

59639-94

10-19-2006

118



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

OCT 19 2006

James Pensyl
Valent U.S.A. Corporation
1600 Riviera Avenue
P.O. Box 8025
Walnut Creek, CA 94596

Dear Mr. Pensyl:

Subject: Revised Basic Formula and Label
Lactofen Technical
EPA Registration No. 59639-94
Your Submission Dated June 22, 2006

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:

- The EPA Label Review Manual requires the following for Manufacturing Use Products:

"For Formulation Into a [type of pesticide]" followed by a continued statement of the uses (crops/sites or other uses) for which the end-uses product (EP) may be registered and uses for experimental purposes that are in compliance with FIFRA.

Refer to the last accepted label for this product dated January 27, 1998. A copy of the manual is available at the following web site:

<http://www.epa.gov/oppfead1/labeling/lrm/chap-11.htm>

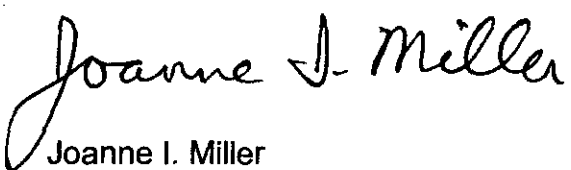
2. Submit the product chemistry studies on the revised formulation identified in the enclosed scientific review one year from the acceptance date on this letter.

3. Submit one (1) copy of your final printed labeling before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the labeling is enclosed for your records. The revised basic formulation dated April 12, 2006 is acceptable and has been included in the files for this product. The amended labeling and Confidential Statement of Formula (CSF) supersede all previously accepted ones.

If you have any questions concerning this letter please contact Mr. James Stone at 703-305-7391.

Sincerely yours,



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

Enclosure

3/8



LACTOFEN Technical

Active Ingredient	By Wt.
*Lactofen	95.4%
Inert Ingredients.....	4.6%
Total	100.0%

*2-ethoxy-1-methyl-2-oxoethyl 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE BELOW FOR ADDITIONAL PRECAUTIONARY STATEMENTS

TRANSPORTED IN BULK

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

OCT 19 2006
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

59639-94

4/8

HERBICIDE FOR FORMULATION USE ONLY

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS**

IRRITATION

Irritant if swallowed, inhaled, or absorbed through the skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with eyes, skin or clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Wear long-sleeved shirt and long pants, socks, shoes, and chemical resistant (such as nitril or butyl) gloves when handling. Remove contaminated clothing and wash before reuse.

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

FIRST AID

- 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.
- 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.
- If swallowed**
 - 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.
- If inhaled**
 - 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.

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

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.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

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.

6/8

**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.

7/8

THIS PRODUCT IS FOR USE IN FURTHER PREPARATION OF HERBICIDE PRODUCTS. CONTACT VALENT U.S.A. CORPORATION FOR SPECIFIC FORMULATING INFORMATION. DO NOT USE FOR ANY OTHER PURPOSE.

Terrestrial Food Uses On: Cotton, Peanuts, Snap Beans, Soybeans

Terrestrial Non-Food Uses On: Conifer Seedlings, Kenaf

Non-crop areas, such as; industrial sites, airports, military installations, fence rows, roadsides and associated right-of-way, lumberyards, petroleum tank farms, pipeline inhalations, railroad, storage areas, plant sites, and other similar areas including government and private land.

1. Uses for which USEPA has accepted the required data and/or Citations of Data that the formulator has submitted in support of registration; and
2. Uses for experimental purposes that are in compliance with USEPA requirements.

SPILL OR LEAK PROCEDURES

Steps to be taken if material is spilled or released.

Immediately evacuate the area. Produce maximum ventilation and eliminate all sources of ignition and flammable material. Unprotected personnel should move upwind of the spill. Only personnel equipped with proper respiratory and skin/eye protection should be permitted in the area. Take precautions to prevent contamination of groundwater and surface water. Recover spilled material on absorbents, such as sawdust or vermiculite and sweep into plastic or metal containers for disposal. After all visible traces and all vapors have been removed, thoroughly wet vacuum the area. Do not flush to sewer. If area of spill is porous, remove as much contaminated earth and gravel as necessary and place in closed container for disposal.

3/8

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.
Store in cool, dry place. Protect from excessive heat.
Do not contaminate food or foodstuffs.
Do not store or transport near feed or food.
For help with any spill, leak, fire or exposure call day or night 1-800-892-0099.

PESTICIDE DISPOSAL

Pesticide wastes are toxic. 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.

Copyright© 2006 by Valent U.S.A. Corporation

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

Made in U.S.A.

www.valent.com

EPA Reg. No. 59639-94
EPA Est.