

59639-107

05-04-2011

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



OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MAY 04 2011

Daniel P. Fay
Valent U.S.A.
1600 Riviera Avenue, Suite 200
Walnut Creek, CA 94596

Dear Mr. Fay:

Subject: IR-4 New use petition of Etoxazole on: pepper/eggplant subgroup 8-10B; berry, low growing subgroup 13-07G; small vine climbing, except fuzzy kiwifruit subgroup 13-07; squash/cucumber subgroup 9B; avocado; papaya; star apple; sapote, black; mango; sapodilla; canistel; sapote, mamey; and caneberry subgroup 13-07A
Etoxazole Technical
EPA Reg. No. 59639-107
Your submission dated: December 23, 2009

The subject amendment submitted in connection with the Federal Insecticide, Fungicide and Rodenticide Act are amended as acceptable.

The following conditional data requirements are still outstanding:

Health and Human Effects Data Requirements

- 90-Day inhalation toxicity study (40 CFR Part 158) – waiver request submitted to Agency 3/31/11 (D# 447295), **currently still in Agency review**
- Plum processing study at an exaggeration (5x) application rate – submitted to Agency 1/24/11 (D#446054, D#446055), **currently in Agency review**
- Immunotoxicity study in rats (40 CFR part 158) - extension request granted with new **due date = March 2012**
- Acute and subchronic neurotoxicity studies (40 CFR part 158) - extension request granted with new **due date = March 2012**

Environmental Fate and Effects Data Requirements

- 122-2 Aquatic Plant Growth (tier 1) Level 1 screening for remaining 4 test

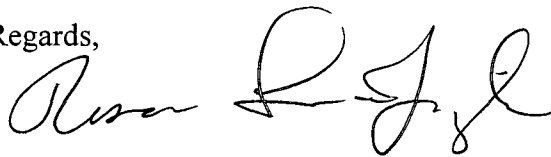
species - extension request granted with new **due date = June 1, 2011**

- Acute Sediment Testing, (10-day freshwater sediment test under Guideline 850.1735) – submitted to Agency 8/26/2009 (D#419720), **currently still in Agency review**

- Chronic 28-day Sediment Testing -submitted to Agency 8/26/2009 (D#419720), **currently still in Agency review**

A stamped copy of the labeling is enclosed for your records. Please submit one final printed copy of the labeling before releasing the product for shipment. If you have any questions, please contact Autumn Metzger at (703) 305-5314 or Metzger.autumn@epa.gov.

Regards,



Rosanna Louie- Juzwiak(Acting PM 07)
Insecticide-Rodenticide Branch
Registration Division (7505P)



ACCEPTED
With COMMENTS
in EPA Letter Dated:
MAY 04 2011
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:
59639-107

Etoxazole Technical

Active Ingredient	By Wt.
*Etoxazole	97.2%
Other Ingredients	2.8%
Total	100.0%

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

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE NEXT PAGE FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA Reg. No. 59639-107

EPA Est. No.

TRANSPORTED IN BULK

NET WEIGHT _____ KG _____ LB

FIRST AID	
If in eyes:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.• 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 to 20 minutes.• 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 a 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 to an unconscious person.
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.
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 800-892-0099 for emergency medical treatment information.	

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

CAUTION

~~Causes moderate eye irritation. Avoid contact with eyes, clothing or skin. Harmful if inhaled, swallowed or absorbed through skin. Wash thoroughly with soap and water after handling. Avoid breathing dust. Remove contaminated clothing and wash clothing before reuse.~~

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 (NDPES) 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 FORMULATORS

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. 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

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

Valent must be provided with prompt notice of any claim so that an immediate inspection of the affected property or plants can be made. To the extent applicable law allows such requirement, notice of a claim shall be given promptly to Valent, whether the claim is based on contract, negligence, strict liability, or other tort or otherwise be barred from 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 ETOXAZOLE CONTAINING MITICIDE/OVICIDE 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:

Terrestrial Non-Food Uses on: Indoor (Greenhouses, Shadehouses, Lathhouses and Interiorscapes) and Outdoor Ornamentals (including: Christmas Trees, Flowering and Foliage Crops, Ground Covers, Shrubs and Ornamental Trees and Non-Bearing Fruit and Nut Trees).

Terrestrial Food Use on:

Individual Crops:

Cotton

Hops

Mint

Tomato (indoor use only)

Crop Group	Commodity
Subgroup 8-10B: Pepper/Eggplant	african eggplant, eggplant, pea eggplant, pepino, roselle, scarlet eggplant, bell pepper, martynia, non-bell pepper, okra, cultivars, varieties and/or hybrids of these
Crop Group 9: Cucurbit Vegetables	chayote (fruit); Chinese waxgourd (Chinese preserving melon); citron melon; cucumber; gherkin; gourd, edible (includes hyotan, cucuzza, hechima, Chinese okra); <i>Momordica</i> 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
Crop Group 11: Pome Fruit	apple; crabapple; loquat; mayhaw; pear; pear, oriental; quince
Crop Group 12: Stone Fruit	apricot; cherry, sweet; cherry, tart; nectarine; peach; plum; plum, Chickasaw; plum, Damson; plum, Japanese; plumcot; prune (fresh)
Subgroup 13-07 A: Caneberry	blackberry; loganberry; raspberry, black and red; wild raspberry; cultivars, varieties, and/or hybrids of these

Crop Group	Commodity
Subgroup 13-07 F: Small Fruit Vine Climbing Subgroup, except Fuzzy Kiwifruit	Amur river grape; gooseberry; grape; kiwifruit, hardy; maypop; schisandra berry; cultivars, varieties, and/or hybrids of these
Subgroup 13-07 G: Low-growing Berry Subgroup	bearberry; bilberry; blueberry, lowbush; cloudberry; cranberry; lingonberry; muntries; partridgeberry; strawberry; cultivars, varieties, and/or hybrids of these
Crop Group No. 14: Tree Nuts	almond; beech nut; Brazil nut; butternut; cashew; chestnut; chinquapin; filbert (hazelnut); hickory nut; macadamia nut; pecan; walnut, black and English
Crop Group: Tropical and Sub-Tropical (Inedible Peel)	avocado, papaya, star apple, black sapote, mango, sapodilla, canistel, mamey sapote

- 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 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 involving this material, call 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.

CONTAINER HANDLING
 Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

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Manufactured for:

Valent U. S. A. Corporation

P.O. Box 8025

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www.valent.com

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