

59639-83

08/25/2011

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Sally S. Christopher  
Valent U.S.A  
P.O. Box 8025  
Walnut Creek, CA 94596-8025

AUG 25 2011

Subject: Notification of Minor Label Revisions (Amount of Product on Label)  
Select® 37% MUP  
EPA Reg. No. 59639-83  
Your Application, Dated June 16, 2011

Dear Ms. Christopher,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice 98-10 for the subject product.

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

If you have any questions, please call me directly at (703) 305-1243 or Kelsey Semrod of my staff at (703) 347-0284.

Sincerely,

Kathryn Montague, Product Manager 23  
Herbicide Branch  
Registration Division (7505P)  
Office of Pesticide Programs



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 59630-83	2. EPA Product Manager Kathryn Montague	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SELECT 37% M.U.P.	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. <u>NOTIFICATION</u> Product Name <u>AUG 25 2011</u>	

**Section - II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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: Omit size of contents on front page.

**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 checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		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 <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Sally S. Christopher	Title Regulatory Analyst	Telephone No. (Include Area Code) 925-256-2710
<b>Certification</b> 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.		8. Date Application Received (Stamped)
2. Signature 	3. Title Regulatory Analyst	
4. Typed Name Sally S. Christopher	5. Date June 16, 2011	



June 16, 2011

Select 37% MUP  
EPA Reg. No. 59639-83  
Net Contents/Net Weight Statement  
Notification

Ms. Kathryn V. Montague  
Product Manager 23  
Herbicide Branch  
Registration Division (7505P)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Room S-4900  
One Potomac Yard  
2777 S. Crystal Drive  
Arlington, Virginia 22202

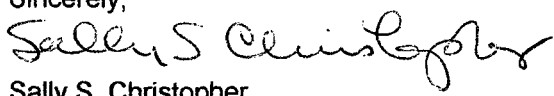
Dear Ms. Montague:

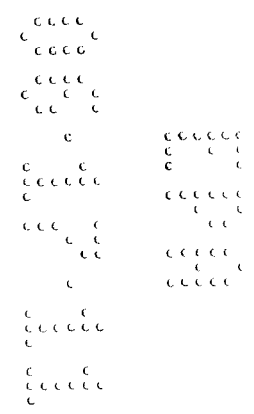
Valent USA Corporation (Valent) is submitting a notification to the Agency for the purpose of informing the Agency of Valent's intent in accordance with 40 CFR 156.10 (d) to leave the amount of product (net contents/net weight) blank on our master or regulatory product labeling for Select 37% MUP, EPA Reg. No. 59639-83. Valent is taking this registration & regulatory action due to fact that this product is available in more than one size as well as distributed in refillable containers.

The following documents are being sent to the Agency in support of Valent's notification request:

1. An Application for Pesticide Notification (8570-1)
2. Certification Statements consistent with the provisions of PR-Notice 98-10
3. One (1) copy of the Notification labeling for Select 37% MUP, EPA Reg. No. 59639-83
4. One (1) redline/strikeout copy of Select 37% MUP Notification labeling highlighted in red.

Valent wishes to thank the Agency in advance for their consideration and attention to Valent's notification action. If you should have any questions please contact me at (925) 256-2710 or email: [sally.christopher@valent.com](mailto:sally.christopher@valent.com) or Joesph Powell at (925) 256-2719 or email: [Joesph.powell@valent.com](mailto:Joesph.powell@valent.com).

Sincerely,  
  
Sally S. Christopher  
Regulatory Analyst  
Registration & Regulatory Affairs



Enclosures





June 16, 2011

**SLELCT 37% M.U.P.  
EPA Reg. No. 59639-83  
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.

Sincerely,

Sally S. Christopher  
Regulatory Analyst  
Registration and Regulatory Affairs  
Valent U.S.A. Corporation

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## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS & DOMESTIC ANIMALS

#### WARNING

Causes skin irritation and moderate eye irritation. Harmful if swallowed or absorbed through skin. May cause allergic skin reaction. Do not get on skin or clothing. Avoid contact with eyes. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

<b>FIRST AID</b>	
<b>If on skin or clothing:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>• Immediately call a poison control center or doctor.</li> <li>• Do not induce vomiting unless told to by a poison control center or doctor.</li> <li>• Do not give <b>any</b> liquid to the person.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact <b>1-800-892-0099</b> for emergency medical treatment information.	
<b>NOTE TO PHYSICIAN</b>	
This product contains a light petroleum hydrocarbon solvent, and an aspiration hazard may exist. Probable mucosal damage may contraindicate the use of gastric lavage.	

#### ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans and 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 system without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

#### PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.



**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 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**

To the fullest extent allowed by law, Valent or Seller 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.

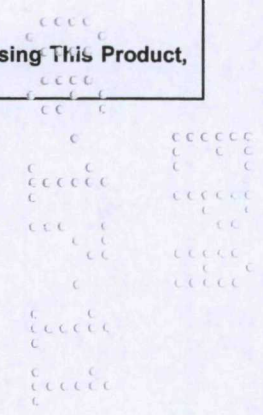
**PROMPT NOTICE OF CLAIM**

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.





**DIRECTIONS FOR USE**

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.**

This product may be used to formulate products for specific use(s) not listed on the Select 37% M.U.P. label if the formulator, user group or grower has complied with the U.S. EPA data submission requirements regarding the support of such use(s).

**Only for Formulation Into Herbicide Products Intended For:**

**The Following Use(s):**

**Terrestrial, Food Uses On:**

Crop Group Subgroup 1B	Root Vegetables (except Sugar Beet)
Crop Group Subgroup 1C	Tuberous and Corm Vegetables
Crop Group 2	Leaves of Root and Tuber Vegetables
Crop Group 3	Bulb Vegetables
Crop Subgroup 4A	Leafy Greens
Crop Subgroup 4B	Leaf Petioles
Crop Subgroup 5A	Head and Stem Brassica
Crop Subgroup 5B	Leafy Brassica Greens
Crop Group 6	Legume Vegetables (Dried and Succulent), except Soybean
Crop Group 8	Fruiting Vegetables (except cucurbits)
Crop Subgroup 9A	Melon
Crop Subgroup 9B	Squash/Cucumber
Crop Subgroup 13-07A	Caneberry
Crop Subgroup 13-07B	Bushberry
Crop Subgroup 19A	Herbs

**Terrestrial, Individual Food Uses On:**

Alfalfa; Artichoke (Globe); Asparagus; Canola; Clover; Cotton; Cranberry; Dry Beans, Flax; Field Corn; Garlic; Hops; Leaf Lettuce; Mint; Mustard Seed; Onion, Dry Bulb; Onion, Green; Peach; Peanut (including perennial); Safflower; Sesame; Soybean; Strawberry; Sugar Beet; Sunflower and Turnip

**Terrestrial, Non-Food Uses On:** Conifer Trees, Christmas Trees, Fallow Land (and other non-producing agricultural areas), Ornamentals, Non-Bearing Food Crops and Non-Crop or Non-Planted areas.



### **STORAGE AND DISPOSAL**

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

#### **PESTICIDE STORAGE**

Keep pesticide in original container.  
Do not put concentrate or dilute into food or drink containers.  
Store in a cool, dry place.  
Emergency Response: For help with any spill, leak or fire involving this material, call day or night  
**800-892-0099.**

#### **PESTICIDE DISPOSAL**

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

#### **CONTAINER HANDLING**

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

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Valent U.S.A. Corporation  
P.O. Box 8025  
Walnut Creek, CA 94596-8025  
[www.valent.com](http://www.valent.com)

Made in U.S.A.

EPA Reg. No. 59639-83  
EPA Est.

059639-00083.20110616.SEL37MUP.NOTIF