



## U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
 Registration Division (7504P)  
 Ariel Rios Building  
 1200 Pennsylvania Ave., NW  
 Washington, D.C. 20460

EPA Reg. Number:

59639-139

Date of Issuance:

JAN 28 2008

## NOTICE OF PESTICIDE:

Registration  
 Reregistration  
 (under FIFRA, as amended)

Term of Issuance: Conditional

Name of Pesticide Product:

Fluopicolide Technical

Name and Address of Registrant (include ZIP Code):

Valent USA Corporation  
 1600 Riviera Avenue, Suite 200  
 P.O. Box 8025  
 Walnut Creek, CA 94596-8025      Attention: David Wustner

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)(7)(C) provided that you:

A. Submit and/or cite all data required for registration of your product under FIFRA Section 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA Section 4.

B. Submit the following conditional data/information listed below, before January 31, 2009:

- For the phenyl-<sup>14</sup>C-labeled cow metabolism study (MRID 46708514), the petitioner provide complete sample history information for samples from the study, including not only dates of collection, but also dates of storage, radioassay, extraction, and analysis. If sample analyses were not completed within 6 months of sample collection, the data demonstrating that the metabolic profile was stable in the affected matrices during storage must be submitted.

(CONTINUED)

Signature of Approving Official:

Date:

Tony Kish  
 Product Manager, Team 22  
 Fungicide Branch  
 Registration Division (7505P)

JAN 28 2008

2. For the pyridinyl-<sup>14</sup>C-labeled cow metabolism study (MRID 46708518):

A. Storage stability data are required to support the study. If samples were stored for greater than 6 months, provide data showing stability of the metabolic profile of the affected matrices for the duration of the storage period and under the conditions that the samples were stored.

B. Clarify that the identification of two peaks in liver methanol/water extract retention times are correct, and explain how the retention times for these metabolites were correlated with the identified metabolites in urine and kidney.

C. Correct the flowchart for fat to include the correct total radioactive residue (TRR) value for this matrix (0.039 ppm).

D. Recalculate the radioactivity levels and/or clarify the results for the HPLC analysis of any extract in which the calculated limit of quantitation (LOQ) was too high to allow meaningful interpretation of the chromatogram.

3. For the hen metabolism study reported in MRID 46708515, provide complete sample history information for samples from the study, including not only dates of collection but also dates of storage, radioassay, extraction, and analysis. If sample analyses were not completed within 6 months of sample collection, provide data demonstrating that the metabolic profile was stable in the affected matrices during the storage period and under the conditions that the samples were stored. Also submit copies of the LC/MS chromatograms of metabolite AE C653711 (BAM) in liver as well as the corresponding chromatogram of the reference standard. These chromatograms were referenced in the submission (MRID 46708515, page 113) but were not included.

4. The hen metabolism study conducted with [2,6-<sup>14</sup>C-pyridinyl]fluopicolide (MRID 46708519) is incomplete but upgradeable. The samples from this study were not extracted until >6 months after sample collection. Provide data showing stability of the metabolic profile for the duration of the storage period and under the conditions that the samples were stored.

5. For storage stability data for crops, submit additional storage stability data for celery and spinach reflecting a storage interval of 38 months. One study should be conducted on any representative leafy vegetable.

6. Based on results of commercial scale production, submit a revised basic Confidential Statement of Formula (CSF) if anything changes from the basic CSF submitted.

7. Submit one copy of a final printed label within 45 days from the date of this Notice which makes the following change - On Page 2, change the dollar signs (\$) used for bullets to another symbol.

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 constitutes acceptance of these conditions. A copy of the label stamped "Accepted with comments" is enclosed for your records.



# Fluopicolide Technical (Fungicide)

THIS FUNGICIDE FOR FORMULATING USE ONLY.

Active Ingredient	By Wt.
*Fluopicolide .....	98.8%
Other Ingredients .....	<u>1.2%</u>
Total .....	100.0%

\*2,6-dichloro-N-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl]benzamide

**KEEP OUT OF REACH OF CHILDREN**

## CAUTION

See next page for additional Precautionary Statements

NET CONTENTS \_\_\_\_\_

ACCEPTED  
with COMMENTS  
In EPA Letter Dated  
**JAN 28 2008**  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

59639-  
139

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

Harmful if swallowed or absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Wear long-sleeved shirt and long pants, socks, shoes and gloves. Remove and wash contaminated clothing and wash clothing before reuse.

**FIRST AID**

- 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 further treatment advice
- If inhaled:**
  - \$ 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.
- 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 the poison control center or doctor.
  - \$ Do not give anything by mouth to an unconscious person.
- 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.

**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 pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water by disposing of equipment washwaters or rinsate.

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 EPA.

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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 EXTENT CONSISTENT WITH APPLICABLE 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 extent consistent with applicable 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 EXTENT CONSISTENT WITH APPLICABLE 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 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 later, 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 FLUOPICOLIDE CONTAINING FUNGICIDE PRODUCTS ONLY.**

This product is intended only for use in the formulation of fluopicolide fungicide containing products: Products formulated with Fluopicolide Technical will require registration with the Environmental Protection Agency.

**DIRECTIONS FOR USE**

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

- **Terrestrial Food Uses On:**

Grape	
Tuberous and Corm Vegetables	
(except Potato)	Subgroup 1D
Leafy Vegetables	
(except Brassica Vegetables)	Crop Group 4
Fruiting Vegetables	Crop Group 8
Cucurbit Vegetables	Crop Group 9
  
- **Outdoor Terrestrial Non-Food Uses On: Conifers and Deciduous Trees and Ornamental Plants**  
**Including:** Bedding Plants, Conifers, Flowering Plants, Foliage Plants, Ground Covers, Non-Bearing Fruit Trees, Non-Bearing Nut Trees, Non-Bearing Vines, Ornamentals, Shrubs, Sod Farms and Turfgrass.
  
- **Indoor Non-Residential Terrestrial Non-Food Uses On:** Ornamental Plants in Indoor Nurseries including Greenhouses, Shadehouses and Lathouses.
  
- **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](http://www.valent.com)

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