

59639-173

12-10-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Regiane Pereira
Valent U.S.A. Corporation
1600 Riviera Ave, Suite 200
Walnut Creek, CA 94596

DEC 10 2010

Subject: Notification; Per PR-Notice 98-10
Clothianidin Technical Insecticide
EPA Reg. No. 59639-173
Date Submitted: November 22, 2010

Dear Ms. Pereira:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated November 22, 2010 for the product referenced above. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact me at (703) 306-0415 or davis.kable@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kable Bo Davis", written over a horizontal line.

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Registration Division (7505P)



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 59639-173	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Clothianidin Technical Insecticide	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Valent USA Corporation 1600 Riviera Avenue Walnut Creek, CA, 94596-802 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below. DEC 10 2010

Explanation: Use additional page(s) if necessary. (For section II only)

DEC 10 2010

Update Section 3 Label, CSF and MSDS with the new registration number (59639-173)

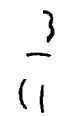
*Certification
Statement
on
separate
page*

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Plastic	
		If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Sue-Chi Shen	Title Project Manager	Telephone Nos (Include Area Code) (972) 244-6543
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		Date Application Received (Stamped) _____ _____ _____ _____ _____
2. Signature 	3. Title Manager, Label & States Affairs Group	
4. Typed Name Regiane Pereira	5. Date November 22, 2010	



NOTIFICATION
DEC 10 2010

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.


Regiane Pereira

Regiane Pereira
Manager, Label & States Affairs Group
Registration and Regulatory Affairs
Valent U.S.A. Corporation

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November 22, 2010

**Clothianidin Technical Insecticide
EPA Registration No. 59639-173
NOTIFICATION**

THIS DOCUMENT AND ATTACHMENT CONTAIN CONFIDENTIAL INFORMATION

Ms. Venus Eagle
Insecticide-Rodenticide Branch
Registration Division
Document Processing Desk (7504P) (AMEND)
U.S. Environmental Protection Agency
Room S4900 - One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202

Dear Ms. Eagle:

Valent U.S.A. Corporation would like to update our product label for Clothianidin Technical Insecticide (EPA Reg. No. 59639-173). The updates reflect the transfer agreement from Sumitomo Chemical Company, Ltd (company number 10308) to Valent U.S.A. Corporation (company number 59639).

The following changes were made to this product label:

- A change in the registration transfer to Valent U.S.A. Corporation.
- A change in the EPA Registration Number to 59639-173

We are also submitting an updated Confidential Statement of Formula (CSF) and Material Safety Data Sheet (MSDS) to reflect the new registration number.

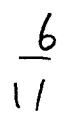
Enclosed are the following documents to support this Notification submission:

- EPA Pesticide Applications form (8570-1)
- A Certification Statement consistent with the provisions of PR-Notice 98-10
- Copy of EPA letter dated October 26, 2010 approving the transfer of this pesticide registration from Company Number 10308 to Company Number 59639.
- One (1) copy of the currently approved CSF for the basic formulation of this product, dated November 16, 2010.
- One (1) copy of the currently approved CSF for the alternate formulation of this product, dated November 17, 2010
- MSDS Revision Number 4, dated November 19, 2010
- One (1) clean copy of the proposed label
- One (1) redline copy of the proposed label showing the changes
- A CD with the proposed label in PDF format
- The statement of Certification with Respect to Label Integrity

The figure contains 18 sub-diagrams labeled as follows:

- (a) A single point.
- (b) Two points.
- (c) Three points.
- (d) Four points.
- (e) Five points.
- (f) Six points.
- (g) Seven points.
- (h) Eight points.
- (i) Nine points.
- (j) Ten points.
- (k) Eleven points.
- (l) Twelve points.
- (m) Thirteen points.
- (n) Fourteen points.
- (o) Fifteen points.
- (p) Sixteen points.

Each diagram illustrates a specific geometric configuration of points and lines in the projective plane, often with additional constraints or properties indicated by the labels.



REDLINE COPY

NOTIFICATION

DEC 10 2010

***(E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine**

WARNING

NET CONTENTS_____

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

WARNING

May be fatal if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

FIRST AID

- | | |
|--------------------------------|--|
| 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. |
| 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 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. |

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.

NOTE TO PHYSICIAN

No specific antidote is available. Treat the patient symptomatically.

ENVIRONMENTAL HAZARDS:

Do not discharge effluent containing this product in lakes, streams, ponds estuaries, oceans or other water 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 sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

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.

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**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 Sumitomo. 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.

Sumitomo 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

Sumitomo 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, SUMITOMO MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Sumitomo or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

To the fullest extent allowed by law, Sumitomo 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 SUMITOMO 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 SUMITOMO OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

To the extent consistent with applicable law allowing such requirements, Sumitomo 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 latter, 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 Sumitomo of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Sumitomo 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 CLOTHIANIDIN CONTAINING INSECTICIDE PRODUCTS ONLY.

This product is intended only for use in the formulation of Clothianidin containing insecticide products. Products formulated with Clothianidin Technical will require registration with the U. S. Environmental Protection Agency.

DIRECTIONS FOR USE

Only for formulation into insecticide products intended for the following uses:

Terrestrial Food Crops:

Individual Crops: Canola, Cotton, Fig, Grapes, Peach, Pomegranate, Rapeseed, Soybean and Tobacco.

Crop Groups: Cranberry (Low-growing Berry except Strawberry) – Crop Subgroup 13-07H
Root and Tuber Vegetables - Group 1
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
Pome Fruit - Crop Group 11
Tree Nuts – Crop Group 14
Cereal Grain except rice - Crop Group 15

Terrestrial Non-Food Crops: Turfgrass, Sod Farms, Ornamentals, Interior landscapes, Non-bearing fruits and nuts (in landscape), application in Poultry Houses

Formulators who use this product are responsible for providing data to support their own registrations.

STORAGE AND DISPOSAL

PESTICIDE STORAGE

Store in a cool place.

Do not store in direct sunlight.

Protect from freezing temperatures.

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

PESTICIDE DISPOSAL

Wastes resulting from the use of this product maybe disposed of on site or at an approved waste disposal facility. Do not reuse empty container.

CONTAINER HANDLING

Nonrefillable container. Do not reuse or refill this container. 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. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Copyright© 2010 by ~~Sumitomo Chemical Company, Ltd~~ Valent USA Corporation

Manufactured by:

~~Sumitomo Chemical Company, Ltd.~~
~~27-1, Shinkawa 2-Chome, Chuo-ku~~
~~Tokyo 104-8260, Japan~~

~~Valent as agent:~~

Valent U.S.A. Corporation
P.O.Box 8025
Walnut Creek, CA 94596-8025
(800) 682-5368

EPA Reg. No. ~~40308-32~~ 59639-173
EPA Est. No. ~~057700-JPN-004~~