

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

59639-81

08/28/2002

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AUG 28 2002

Joseph L. Powell
Valent U.S.A. Corporation
1333 N. California Blvd., Ste. 600
Walnut Creek, CA 94596

Dear Mr. Powell:

Subject: Revised Labeling - Additional Non-Crop Uses
Flumiclorac Pentyl Technical
EPA Registration No. 59639-81
Your Submission Dated July 10, 2002

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following provisions:

- 1) Within the Directions for Use, revise the reference to "plant sites" that appears in the list of acceptable use sites for end-use formulations so that it reads "utility plant sites."
- 2) Within the Directions for Use, delete the phrase "...including government and private land" that appears within the list of acceptable use sites for end-use formulations. The reference to government and private land is too vague to be listed as an acceptable use site.

A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the referenced label, incorporating the above changes, before releasing the product for shipment.

Sincerely yours,

Joanne I. Miller
Product Manager (23)
Herbicide Branch
Registration Division (7505C)

Enclosure

DK: 305-7546: HB/PM23

CONCURRENCES

SYMBOL	7505C							
SURNAME	D. KENNY							
DATE	8/28/2002							

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ACCEPTED
with COMMENTS
In EPA Letter Dated

AUG 28 2002

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
59637-81

Flumiclorac Pentyl Technical

(A TECHNICAL HERBICIDE PRODUCT)

Active Ingredient	By Wt.
*Flumiclorac pentyl ester.....	98.6%
Other Ingredients	1.4%
Total.....	100.0%

*pentyl [2-chloro-4-fluoro-5-(1,3,4,5,6,7hexahydro-1,3-dioxo-2H-isoindol-2yl)phenoxy]acetate

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE BELOW FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

NET WEIGHT _____ POUNDS

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS
CAUTION

Harmful if absorbed through the skin. Avoid contact with skin, eyes or clothing. When handling the product wear waterproof gloves, long-sleeved shirt, long pants and socks and shoes. Wash thoroughly with soap and water after handling. Remove and launder contaminated clothing before reuse.

FIRST AID	
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.
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 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.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control or doctor, or going for treatment. You may also contact 1-800-892-0099 for emergency medical treatment information.	

ENVIRONMENTAL HAZARDS:

This pesticide is toxic to shrimp. 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 treatment systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or the Regional Office of the Environmental Protection Agency.

INSTRUCTIONS FOR FORMULATION

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

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

FLUMICLORAC PENTYL TECHNICAL IS A TECHNICAL HERBICIDE PRODUCT FOR FORMULATION USE ONLY.

THIS PRODUCT IS FOR USE IN FURTHER PREPARATION OF HERBICIDE PRODUCTS. DO NOT USE FOR ANY OTHER PURPOSES. Products formulated with Flumiclorac Pentyl Technical will require registration with the Environmental Protection Agency.

**DISCLAIMER, RISKS OF USING THIS PRODUCT,
LIMITED WARRANTY
AND LIMITATION OF LIABILITY**

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THE PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

In no event shall Valent or Seller be liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR 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 THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

If Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be modified by any oral or written agreement.

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DIRECTIONS FOR USE

Only for Formulation Into Herbicide Products Intended For the Following Uses:

- (1) Terrestrial, Food Uses On: Field Corn and Soybeans.
- (2) Non-crop areas, such as; industrial sites, airports, military installations, fence rows, roadsides and associated right-of-way, lumberyards, petroleum tank farms, pipeline inhalations, railroads, storage areas, plant sites, and other similar areas ~~including government and private land~~.
- (3) Uses for which USEPA has accepted the required data and/or Citations of Data that the formulator has submitted in support of registration; and
- (4) Uses for experimental purposes that are in compliance with USEPA requirements.

STORAGE AND DISPOSAL

PROHIBITIONS

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

Open dumping is prohibited.

STORAGE

Store in a cool dry place.

Keep pesticide in original container.

Keep container closed when not in use.

Do not put concentrate or dilute product into food or drink containers.

Do not store next to feed or food, or transport in or on vehicles containing foodstuffs or feeds.

For help with any spill, leak, fire or exposure involving this material, call day or night 1-800-892-0099.

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). Do not reuse container. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures allowed by state and local authorities.

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Manufactured for:

Valent U.S.A. Corporation

P.O. Box 8025

Walnut Creek CA 94596-8025

www.valent.com

EPA Reg. No. 59639-81

EPA Est. No. 10308-JP-03

059639-000081.20020510.flumitech04pnd.doc.