

42750-223

7/10/2014

1/5



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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Morris Gaskins
Albaugh Inc.
P.O. Box 2127
Valdosta, GA 31604

JUL 10 2014

Subject: Label Amendment: Adding approved uses
Fomesafen TGAI
EPA Reg. No.: 42750-223
Decision No.: 489868
Application dated: April 4, 2014

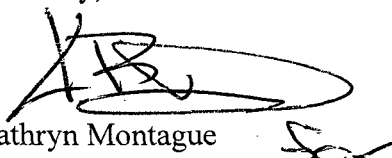
Dear Mr. Gaskins:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

If you have any questions regarding this letter, please feel free to contact Shanta Adeeb at (703) 347-0502 or adeeb.shanta@epa.gov.

Sincerely,


Kathryn Montague
Product Manager 23
Herbicide Branch
Registration Division (7505P)

2/5

ACCEPTED

JUL 10 2014

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg No. **42750-223**

FOMESAFEN TGAI
An Herbicide for Formulating Use Only

ACTIVE INGREDIENT:
Fomesafen* 98.5%

OTHER INGREDIENTS: 1.5%

TOTAL: 100.0%

*CAS No. 72178-02-0

KEEP OUT OF REACH OF CHILDREN.

DANGER - PELIGRO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

See Additional Precautionary Statements and Directions for Use on label.

FIRST AID	
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 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 a 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 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 treatment advice.
NOTE TO PHYSICIAN - Probable mucosal damage may contraindicate the use of gastric lavage.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
HOT LINE NUMBER: For Medical Emergency or Chemical Emergency Assistance (Spill, Leak, Fire or Accident) Call CHEM-TREC toll free at 1-800-424-9300.	

EPA Reg. No. 42750-223

EPA Est. No. xxxxxx-xxx-xxx

NET WEIGHT: _____

Manufactured For:
ALBAUGH, INC.
ANKENY, IA 50021

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

This product contains fomesafen which has been determined to cause tumors in laboratory animals (mice). Risks can be reduced by closely following use directions and precautions and by wearing the protective clothing specified elsewhere on this label.

CORROSIVE. CAUSES IRREVERSIBLE EYE DAMAGE. DUE TO CORROSIVE NATURE, MAY BE HARMFUL OR FATAL IF SWALLOWED. HARMFUL IF INHALED OR ABSORBED THROUGH SKIN.

Do not get in eyes, on skin or on clothing. Avoid breathing vapors or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store above 32°F in original containers only. If product freezes, return to room temperature and agitate to reconstitute. Keep container closed when not in use. Do not store near food or feed. In case of spill or leak on floor or paved surfaces, soak up with sand, earth, or synthetic absorbent. Remove to chemical waste area.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. 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. Open dumping is prohibited.

CONTAINER DISPOSAL (lined fiber drum): Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then offer for recycling if available or dispose of liner and drum in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONTAINER DISPOSAL (lined plastic tote): Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then offer for recycling if available or dispose of liner and drum 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 refill or transport damaged or leaking container.

CONTAINER IS NOT SAFE FOR FOOD, FEED OR DRINKING WATER.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Manufacturers and other handlers must wear:

1. Coveralls.
2. Waterproof gloves.
3. Shoes plus socks.
4. Protective eyewear.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this technical material. Do not reuse them.

USER RECOMMENDATIONS

Users Should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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 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. Formulators using this product are responsible for obtaining EPA registration for their formulated products.

Only for formulation into an herbicide for the following uses:

TERRESTRIAL - FOOD: Cantaloupe, cotton, cucumber, dry beans, lima beans, peppers, potatoes, pumpkin, snap beans, soybeans, succulent pea, succulent soybean (edamame), summer squash, tomatoes, watermelon, and winter squash.

Uses for which US EPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and

Uses for experimental purposes that are in compliance with US EPA requirements.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of ALBAUGH, INC. CROP PROTECTION, Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold ALBAUGH, INC. and Seller harmless for any claims relating to such factors.

ALBAUGH, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or ALBAUGH, INC., and Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALBAUGH, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the extent consistent with applicable law, in no event shall ALBAUGH, INC. or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF ALBAUGH, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF ALBAUGH, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.

ALBAUGH, INC. and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of ALBAUGH, INC.