

59639-180

9/23/2013

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

**NOTIFICATION**

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**SEP 23 2013**

Linda Obrestad  
Valent U.S.A. Corporation  
1600 Riviera Ave., Suite 200  
Walnut Creek, CA 94596-8025

Subject: Notification to revise "net contents" to "net weight"  
EPA Registration No. 59639-180  
Primary Brand Name: V-10135 Technical Fungicide  
Submission Date: September 12, 2013

Dear Ms. Obrestad:

The Agency is in receipt of your Application for Pesticide Notification under PRN 98-10 dated 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, please contact Gene Benbow at (703) 347-0235 or via email at [benbow.gene@epa.gov](mailto:benbow.gene@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Benbow", written over a long horizontal line.

Gene Benbow  
Wildlife Biologist  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

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United States  
**Environmental Protection Agency**  
 Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 59639-180	2. EPA Product Manager Mr. John Hebert	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) V-10135 Technical Fungicide	PM# 7	
5. Name and Address of Applicant (Include ZIP Code) Valent U.S.A. Corporation 1600 Riviera Ave., Suite 200 Walnut Creek, CA 94596-8025 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: 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.

**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Notification: changed container handling in storage and disposal section and changed net content to net weight.

**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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	Other (Specify) _____	
		If "Yes" Package wgt	No. per container		
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 Labeling	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued 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 Linda Obrestad	Title Regulatory Analyst	Telephone No. (Include Area Code) 925-256-2791
<b>Certification</b> 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.		6. Date Application Received (Stamped) _____
2. Signature <i>Linda Obrestad</i>	3. Title Regulatory Analyst	
4. Typed Name Linda Obrestad	5. Date September 12, 2013	



1600 Riviera Ave. Suite 200  
P. O. Box 8025  
Walnut Creek, CA 94596-8025

September 12, 2013

**V-10135 Technical Fungicide  
EPA Reg. No. 59639-180  
NOTIFICATION**

Mr. John Hebert, Product Manager 07  
Insecticide Branch, Registration Division (7505P)  
Document Processing Desk (NOTIF)  
U.S. Environmental Protection Agency  
Room S4900 – One Potomac Yard  
2777 S. Crystal Drive  
Arlington, Virginia 22202

Dear Mr. Hebert:

Valent U.S.A. Corporation is respectfully submitting this label Notification to inform the agency of a change to our product label for V-10135 Technical Fungicide (EPA Reg. No. 59639-180) as follows:

- Changed Container Handling statement to match container.**
- Changed "Net Contents" to "Net Weight" this product is a dry formulation.**

Enclosed are the following documents to support this Notification submission:

- Pesticide Application (Form 8570-1)
- Certification Statement consistent with the provisions of PR-Notice 98-10
- A redline copy of the proposed label to show the change.
- A clean copy of the proposed label

If you should have any questions please contact me at (925) 256-2791 or email: linda.obrestad@valent.com or Mr. Robert Hamilton in our DC office, 202-872-4682 or email: robert.hamilton@valent.com.

Sincerely,  
*Linda Obrestad*  
 Linda Obrestad  
 Regulatory Analyst  
 Registration and Regulatory Affairs



Enclosures



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# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

## CAUTION

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

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

FIRST AID	
<b>If on skin:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything to an unconscious person.</li> </ul>
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 <b>800-892-0099</b> for emergency medical treatment information.	

## ENVIRONMENTAL HAZARDS

**For terrestrial uses:** Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

**Ground Water Advisory:** This chemical has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow.

**Surface Water Advisory:** This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water. This product is classified as having a high potential for reaching surface water via runoff for several months or more after application. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of fenpyrazamine. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

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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 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 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 (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 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, 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 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 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 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.

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**FOR FORMULATION OF FENPYRAZAMINE CONTAINING FUNGICIDE PRODUCTS ONLY.**

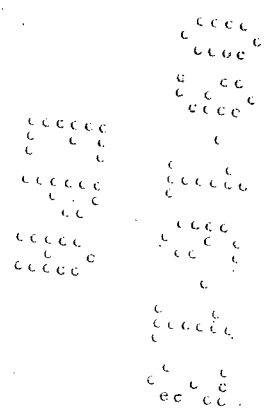
This product is intended only for use in the formulation of fenpyrazamine fungicide containing products. Products formulated with V-10135 Technical Fungicide will require registration with the Environmental Protection Agency.

**DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

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

- **Terrestrial Food Uses on:** Almond, Ginseng, Lettuce (Head & Leaf), Pistachio  
 Bushberry Subgroup 13-07B  
 Caneberry Subgroup 13-07A  
 Low Growing Berry Subgroup 13-07G  
 Small Fruit Vine Climbing Subgroup, Except Fuzzy Kiwifruit 13-07F
- **Outdoor Terrestrial Non-Food Uses On:** Conifers, 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
- **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**
- **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

Store in a cool dry place.

Keep pesticide in original container.

Keep container closed when not in use.

Do not put dilute into food or drink containers.

Not for use or storage in or around the home.

For help with any spill, leak, fire or exposure involving this material, call day or night  
1-800-892-0099.

#### PESTICIDE DISPOSAL

Waste resulting from the use of this product may be 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 and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.~~

Nonrefillable container. Do not reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into mixing equipment. Dispose of liner and fiber drum in a sanitary landfill.

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#### Manufactured for:

Valent U.S.A. Corporation

P.O. Box 8025

Walnut Creek, CA 94596-8025

www.valent.com

EPA Reg. No. 59639-180

EPA Est. No.

059639-00180.20130912.V-10135.Technical.NOTIF.r.

