

59639-81

2/19/2010

1/11



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Linda Obrestad
Valent U.S.A. Corporation
1600 Riviera Ave. Suite 200
Walnut Creek, CA 94596-8025

FEB 19 2010

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 98-10
1. Updated warranty statements

Dear Ms. Obrestad:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 98-10 dated December 31, 2009 for:

EPA Registration 59639-81

Flumiclorac Pentyl Technical

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 98-10 and finds that the label change(s) requested falls within the scope of PRN 2007-4 and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 59639-81	2. EPA Product Manager Kathryn Montague	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Flumiclorac Pentyl Technical	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Valent U.S.A. Corporation 1600 Riviera Ave., Suite 200 Walnut Creek, CA 94596-8025 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION FEB 19 2010
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

NOTIFICATION: Added Container Disposal Language per PR-Notice 2007-4 and updated the Disclaimer/Warranty statement with EPA approved language.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
* Certification must be submitted				<input checked="" type="checkbox"/> Other (Specify)	Steel Drum
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 130 KG		5. Location of Label Directions <input checked="" type="checkbox"/> On Labeling	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Linda Obrestad		Title Labeling Specialist		Telephone No. (Include Area Code) 925-256-2791	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature <i>Linda Obrestad</i>		3. Title Labeling Specialist			
4. Typed Name Linda Obrestad		5. Date December 31, 2009			



December 31, 2009

Flumiclorac Pentyl Technical
EPA Reg. No. 59639-81
NOTIFICATION

Ms. Kathryn Montague (Team 23)
Herbicide Branch (NOTIF)
Document Processing Deck (7504P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202

Dear Ms. Montague:

Valent U.S.A. Corporation would like to update our product label for Flumiclorac Pentyl Technical (EPA Reg. No. 59639-81). The following changes have been made to this product label:

1. Updated the Container Disposal according to PR-Notice 2007-4
2. Updated the Disclaimer/Warranty statement with EPA approved language

I have enclosed the following documents to support both product registrations for this Notification submission:

- Pesticide applications (Form 8570-1)
- Certification Statements consistent with the provisions of PR-Notice 98-10 and PR-Notice 2007-4
- One (1) copy of the proposed label
- One (1) copy of the proposed label with redline additions/strike through
- A CD with proposed label in PDF format and the statement of Certification with Respect to Label Integrity

If you should have any questions please contact me at (925) 256-2791 or email: linda.obrestad@valent.com or Mr. Joseph Powell at (925) 256-2719 or email: joseph.powell@valent.com.

Sincerely,


Linda Obrestad

Labeling Specialist
Registration and Regulatory Affairs

Enclosures



4/11

December 31, 2009

Flumiclorac Pentyl Technical
EPA Reg. No. 59639-81
Notification

CERTIFICATION STATEMENT

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Linda Obrestad
Labeling Specialist
Registration and Regulatory Affairs
Valent U.S.A. Corporation



December 31, 2009

**Flumiclorac Pentyl Technical
EPA Reg. No. 59639-81
Notification**

**Certification Statement
Notification of label change per PR Notice 2007-4**

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146 and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146 and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Sincerely,

A handwritten signature in cursive script that reads "Linda Obrestad".

Linda Obrestad
Labeling Specialist
Registration and Regulatory Affairs



NOTIFICATION

FEB 19 2010

NOTIFICATION – REDLINE COPY

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 130 KG

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 TO THE FULLEST EXTENT ALLOWED BY LAW, 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 to the extent consistent with applicable law AND 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~~ To the fullest extent allowed by law, Valent or Seller ~~beis~~ is not 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. **TO THE FULLEST EXTENT ALLOWED BY LAW, 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

To the extent consistent with applicable law allowing such requirements, Valent must be provided prompt 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.

To the extent consistent with applicable law, 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.

DIRECTIONS FOR USE

Only for formulation into herbicide products intended for the following uses:

- (1) Terrestrial, food uses on: Field Corn, Soybeans and Cotton.
- (2) Non-crop areas, such as: industrial sites, airports, military installations, fence rows, roadsides and associated right-of-way, lumberyards, petroleum tank farms, pipeline installations, railroads, storage areas, utility plant sites, and other similar areas.
- (3) 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
- (4) Uses for experimental purposes that are in compliance with US EPA requirements.

STORAGE AND DISPOSAL

PROHIBITIONS

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

Open dumping is prohibited.

PESTICIDE 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

~~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.~~ Nonrefillable container. Do not reuse or refill this container.

Clean container promptly after emptying. 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 rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Copyright© 2009 by Valent U.S.A. Corporation

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

059639-00081.20091231.flumicloractech.NOTIF.r