

63588-16

8-7-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 07 2009

Dr. Don Carlson, Ph.D.
Regulatory Affairs Representative
K-I Chemicals U.S.A., Inc.
11 Martine Ave., Suite 970
White Plains, NY 10606

Subject: Label Notification for Pesticide Registration Notice 2007-4
(EPA Registration Number 63588-16)

Dear Dr. Carlson,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated February 16, 2009 for the product Fluthiacet Methyl Technical (EPA Registration Number 63588-16). The Registration Division (RD) has conducted its review of this request for its applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4. The revised label submitted with the application has been stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please call me directly at 703-305-6249 or Steve Schaible of my staff at 703-308-9362.

Sincerely,

Rachel C. Halloran
for

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number K-I Chemical U.S.A. Inc. / 63588-16		2. EPA Product Manager Joanne I. Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) K-I Chemical U.S.A. Inc. / Fluthiacet-Methyl Technical		PM# 23	
5. Name and Address of Applicant (Include ZIP Code) K-I Chemical U.S.A Inc. 11 Martine Avenue, Suite 970, White Plains, NY 10606 <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 NOTIFICATION in composition and labeling to: EPA Reg. No. <u>AUG 07 2009</u> Product Name _____	

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____
 Resubmission in response to Agency letter dated _____ "Me Too" Application.
 Notification - Explain below. Other - Explain below.

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

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of TPA's regulations at 40 CFR subsections 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR subsections 156.10, 156.140, 156.144, 156.146 and 156.156, 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.

Section - III

1. Material This Product Will Be Packaged In:

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	2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container
100 kg Iron Drum

5. Location of Label Directions
 On container label

6. Manner in Which Label is Affixed to Product
 Lithograph
 Paper glued
 Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Don Carlson	Title Regulatory Affairs Representative	Telephone No. (Include Area Code) 215-439-6504
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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.

2. Signature *Don Carlson*

3. Title
Regulatory Affairs Representative

4. Typed Name
Don Carlson

5. Date
February 16, 2009

6. Date Application Received (Stamped)

TELEPHONE
(914) 682-8934



K-I CHEMICAL U.S.A. INC.

WESTCHESTER FINANCIAL CENTER
11 MARTINE AVENUE, SUITE 970
WHITE PLAINS, N.Y. 10606 U.S.A.

3/17
FACSIMILE
(914) 682-9050

Federal Express Tracking No.: 7963 4498 6415

February 16, 2009

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Dear Sir/Madam:

Subject: PR Notice 2007-4: Labeling Revisions Required by the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment."
Fluthiacet Methyl Technical, EPA Registration No. 63588-16 ✓
Fluthiacet-Methyl WSP Herbicide, EPA Registration 63588-15

K-I Chemical U.S.A. Inc. is herewith submitting, by Notification, revised labeling for the products Fluthiacet methyl Technical and Fluthiacet-Methyl WSP Herbicide, incorporating changes to the Container Disposal directions which are in accordance with Appendices B and C of PR Notice 2007-4.

The following items are enclosed in support of this Notification:

- 1) Three copies of revised labeling for each product. For the convenience of the reviewer, and to be clearly marked for photocopying, the revised portion (see page 2 of Fluthiacet methyl Technical label and page 13 of Fluthiacet-Methyl WSP Herbicide) which is highlighted in red, uses italic type and has been underlined.
- 2) A completed EPA Form 8570-1 for each product.
- 3) One copy of the current Container Disposal labeling (Fluthiacet Methyl Technical page 2, Fluthiacet-Methyl WSP Herbicide page 13).
- 4) A pre-stamped, self-addressed post card per PR notice 98-10.

Some of the recommended language in PR Notice 2007-4 is not compatible/consistent with the container disposal statements for a technical grade active ingredient (e.g., Fluthiacet Methyl Technical) or for a material packaged in Water Soluble Bags (e.g., Fluthiacet-Methyl WSP Herbicide). Accordingly, the labeling submitted herewith includes revisions to the container disposal directions of each label incorporating language from Appendices B and C of PR Notice 2007-4 where suitable and changes to make the previously approved label language compatible with the applicable PR Notice language.

In accordance with PR Notice 2007-4, since this action is an Agency-initiated amendment it is not subject to registration service fees under the Pesticide Registration Improvement Act (PRIA).

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NOTIFICATION



K-I Chemical U.S.A., Inc.

AUG 07 2009

FLUTHIACET-METHYL TECHNICAL

FOR FORMULATION ONLY INTO REGISTERED END-USE HERBICIDE AND HARVEST AID PRODUCTS

COMPOSITION

Active Ingredient: fluthiacet-methyl*	98.0%
Other Ingredients:	2.0%
Total:	100.0%

*CAS No. 117337-19-6

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

IF IN EYES

- Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.
- Remove contact lens, if present, after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for treatment advice.

IF SWALLOWED

- 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 INHALED

- 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.

HOT LINE NUMBERS

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

For 24 Hour Medical Emergency Assistance (Human or Animal): Call 1-888-454-3801

For Chemical Emergency Assistance (Spill, Leak, Fire, or Accident): Call 1-800-424-9300

EPA Reg. No. 63588-16
EPA Estab. No. 35475-JP-01
Made in Japan

Net Contents:

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Manufactured for:
K-I Chemical USA Inc.
11 Martine Ave.
White Plains, NY 10606

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates, and to some plants at very low concentrations. Do not discharge effluent containing this active ingredient 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 into sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This product may be used **only for formulation** into herbicides and harvest aids for the following uses: terrestrial food crops: soybeans, field corn, sweet corn, popcorn and cotton. Formulators using this product are responsible for obtaining registration for their formulated products.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Keep container tightly closed when not in use. This product may be stored in dry, unheated facility.

PESTICIDE DISPOSAL: Wastes resulting from use of this product may be disposed of at an approved waste disposal facility.

CONTAINER DISPOSAL:

Metal or Plastic Containers

Refillable Container: - *Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.* Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into formulation equipment. Then dispose of liner in a sanitary landfill, or incinerate if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner. For minor spills, leaks, etc., follow all precautions indicated on this label and clean up immediately. Take special care to avoid contamination of equipment and facilities during cleanup and disposal of wastes. In the event of a major spill, fire, or other emergency, call 1-800-292-5898, day or night.

LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

K-I CHEMICAL warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use.

To the extent consistent with applicable law, in no event shall K-I CHEMICAL or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. To the extent consistent with applicable law, the exclusive remedy of the user or buyer, and the exclusive liability of K-I CHEMICAL and 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 the product, shall be the return of the purchase price of the product or, at the election of K-I CHEMICAL or Seller, the replacement of the product.

To the extent consistent with applicable law, K-I CHEMICAL and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of K-I CHEMICAL.

This is the only warranty made for this Pesticide Product.

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