

59639-97

11/9/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Julie B. Schlekau
Valent U.S.A. Corporation
1600 Riviera Avenue, Suite 200
Walnut Creek, CA 94596

NOV - 9 2010

Dear Ms. Schlekau:

Subject: Add Formulating for Aquatic Use
Flumioxazin Technical
EPA Registration No. 59639-97
Your application of September 19, 2008

The amendment referred to above, submitted in connection with registration under section 3(c)(7)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you:

1. Submit/cite all data required for registration/reregistration of your product under FIFRA section 3(c)(5) or 4(a) when the Agency requires all registrants of similar products to submit such data.

2. Submit by February 12, 2012 the following Studies conducted in accordance with the Good Laboratory Practice Standards, 40 CFR Part 160 and appropriate test guidelines as referenced in EPA's Data Requirements for Registration Regulations, 40 CFR Part 158:

a. Immunotoxicity Study (OPPTS 870.7800)

b. Neurotoxicity Study (OPPTS 870.6200)

3. Submit by December 10, 2010 the following Study conducted in accordance with a protocol developed by LDPH Work Group and EPA:

- Fish early life-stage study using a modified-light scenario.

4. Submit by November 1, 2012 the following Study conducted in accordance with the Good Laboratory Practice Standards, 40 CFR Part 160 and appropriate test guidelines as referenced in EPA's Data Requirements for Registration Regulations, 40 CFR Part 158:

- FDA multi-residue method testing are required for 482-HA and APF

5. Submit by November 1, 2013 the final reports of the following Studies conducted in accordance with the Good Laboratory Practice Standards, 40 CFR Part 160 and appropriate test guidelines as referenced in EPA's Data Requirements for Registration Regulations, 40 CFR Part 158:

- Terrestrial Field Dissipation Studies that were recently conducted in Illinois and California

6. Make the labeling changes listed below before you release the product for shipment bearing the amended labeling:

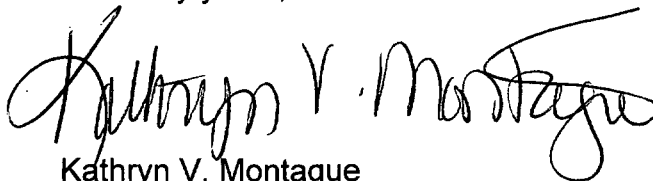
- Assure that formulating uses that appear on previously accepted labeling for this product are incorporated onto the final printed label.

7. 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 label is enclosed for your records.

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

Sincerely yours,



Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division (7505P)

Enclosure



ACCEPTED
with COMMENTS
In EPA Letter Dated:

NOV - 9 2010
 Under the Federal Insecticide,
 Fungicide, and Rodenticide Act
 as amended, for the pesticide
 registered under EPA Reg. No.

59639-97

REDLINE COPY

Flumioxazin Technical

(HERBICIDE)

THIS HERBICIDE FOR FORMULATING USE ONLY.

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

NET CONTENTS _____

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: | <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 mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice. |
| 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 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 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 **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.

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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 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. 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

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

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

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.

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

Individual Crop Uses: Alfalfa, Asparagus, Cotton, Dry Beans, Field Corn, Garlic, Grapes, Mint, Onion (dry bulb), Peanut, Shallot (dry bulb), Soybean, Strawberry and Sugarcane.

Crop Group Uses:

Tuberous and Corm Vegetables (Subgroup No. 1C): arracacha, arrowroot, Chinese artichoke, Jerusalem artichoke, edible burdock, edible canna, bitter and sweet cassava, chayote (root), chufa, dasheen (taro), ginger, leren, potato, sweet potato, tanier, turmeric, bean yam and true yam.

Fruiting Vegetables, including okra (except cucurbits) (Crop Group 8): eggplant; groundcherry (*Physalis* spp.); Pepino; pepper (includes bell pepper, chili pepper, cooking pepper, pimento, sweet pepper); tomatillo; tomato

Melons (Crop Group 9A): cantaloupe, citron melon; muskmelon; watermelon

Pome Fruit (Crop Group No. 11): apple, crabapple, loquat, mayhew, pear, oriental pear and quince

Stone Fruit (Crop Group No. 12): apricot, sweet cherry, tart cherry, nectarine, peach, plum, chickasaw plum, damson plum, Japanese plum, plumcot and fresh prune.

Bushberries (Subgroup Group No. 13B): aronia berry; blueberry, highbush and lowbush; blueberry, lowbush; buffalo currant; Chilean guava; currant, black; currant, red; elderberry; European, barberry; gooseberry; cranberry, highbush; honeysuckle, edible; huckleberry; jostaberry; Juneberry; lingonberry; native currant; salal; sea buckthorn; cultivars, varieties, and/or hybrids of these

Nut Trees including Pistachio (Crop Group 14): almond; beech nut; betelnut; Brazil nut; butternut; cashew; chestnut; chinquapin; coconut; filbert (hazelnut); ginkgo; heartnut, hickory nut; macadamia nut; oak; pecan; pili nut; pine nut, pistachio; tropical almond and walnut, black and English

Terrestrial Non-Food Uses On:

Conifers and Deciduous Trees and Ornamental Plants Including: Fallowland, Flowering Plants, Foliage Plants, Ground Covers, Non-Bearing Fruit Trees, Ornamentals, Ornamental Trees, Shrubs and to maintain bare ground non-crop areas of farms and Vineyards.

Aquatic Non-Food Uses On:

Bayous, Canals, Drainage Ditches, Lakes, Marshes, Ponds, Reservoirs and other slow moving or quiescent bodies of water.

- 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.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

Keep pesticide in original container.

Store in a cool, dry, secure place.

Do not put formulation or dilute spray solution into food or drink containers.

Not for use or storage in or around the home.

Do not contaminate food or foodstuffs.

Do not store or transport near feed or food.

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

PESTICIDE DISPOSAL

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

CONTAINER DISPOSAL

Triple rinse (or equivalent). Do not reuse container. Offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or dispose of by other procedures allowed by State and local authorities.

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Manufactured for:
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Walnut Creek, CA 94596-8025
www.valent.com

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EPA Est. No.

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