

59639-107

08/22/2002

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (1750SC)
401 M' ST. S.W.
Washington, D.C. 20460

EPA Reg. Number

59639-107

Date of Issuance

August 22, 2002

Term of Issuance

Conditional

Name of Pesticide Product

Etoxazole Technical

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

VALENT USA CORPORATION
1333 N California Blvd, Suite 600
Walnut Creek, CA 94596

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(5). Once a pesticide is registered, however, it is not regarded as permanently acceptable. Registration does not eliminate the need for continual reassessment of pesticides. If the Agency determines that, at any time, additional data are required to maintain in effect an existing registration, the Agency will require submission of such data under FIFRA section (3).

1. Make the following changes to the labeling:

Revise the EPA Registration Number to read "EPA Reg. No. 59639-107".

2. Please submit two (2) copies of your final printed label before you release the product for shipment. Please refer to the A-79 enclosure for a further description of final printed labeling.

3. Further conditions of registration are as follows:

- a. Submit studies for corrosion characteristics (Guideline 830.6320) and storage stability (Guideline 830.6317).
- b. Core freshwater fish acute toxicity studies (Guideline 850.1075) on etoxazole technical need to be submitted.

Signature of Approving Official:

Date:

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c. A 90-Day subchronic inhalation study on rats (Guideline 870.3465) is required.

A stamped copy of the label is enclosed for your records. If you have questions about this letter, please contact Geri McCann at 703-605-0716 (by phone), 703-305-6596 (by fax), or at mccann.geri@epa.gov (by E-Mail).

Sincerely,



Meredith Laws
Branch Chief
Insecticide/Rodenticide Branch
Registration Division (7505C)

Enclosures: Stamped Technical Label
A-79 description of Final Printed Labeling

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Etoxazole Technical

Miticide/Ovicide for Formulation Use Only.

	By Wt.
Active Ingredient	
*Etoxazole	95.4%
Other Ingredients	4.6%
Total	100.0%

*2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole

ACCEPTED
AUG 22 2002

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
Registered under
EPA Reg. No. 59639-107

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE NEXT PAGE FOR ADDITIONAL PRECAUTIONARY STATEMENTS

TRANSPORTED IN BULK

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

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling. Avoid breathing dust.

FIRST AID	
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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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 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 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 by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOTLINE 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..	

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 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 ornamental 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 ornamental crops caused by carryover in the soil. Such risks of ornamental 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 ornamental 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 ornamental crop in all or a portion of the treated acreage, or otherwise affect the ornamental crop such that additional care, treatment and expense are required to take the ornamental 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 ornamental 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 ornamental 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 ornamental 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.

A MITICIDE/OVICIDE FOR FORMULATION USE ONLY

THIS PRODUCT IS FOR USE IN FURTHER PREPARATION WITH ETOXAZOLE PRODUCTS. DO NOT USE FOR ANY OTHER PURPOSES. Products formulated with Etoxazole Technical will require registration with the Environmental Protection Agency.

DIRECTIONS FOR USE

Only for Formulation into Miticide/Ovicide Products Intended for:

- (1) The following use(s): GREENHOUSES, SHADEHOUSES, LATHHOUSES AND NON-FOOD USES: Ornamental Plants (including: Bedding Plants, Flowering Plants, Foliage Plants, Ground Covers, Non-Bearing Fruit Trees and Non-Bearing Nut Trees, Ornamentals, Ornamental Trees, and Shrubs).
- (2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; and
- (3) Uses for experimental purposes that are in compliance with USEPA requirements.

STORAGE AND DISPOSAL

PROHIBITIONS

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

STORAGE

- Keep pesticide in original container.
- Store in cool, dry place, secure 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 involving this material, call 1-800-892-0099.

PESTICIDE DISPOSAL

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

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Manufactured for:
Valent U. S. A. Corporation
P.O. Box 8025
Walnut Creek, CA 94596-8025
www.valent.com

EPA Reg. No. 59639-RNT
EPA Est. #