

59639-97

6/29/2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Robert L. Hamilton, Ph.D.
Valent U.S. A. Corporation
Registration & Regulatory Affairs
1101 14th St., NW, Suite 1050
Washington, DC 20005

JUN 29 2011

Subject: Revised Disposal Instructions per PR Notice 2007-4
Flumioxazin Technical
EPA Reg. No. 59639-97
Application, Dated May 25, 2011

Dear Dr. Hamilton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 for the subject product.

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-2007-4. 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 call me directly at (703) 305-1243 or Susan Stanton of my staff at (703) 305-5218.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn V. Montague".

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

Please read instructions on reverse before completing form.

Form Approved MB No. 2070-0080

Print Form



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 59639-97	2. EPA Product Manager Kay Montague	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Flumioxazin Technical	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Valent USA Corporation 1600 Riviera Ave. suite 200 Walnut Creek, CA 94596 <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: <input checked="" type="checkbox"/> 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 _____
<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

JUN 29 2011

Notification: Update Container Disposal language according to PR-Notice 2007-4

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 <input checked="" type="checkbox"/> Other (Specify) Fiber Drum	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 50 Kg		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
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 Robert L. Hamilton		Title Sr. Regulatory Scientist		Telephone No. (Include Area Code) (202) 872-4682	
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 		3. Title Sr. Regulatory Scientist			
4. Typed Name Robert L. Hamilton		5. Date May 25, 2011			



VALENT

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Ms. Kay Montague, PM 23
Document Processing Desk (NOTIF)
Office of Pesticide Programs
US Environmental Protection Agency (7504P)
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Valent USA Corporation submits a notification to the Agency to update the Container Storage and Disposal statement according to PR-Notice 2007-4.

1. Application for registration (EPA Form 8570-1)
2. Certification Statements consistent with PR-Notice 98-10 and PR-Notice 2007-4
3. One (1) red line label copy of proposed product labeling.
4. One (1) clean copy of the proposed product labeling.
5. A CD with the proposed label in pdf format and the statement of Certification with Respect to Label Integrity.

Sincerely yours,

Sally S Christopher

R

Robert L. Hamilton, Ph.D.
Senior Regulatory Scientist
Registration & Regulatory Affairs

Enclosures

Scientist Laboratory Affairs



NOTIFICATION
JUN 29 2011

Flumioxazin Technical

(HERBICIDE)

THIS HERBICIDE FOR FORMULATING USE ONLY.

Active Ingredient

*Flumioxazin 97.9%

Other Ingredients 2.1%

Total 100.0%

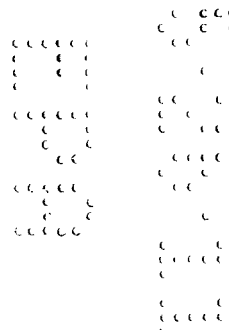
*(2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione)

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.

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.

6048

**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, Celery, Cotton, Dry Beans, Field Corn, Garlic, Grapes, Hops, 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, taniar, 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

Cucurbit Vegetables (Crop Group 9): chayote (fruit); Chinese Waxgourd (Chinese preserving melon); citron melon; cucumber; gherkin; gourd, edible (includes hyotan, cucuzza, hechima, Chinese okra); *Momordica* spp. (includes balsam apple, balsam pear, bittermelon, Chinese cucumber); muskmelon (includes cantaloupe); pumpkin; squash, summer; squash, winter (includes butternut squash, calabaza, hubbard squash, acorn squash, spaghetti squash); 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 HANDLING

Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into mixing equipment. Dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities. If drum is contaminated and cannot be reused¹, dispose of in the same manner.

¹Manufacturer may replace this phrase with one indicating whether and how fiber drum may be reused.

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Manufactured for:

Valent U.S.A. Corporation

P. O. Box 8025

Walnut Creek, CA 94596-8025

www.valent.com

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