

59639-169

10/9/2009

1/2



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505C)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:

Date of Issuance:

59639-169

OCT - 9 2009

Term of Issuance: Conditional

Name of Pesticide Product:

Dinotefuran Insecticide
Concentrate DR

NOTICE OF PESTICIDE:

x Registration
Reregistration
(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Valent USA Corporation
PO Box 8025
Walnut Creek, CA 94596-8025

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)(A) and (B) provided that you:

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

2. Make the following label changes:

- a. Add the phrase "EPA Registration Number 59639-169" to the front panel.
b. Add the following statement just below the GUARANTEED FERTILIZER ANALYSIS box:

When applied as directed this product meets the guidelines for metals adopted by the American Plant Food Control Officials.

Signature of Approving Official:

[Handwritten signature]

Date:

OCT - 9 2009

c. Under USE PRECAUTIONS, change the last bulleted statement into a statement starting with "*Do not use food utensils.....*"

d. Under USE PRECAUTIONS, change the first bulleted statement to: "*Do not apply to areas next to rivers, lakes, streams or ponds.*"

e. Delete the optional statement: "Exclusive formula". Also note that you are allowed to the claim of "New" on the label for only 6 months from the date of registration.

f. Delete the following optional statements: "*Guaranteed results*" and "*Guaranteed [results] or your money back*". Your Disclaimer and Limited Warranty statement does not back this open ended or money back guarantee.

3. Submit two copies of the revised final printed label for the record.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records. If you have any questions, please contact Rita Kumar at (703) 308-8291 or kumar.rita@epa.gov.

Sincerely,

John Hebert
Product Manager 07
Insecticide Rodenticide Branch
Registration Division (7505P)

Enclosure

3/7



[FRONT]

Dinotefuran Insecticide Concentrate DR

For Outdoor Home Use Only

ACTIVE INGREDIENT:

Dinotefuran, (N-methyl-N'-nitro-N''-((tetrahydro-3-furanyl)methyl)guanidine) 0.96%

OTHER INGREDIENTS 99.04%

Total 100.00%

GUARANTEED FERTILIZER ANALYSIS

Total Nitrogen (N) X.X%

X.X% Nitrate Nitrogen

X.X% Water Soluble Nitrogen

X.X% Water Insoluble Nitrogen

Available Phosphate (P₂O₅) X.X%

Soluble Potash (K₂O) X.X%

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.aapfco.org/metals.htm>

KEEP OUT OF REACH OF CHILDREN

CAUTION

EPA Reg. No. 59639-RTN

EPA Est. No.

See side or back panel booklet for additional precautionary statements.

Manufactured for Valent U.S.A. Corporation, P. O. Box 8025, Walnut Creek, CA 94596-8025, www.valent.com (800) 89-VALENT (897-2536)

NET CONTENTS

32 fl oz (1 qt)

64 fl oz (0.5 gal)

ACCEPTED ..
With COMMENTS
In EPA Letter Dated:

OCT - 9 2009 OCT - 9 2009

Under the Federal Insecticide, Fungicide and Rodenticide Act, As amended, for the pesticide Registered under EPA Reg. No:

59639-169

7/4

{Optional front panel text}

Protects Roses and Ornamental Shrubs
Apply 4 times a year for long lasting protection.
Up to 3 month [season long] feeding
Feeds for up to 3 months [season long][12 weeks]
Feeds and protects in one easy application
Protects roses and shrubs from sucking and chewing insects as listed
Feeds and protects [in one easy application]
Helps keep roses and shrubs strong [and protects new growth]
Controls insects that damage trees and shrubs
Treats 10 established roses or 32 newly planted roses
Systemic insecticide is absorbed through the roots
Systemic insecticide – Protects from the inside – Out
Prevents insects from damaging roses and shrubs
Will not harm roses or shrubs
For use on all roses and ornamental shrubs
Kills insects
One application feeds for 3 months [an entire season]
Easy to use – just mix with water and pour around the plant
Easy insect protection for [your] roses and [or] shrubs
Rainproof [rainfast] protection
Rainproof – won't wash away
Not affected by rain or moisture
Effective even after it rains
Protects from [Japanese beetles], [Borers], [Leafminers] and other insects listed
Dual action formula – Feeds and Protects
Feeds for a season
Season long feeding, long insect protection
Season long feeding
Two [Benefits] [Products] in One – Feeds and Protects
Promotes Beautiful [Healthy] roses [shrubs][plants]
Promotes strong roots
Feeds Roses and Ornamental Shrubs [for up to 3 months][all season]
No spraying –pour at the base of the plant
Feeds all Season
One application – Two key benefits [Feeding + Insect Control]
Protects and feeds in one easy application
[New] Exclusive formula
Inside-out [Protection] Technology
No spraying required
Water-based
Guaranteed [results] or your money back
Guaranteed results
New
No-Odor
No-Odor Formula
Two-in-One formula-Feeds and protects

(Back or Side Panel)

**Open Resealable Label for
Directions & Precautions**

{PEEL HERE}
{PRESS TO RESEAL}

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read and follow all label directions.

PRODUCT INFORMATION

HOW IT WORKS

Kills sucking and chewing insects on roses and other ornamental shrubs. Feeds treated roses and shrubs for up to three months [12 weeks] [an entire season].

PESTS CONTROLLED

Aphids, Adelgids, Black vine weevil larvae, Roundheaded borers (including Eucalyptus longheaded borers) , Japanese beetle adults, Lacebugs, Leaf beetles (including Elm leaf beetles and Viburnum leaf beetles), Leafhoppers (suppression only), Leafminers (including Birch leafminers), Mealybugs, Pine tip moth larvae, Psyllids, Sawfly larvae, Scale insects, Thrips and Whiteflies.

WHERE TO USE

Outdoors on [newly planted and][new and] established roses and ornamental shrubs

WHEN TO USE

- To prevent against insect pests apply in May through early August.
- To treat insect pests apply in mid-August through late September.

HOW TO USE

- To treat **established roses or other ornamental shrubs (3 ft high)** mix 3 fl oz of product in 1 gallon of water.
- To treat **newly planted roses and ornamental shrubs (1 ft high)** mix 1 fl oz in one gallon of water for each foot of shrub height.
- Slowly pour the solution around the base of the rose or ornamental shrub keeping as close to the base as possible. Allow time while pouring for the liquid to soak into the ground.
- Rinse the bucket or watering can with an additional gallon of water and pour around the base of the roses or ornamental shrub.
- Do not allow product to run off to surrounding areas as this will reduce product performance.

For Questions, Comments or Medical Information Call: (800) 89-VALENT (898-2536)

USE PRECAUTIONS

- Do not apply near rivers, lakes, streams or ponds.
- Do not apply to waterlogged or frozen soils.
- Do not apply to edible food plants
- Do not apply more than 4 times per year to a treated rose or shrub
- Food utensils such as teaspoons and measuring cups should not be used for food purposes after use with this product.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container in a cool dry place, out of reach of children, preferably a locked storage cabinet.

Disposal: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

If Partly Filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION. 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.

FIRST AID

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.

Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment.

ENVIRONMENTAL HAZARDS

This product is toxic to shrimp. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

7/7

**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 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, and injury caused by drift. Such risks of 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, 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. 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 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 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, increased care, 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.

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