

59639-97

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

MAY 15 2006

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

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

Dear Mr. Pensyl:

Subject: Revised Labeling - New Formulating Uses  
Flumioxazin Technical  
EPA Registration No. 59639-97  
Your Submission Dated April 26, 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:

- In the non-food uses section specify either "Non-Bearing Nut Trees and Orchards" or "Non-Bearing Orchards".

2. Submit one (1) copy of your final printed labeling before you release the product for shipment.

A stamped copy of the labeling is enclosed for your records. If you have any questions concerning this letter, please contact Mr. James Stone at 703-305-7391.

Sincerely yours,

A handwritten signature in black ink that reads "Joanne I. Miller". The signature is written in a cursive, flowing style.

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

Enclosure



# Flumioxazin Technical

(HERBICIDE)

THIS HERBICIDE FOR FORMULATING USE ONLY.

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

MAY 15 2006  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

59639-97

Active Ingredient	
*Flumioxazin.....	97.9%
Other Ingredients .....	2.1%
Total .....	100.0%

\*(2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione)

**KEEP OUT OF REACH OF CHILDREN**

## CAUTION

See next page for additional Precautionary Statements

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

Harmful if inhaled or absorbed through the skin. Causes moderate eye irritation. Avoid breathing dust. Avoid contact with skin, eyes or clothing.

**FIRST AID**

**If inhaled:**

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.
- Call a poison control center or doctor for further treatment advice.

**If 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 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.

**If swallowed:**

- 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.

**HOT LINE NUMBER**

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

**ENVIRONMENTAL HAZARDS:**

This product is toxic to non-target plants and aquatic invertebrates. 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 to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Board or 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.**

### 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 promptly 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.

## **FOR FORMULATION OF FLUMIOXAZIN CONTAINING HERBICIDE PRODUCTS ONLY.**

This product is intended only for use in the formulation of flumioxazin herbicide containing products. Products formulated with Flumioxazin Technical will require registration with the Environmental Protection Agency.

### **DIRECTIONS FOR USE**

**Only For Formulation Into Herbicide Products Intended For The Following Uses:**

- **Terrestrial Food Uses On:** Almond, Cotton, Grapes, Mint, Non-Bearing Fruit Trees, Non-Bearing Nut Trees, Onion (dry bulb), Peanut, Pistachio, Potato, Soybean, Strawberry, Sugarcane and Sweet Potato.  
Pome Fruit (Crop Group No. 11)  
Stone Fruit (Crop Group No. 12)
- **Terrestrial Non-Food Uses On:** **Conifers and Deciduous Trees and Ornamental Plants Including:** Fallow land, Flowering Plants, Foliage Plants, Ground Covers, Non-Bearing Fruit Trees, Non-Bearing Nut Trees, Orchards, Ornamentals, Ornamental Trees, Shrubs and to maintain bare ground non-crop areas of farms and Vineyards.
- **Uses for which USEPA 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 USEPA requirements.**