

59639-139

04/20/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

APR 20 2011

Robert Hamilton
Valent USA Corporation
Registration & Regulatory Affairs
1101 14th Street, N.W., Suite 1050
Washington, DC 20005

SUBJECT: Label Amendment
Fluopicolide Technical
EPA Reg. No. 59639-139; Decisions 409879; 420442; 9F7617 (D420455)
Submissions Dated April 30, 2009; September 16, 2009

Dear Mr. Hamilton:

The revised labeling referred to above, submitted in connection with registration under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), as amended, to add carrot, potato, and sugarbeet which, with existing crops allows listing of the entire "Root and Tuber Vegetables-Crop Group 1"; and which adds "Brassica, Leafy Greens Subgroup 5B" which, with existing crops allows listing the entire "Brassica (Cole) Leafy Vegetables, Crop Group 5", all of this as detailed by the final rule published 4/20/2011, and which updates the "Container Handling" section, is acceptable provided the following label changes and data are satisfied by specified due dates:

1. On page 2 in the First Aid section, the subheading "If on skin or clothing" make the "C" in "Clothing" lower case.
2. On page 2 in the First Aid section, the subheading "If on skin or clothing"; add a period at the end of the third bullet.
3. To allow the current 18 month PBI to remain on the end-use labels while limited rotational crop data is submitted to establish a more appropriate label PBI, limited field trials at two sites per crop as described in Guideline 860.1900 Field Accumulation in Rotational Crops must be conducted on the following crops and submitted by April 25, 2013 (with a copy of this letter):
 - Small Grain – the registrant proposed conducting a limited field rotational crop study in wheat. EPA concurs that a study must be conducted in a small grain. Data from the wheat rotational crop study can be translated to other small grains (oats, barley, etc.).
 - Soybean - the registrant proposed to conduct a limited rotational crop study in soybeans. EPA concurs that a limited field rotation study in soybeans must be conducted and that this data may be translated to other legumes.
 - Corn – the registrant proposed submitting data reflecting a 30-day PBI in corn and to establish tolerances for inadvertent residues in corn if required. HED has no objection to

submission of data on corn to support a 30-day PBI, however if the registrant decides not to pursue a 30-day PBI in corn, a limited field rotational study for corn will be required to determine the appropriate PBI which is ≤ 12 months.

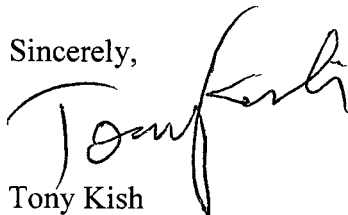
- Rice – a limited field rotational study for rice is required. Alternately, in lieu of generating data, the registrant may chose to prohibit rotation to rice on the label.
- Oilseed – a limited field rotational study in a representative oilseed is required. The registrant may conduct the study in rape (canola varieties only), sunflower, or cotton.

The registrant is advised that if the limited field studies indicate that quantifiable residues will occur at 12 months a PBI greater than 12 months will not be permitted. Instead, tolerances for inadvertent residues will be required and the requirement for number and location of trials would be the same as that to establish primary tolerances.

Submit one copy of the final printed labeling before release the product for shipment. Enclosed please find one copy of the label stamped "Accepted With Comments".

If you have any questions regarding this correspondence, contact Rose Kearns of my staff by phone at 703-305-5611 or via email at kearns.rosemary@epa.gov or myself at 703-308-9443 or via email at kish.tony@epa.gov.

Sincerely,



Tony Kish
Product Manager (22)
Fungicide Branch
Registration Division (7504P)

Enclosure; Label stamped "Accepted With Comments"



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
with COMMENTS
In EPA Letter Dated

APR 20 2011

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:	<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 further 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.
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.
HOT LINE NUMBER	
<p>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.</p>	

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 and Tuber Vegetables	Crop Group 1
Leaves of Root and Tuber Vegetables	Crop Group 2
Bulb Vegetables	Crop Group 3
Leafy Vegetables (except Brassica Vegetables)	Crop Group 4
Brassica (Cole) Leafy Vegetables	Crop Group 5
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 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

Walnut Creek, CA 94596-8025

www.valent.com

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EPA Est. No.

059639-00139.20110315.FluopicolideTech.r