

62719-343

5/26/2009



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

MAY 26 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Diego Fonseca
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

Subject: Organic Arsenicals Label Amendment
Product Names; EPA Reg. Nos.
MSMA 6.6; 62719-339
MSMA Plus "S"; 62719-340
~~MSMA 51%; 62719-343~~
Applications Dated: March 5, 2009

Dear Mr. Fonseca:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable, provided you make the following changes before you release the product for shipment.

1. Fill in the bracketed sections of the PPE statement with specific material information appropriate for these products.
2. The First Aid heading, "If on Skin" must be revised to "If on Skin or Clothing."
3. Remove the following statement from the 'Weeds Controlled' section as it no longer applies to these labels with the deleted uses: "See Golf Course and Turf Uses for weeds controlled in those sites."
4. Remove all pre-emergence applications to cotton (e.g. Postplant preemergence up to cracking of soil just before cotton emergence) as only post-emergence applications are permitted.
5. Revise the Container Disposal directions in accordance with PR Notice 2007-4.

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Organic Arsenicals Label Amendment

MSMA 6.6; 62719-339

MSMA Plus "S"; 62719-340

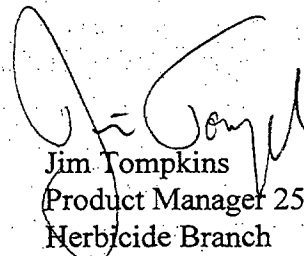
MSMA 51%; 62719-343

Submit the following confirmatory data to support the use of MSMA on cotton no later than August 30, 2010:

- a. Magnitude of the residue in meat and milk (Guideline 860.1480)
 - i. Registrants must develop confirmatory data that demonstrate no detectable residues of inorganic arsenic will be found in the edible tissues and milk of cows consuming cotton feed items treated with MSMA. Data may be developed in a tiered fashion.
- b. Field rotational crop study (Guideline 860.1900)
 - i. Registrants must provide data demonstrating no residues of inorganic arsenic in food crops (peanuts) that are rotated with cotton. This requirement may be satisfied with data from the open literature or a new study conducted in accordance with Guideline 860.1900.

A stamped copy of your labeling is enclosed for your records. You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after the next printing must bear the new revised label. 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. Amended labeling will supercede all previously accepted ones.

Sincerely,



Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

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(Base Label):

MSMA 51%

For selective post-emergence weed control

Active Ingredient:

monosodium acid methanearsonate	51.0%
Inert Ingredients	49.0%
Total	100.0%

Total arsenic (as elemental) all in water-soluble form 23.6%
Product contains 6.6 pounds of MSMA per gallon

Keep Out of Reach of Children

CAUTION PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes Moderate Eye Irritation • Harmful If Swallowed, Inhaled, Or Absorbed Through Skin

Avoid contact with eyes, skin, or clothing. Avoid breathing spray mist.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are [registrant inserts correct chemical-resistant material]. If you want more options, follow the instructions for category [registrant inserts A, B, C, D, E, F, G, or H] on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear

- Long-sleeved shirt and long pants
- Shoes plus socks, and
- Chemical-resistant gloves

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

When handlers use closed systems or enclosed cabs in a manner that meets the requirement listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR part 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

ACCEPTED
with COMMENTS
in EPA Letter Dated

MAY 26 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

62719-343

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

First Aid

If swallowed: Call a Poison Control Center or doctor immediately for treatment advice. Have a person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a Poison Control Center or doctor.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a Poison Control Center or doctor for further treatment advice.

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.

If on skin: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a Poison Control Center or doctor for treatment.

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

Environmental Hazards

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 apply when weather conditions favor drift from target area. Do not contaminate water when disposing of equipment washwaters.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to the label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

Refer to label booklet for Directions for Use including Storage and Disposal.

Notice: Read the entire label. Use only according to label directions. **Before buying or using this product, read "Warranty Disclaimer" and "Limitation of Remedies".**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994. If you wish to obtain additional product information, visit our web site at www.dowagro.com.

Agricultural Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Est. _____

EPA Reg. No. 62719-343

Dow AgroSciences LLC • Indianapolis, IN 46268

Herbicide

Net Contents __ gal

5/10

(cover):

MSMA 51%

For selective post-emergence weed control

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Agricultural Use Requirements
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to the label booklet under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

Refer to label booklet for additional precautionary information including Personal Protective Equipment (PPE), User Safety Recommendations and Directions for Use including Storage and Disposal.

Notice: Read the entire label. Use only according to label directions. **Before buying or using this product, read "Warranty Disclaimer" and "Limitation of Remedies".**

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Dow AgroSciences LLC • Indianapolis, IN 46268

Herbicide

Net Contents _____

(Page 1 through end):

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION

Causes Moderate Eye Irritation • Harmful If Swallowed, Inhaled, Or Absorbed Through Skin

Avoid contact with eyes, skin, or clothing. Avoid breathing spray mist.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are [registrant inserts correct chemical-resistant material]. If you want more options, follow the instructions for category [registrant inserts A, B, C, D, E, F, G, or H] on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear

- Long-sleeved shirt and long pants
- Shoes plus socks, and
- Chemical-resistant gloves

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

When handlers use closed systems or enclosed cabs in a manner that meets the requirement listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR part 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
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Note: Have the product container or label with you when calling a Poison Control Center or doctor or going for treatment.

Environmental Hazards

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 apply when weather conditions favor drift from target area. Do not contaminate water when disposing of equipment washwaters.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protections Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Chemical-resistant gloves
- Chemical-resistant footwear plus socks

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children and domestic animals off treated areas until this material has been washed into the soil.

Storage and Disposal

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

Storage: Store in a dry location away from children, animals, foods, feeds, seeds, or other agricultural chemicals. Handle in accordance with information given under Precautionary Statements. In the event of spillage or leakage, soak up material with absorbent clay, sand, sawdust, or other absorbent material. Scrape up and dispose of in accordance with information given under Disposal. Repackage and re-label usable product in a sound container.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: 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.

GENERAL INFORMATION

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MSMA 51% herbicide is a selective post-emergent product for weed control in cotton. This product does not contain a surfactant. A suitable non-ionic surfactant labeled and cleared for application to growing crops should be added to the spray tank. Local conditions and recommendations vary. Consult local agricultural experiment station or extension service weed specialists for recommendations in your area.

Use Precautions and Restrictions

- Best results are obtained on young, actively growing weeds at air temperatures above 70°F.
- Do not contaminate waters used for domestic consumption or by animals, wildlife, and aquatic life, or water for irrigation purposes.
- Do not spray or allow spray drift onto vegetables, ornamentals, or other desirable plants.
- Do not feed treated foliage to livestock or allow livestock to graze treated areas.
- Do not apply when weather conditions favor drift from target area.
- Do not apply by aircraft.
- **Chemigation:** Do not use this product through any type of irrigation system.
- Do not apply this product in Florida except on cotton in the counties listed in the cotton use section of the label.
- Aerial application is prohibited, except when applying to cotton

Mixing Instructions

MSMA 51% must be thoroughly mixed. Fill the spray equipment reservoir with about half the required amount of water and, with the pump or agitator operating add the required amount of herbicide and continue filling the reservoir with the balance of the water and apply. Add the surfactant according to manufacturer's recommended rate and mix thoroughly before using.

Do not store spray solution in tank overnight. After use, clean equipment thoroughly by flushing with water.

Weeds Controlled

A partial list of weeds controlled includes:

bahiagrass	goosegrass
barnyardgrass	johnsongrass
beggartick, hairy	morningglory
beggarweed, Florida	mustard, wild
brachiaria spp.	nutsedge
broomsedge	oats, wild
chickweed	pigweed
cocklebur	puncturevine
crabgrass (smooth and large)	purslane, common
dallisgrass	ragweed
dandelion	sandbur
dayflower	sicklepod
fall panicum	sorrel, wood
fiddleneck	spurge
foxtail (green and yellow)	witchgrass

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Application Instructions

Application Methods: MSMA 51% should be applied with a low volume, low pressure, properly calibrated sprayer having satisfactory pumping and bypass action. Apply during warm weather when weeds are actively growing. Adjust nozzles to keep spray off cotton foliage and in a manner to allow maximum of weeds. Adequate coverage is very important for effective weed control.

COTTON

- Only 1 application at 2 lbs ai/A is allowed per season, except when a salvage operation is needed.
- If a salvage operations if needed (i.e., if pigweed escapes the first application), then a second or repeat application at 2 lbs ai/A is allowed.
- A second or repeat application, if needed, should be timed 1 to 3 weeks after the first application. Apply only as a salvage operation. Apply only to health rapidly growing cotton 3 inches high, but no later than 6 inches high or early square, whichever occur first. Preference should be given to directed spray. In order to minimize injury, the second application should be made as a directed spray when possible.

MSMA 51% is useful as a directed postemergence spray in cotton for controlling weeds such as johnsongrass, nutsedge, dallisgrass, cocklebur, barnyardgrass, ragweed, sandbur, and puncturevine. Apply MSMA 51% at the rate of 2 ½ pints per acre. **Apply only when cotton is 3 inches high to first bloom. Do not apply after first bloom.**

Add 6 pints of MSMA 51% and 1 to 2 quarts of a suitable surfactant cleared for application to growing crops to 100 gallons of water and mix thoroughly. Apply spray solution at the rate of 40 gallons per acre. Weed control is most effective at temperatures above 70°F. For band application in 40-inch rows, apply 1 gallon of the MSMA spray solution per inch of band width. Direct the spray solution to the base of the cotton plant. Nozzles should be placed so as to avoid spraying the cotton foliage. A second application, after 1 to 3 weeks, may be required during humid growing conditions to control perennials such as johnsongrass and nutsedge.

Slight burning and reddish discoloration of the cotton leaves may occasionally occur following the recommended treatment; however, cotton plants will develop normally.

Do not feed treated foliage to livestock or graze treated areas.

Restrictions:

- Do not make more than (2) applications per season.
- Do not apply more than a total of 4 lbs ai/A per season
- Do not apply pre-plant to cotton.
- Do not apply within 50 feet of permanent water bodies or aquatic habitat, including, but not limited to, lakes, reservoirs, rivers, streams, marshes, ponds, and estuaries.
- Do not apply this product in Florida except on cotton grown in the following counties: Calhoun, Columbia, Escambia, Gadsden, Hamilton, Holmes, Jackson Jefferson, Okaloosa, Santa Rosa, Suwannee, Walton, and Washington.

Warranty Disclaimer

Dow AgroSciences warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Dow AgroSciences or the seller. All such risks shall be assumed by buyer.

Limitation of Remedies

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Dow AgroSciences' election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

The terms of the "Warranty Disclaimer" above and this "Limitation of Remedies" cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Dow AgroSciences or the seller is authorized to vary or exceed the terms of the "Warranty Disclaimer" or this "Limitation of Remedies" in any manner.

EPA-accepted / /