

59639-139

5/30/2008

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, DC 20460

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

MAY 30 2008

Premjit Halarnkar, Ph.D., MPA  
Senior Project Manager, R & RA  
Valent U.S.A. Corporation;  
1600 Riviera Ave., Suite 200; P.O. Box 8025  
Walnut Creek, CA 94596-8025

**Subject: Fluopicolide Technical; EPA Reg. No. 59639-139**  
**Your Amendment Dated May 9, 2008**  
**Linked with EPA Reg. No. 59639-140, Decision #373399**

Dear Dr. Halarnkar,

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended to add new uses for brassica (head & stem), bulb vegetables, root vegetables (except carrot, potato, and sugar beets), and leaves of root and tuber vegetables, is acceptable, provided you submit the following:

1. Additional storage stability data are required by June 30, 2012 to support the *Brassica* head and stem, bulb, and root vegetable crop field trials. Storage stability studies with a representative root or tuber vegetable (reflecting analysis of roots and tops) and a *Brassica* vegetable must be conducted. The requested data for a root or tuber vegetable may be translated to bulb vegetables. The required studies must reflect the storage conditions of samples from the crop field trials and must include storage intervals of up to 47 months for the root or tuber vegetable and 45 months for the *Brassica* vegetable. If residues are found to be unstable in any representative commodity, additional storage stability data studies will normally be required on additional commodities of that group [see OPPTS 860.1380(c)(5)(ii)(D)].

One copy of the label stamped "Accepted" is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment. Should you have any further questions, please feel free to contact Tawanda Maignan via e-mail at [Maignan.Tawanda@epa.gov](mailto:Maignan.Tawanda@epa.gov) or telephone at 703.308.8050.

Sincerely,

A handwritten signature in black ink that reads "Tony Kish".

Tony Kish  
Product Manager (Team 22)  
Fungicides Branch  
Registration Division



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# Fluopicolide Technical

(Fungicide)

THIS FUNGICIDE FOR FORMULATING USE ONLY.

Active Ingredient	By Wt.
*Fluopicolide .....	98.8%
Other Ingredients .....	1.2%
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  
MAY 30 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 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.

## 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	
Root Vegetables (except Carrot, Potato and Sugar Beet)	Subgroup 1A
Leaves of Root and Tuber Vegetables	Crop Group 2
Tuberous and Corm Vegetables (except Potato)	Subgroup 1D
Bulb Vegetables	Crop Group 3
Leafy Vegetables (except Brassica Vegetables)	Crop Group 4
Head and Stem Brassica	Subgroup 5A
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 Lathhouses.
  
- **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.**

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## 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:

Valent U.S.A. Corporation

P. O. Box 8025

Walnut Creek, CA 94596-8025

[www.valent.com](http://www.valent.com)

EPA Reg. No. 59639-139

EPA Est. No.