hydrocarbon liquid, which can cause pneumonitis. If ingested, probable mucosal damage may contraindicate the use of gastric lavage.

EPA Reg. No. 42750-84
NET CONTENTS: _____

EPA Est. No. xxxxx-xx-xxx

Manufactured For:
Albaugh, Inc.
1525 NE 36th Street
Ankeny, IA 50021

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, absorbed through skin, or inhaled. Wash thoroughly with soap and water after handling. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

EMERGENCY NUMBERS

1-800-424-9300 – CHEMTREC – Transportation or Spill

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

ENVIRONMENTAL HAZARDS

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 with 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.

No end use for this product other than manufacturing is intended or implied in the DIRECTIONS FOR USE and WARRANTY STATEMENT.

Only for Formulation into herbicide products intended for:

1. The following use(s):

TERRESTRIAL FOOD USES:

Alfalfa (including sainfoin, holy clover, birdsfoot trefoil);
Beans;
Beet (garden);
Broccoli;
Cabbage;
Canola;
Carrot;
Cauliflower (and other head and stem brassica vegetables including Chinese broccoli);

Brussels sprout; Chinese (Napa) cabbage; Chinese mustard; cavalo broccolo; and kohlrabi);
Celery;
Clover (grown in Idaho, Oregon and Washington only);
Cotton;
Cranberry;
Cucumber;

Cucurbits (including but not limited to cantaloupe (all), cucumber, gherkin, honeydew melon, muskmelon (all), watermelon);
Dry beans;
Eggplant (and other fruiting vegetables including groundcherry);
Flax;
Garlic;

Horseradish (and other root vegetables including but not limited to burdock, edible; celeriac; chervil, turnip-rooted; chicory; ginseng, parsley, turnip-rooted; parsnip, radish, oriental; rutabaga; salsify; salsify, black; Spanish; skirret and turnip);
Leaf lettuce;
Mustard seed;
Onions (dry bulb and green including leeks, scallions (spring onions)), Japanese

bunching onions, shallots (dry bulb and green), eschalots);
Peanuts;
Pepino;
Peppers (bell and non-bell);
Potatoes;
Radish;
Rhubarb (and other leaf petioles including cardoon, Chinese celery, celtuce, Florence fennel, and Swiss chard);
Soybean;
Squash (including pumpkin);
Strawberry;

Sugar beet;
Sunflower;
Sweet potato;
Tomato;
Tomatillo;
Yam (and other tuberous and corm vegetables including arracacha, arrowroot, artichoke (Chinese and Jerusalem), edible burdock, edible canna, cassava (bitter and sweet), chayote (root), chufa, dasheen (taro), ginger, leren, taniel, turmeric, and bean yam).

(1) TERRESTRIAL, FOOD USES:

Crop Subgroup 1 B Root Vegetables (except Sugar Beet)

Crop Subgroup 1 C Tuberous and Corm Vegetables

Crop Subgroup 4 A Leafy Greens

Crop Subgroup 4 B Leaf Petioles

Crop Subgroup 5 A Head and Stem Brassica

Crop Subgroup 5 B Leafy Brassica Greens

Crop Group 6 Legume Vegetables (Dried and Succulent), except soybean

Crop Group 8 Fruiting Vegetables (except Cucurbit)

Crop Subgroup 9 A Melon

Crop Subgroup 9 B Squash/Cucumber

Crop Subgroup 19 A Herbs

Individual Food Crops: Alfalfa; Asparagus; Canola; Clover; Cotton; Cranberry; Field Corn; Flax; Hops; Mint; Mustard Seed; Onion, Dry Bulb; Onion, Green; Peanut (including perennial); Safflower; Sesame; Soybean; Strawberry; Sugar Beet; Sunflower and Turnip

OTHER USES:

Greenhouses,
Shadehouses,
Lathhouses,
Golf courses,
Nurseries, and Outdoors,
Non-Food Uses,
Native prairie warm season
grass restoration projects,

Niger seed (guizotia abyssinica)
grown for use as wild bird feed,
Ornamentals,
Non-bearing Food Crops
(including but not limited to
apple, berries, cherry (sweet),
citrus, fruits, grapes, olives,
peaches, pears, prunes, stone

fruits, strawberries, tree nuts
(including but not limited to:
almond, filbert, pecan,
pistachio, walnut),
Conifer trees, Fallow land (and
other non-producing
agricultural areas),
Non-crop or Non-planted 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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STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food, or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited.

STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in cool dry place.

~~**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.~~

CONTAINER DISPOSAL:

Empty 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 product less than 5 gallons) 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 rinsates into application equipment or a mix tank or store rinsates for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

(For product greater than 5 gallons) 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 rinsates into application equipment or a mix tank or store rinsates for later use or disposal. Repeat this procedure two more times.

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

CONDITIONS OF SALE AND WARRANTY

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.

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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.