

66330-36

2/21/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

FEB 21 2009

Bill Washburn
Regulatory Manager
Arysta LifeScience North America LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

Subject: Label Notification(s) for Pesticide Registration Notices 2007-4 and 98-10
1. Update of company name
2. Update of warranty statements

~~Dear Mr. Washburn:~~

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4 and 98-10 dated January 6, 2009 for:

EPA Registration 66330-36 Fenhexamid Technical

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 2007-4 and 98-10 and finds that the label changes requested falls within the scope of PR Notices 2007-4 and 98-10. The label has been date-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 contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

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

2096

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98

 EPA Environmental Protection Agency Washington, DC 20460	United States	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 66330-36	2. EPA Product Manager Mary Waller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) FENHEXAMID TECHNICAL	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513		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. _____ FEB 21 2009 Product Name _____
<input type="checkbox"/> Check if this is a new address		

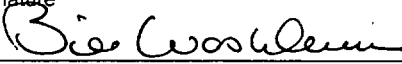
Section - II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below
Explanation: Use additional page(s) if necessary. (For Section I and Section II.) Notification of label change per PR Notices 98-10 and 2007-4. This notification is consistent with the guidance in PR Notices 98-10 and 2007-4 and the requirements of EPA's regulations at 40 CFR §§152.46, 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 §§152.46, 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 section 12 and 14 of FIFRA."	

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
*Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	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 55 gallon and bulk		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 type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Bill Washburn	Title Regulatory Manager	Telephone No. (Include Area Code) 901-432-5118
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 	3. Title Regulatory Manager	
4. Typed Name Bill Washburn	5. Date 1/6/09	



January 6, 2009

Ms. Mary Waller, PM 21
Document Processing Desk (NOTIF)
Office of Pesticide Programs – 750PC
U.S. Environmental Protection Agency
One Potomac Yard, Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

**Subject: FENHEXAMID TECHNICAL
EPA Reg. No. 66330-36**

***Notification of Label Change per PR Notice 2007-4
and PR Notice 98-10***

Dear Ms. Waller:

Please find the following enclosed:

- Application for Pesticide Registration (Other) dated 01/06/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

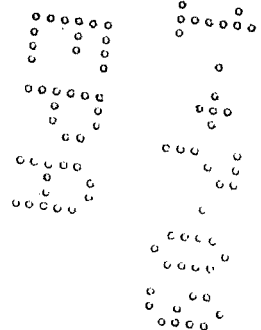
Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if the amendment is not consistent with the requirements of 40 CFR §§ 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.

Also in this submission, we are using PR Notice 98-10 to update the name of the company and warranty. Arysta LifeScience North America Corporation was changed to Arysta LifeScience North America, LLC.

Please acknowledge acceptance of this notification by stamping the extra copy of this letter and returning in the enclosed self-addressed stamped envelope. Should you have any questions or comments, please do not hesitate to contact me at 901-432-5118 or by e-mail at bill.washburn@arystalifescience.com

Sincerely,

Bill Washburn
Regulatory Manager



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FENHEXAMID TECHNICAL

FOR MANUFACTURING USE ONLY

FOR THE PRODUCTION OF END-USE PESTICIDES FOR DISEASE CONTROL IN VARIOUS CROPS AND ORNAMENTALS

Active Ingredient:

Fenhexamid*	98.6%
Other Ingredients	1.4%
Total	100.0%

* N-(2,3-dichloro-4-hydroxyphenyl)-1-methyl-cyclohexane carboxamide

NOTIFICATION

KEEP OUT OF REACH OF CHILDREN

FEB 21 2009

CAUTION

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • Call 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 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 warm 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 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 treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
<p align="center">FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE: Call PROSAR at 1-866-303-6952 or 1-651-632-8946 if calling from outside of the U.S.</p> <p align="center">FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident, call CHEMTREC at 1-800-434-9300 or 1-703-527-3887 if calling from outside of the U.S.</p>	

EPA Reg. No. 66330-36
EPA Est. No

Produced for:
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

NET CONTENTS: _____ POUNDS (_____ KILOGRAMS)

5096

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Wash thoroughly with soap and water after handling.

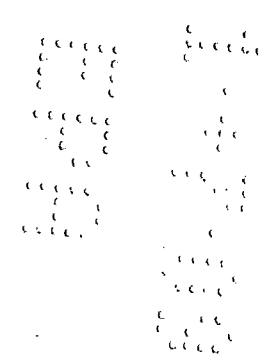
ENVIRONMENTAL HAZARDS: This pesticide is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollution Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer system without previously notifying the local sewage treatment plant authority. For guidance, contact your local State Water Board or regional office of the EPA.

PHYSICAL HAZARDS: Maintain dust concentration below 40 g/m³.

DIRECTIONS FOR USE

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

1. This product is for manufacturing use for the production of end-use pesticide products for disease control in almonds, bushberries, juneberries, lionberries, salal, caneberries, cilantro, cucumber, fruiting vegetables, ginseng, grapes, kiwi, leafy greens (except spinach), pear, oriental pear, pomegranate, , pistachios, stone fruit, strawberries and ornamentals;
2. Uses for which US EPA has Accepted the Required Data and or Citations of Data that the Formulator has Submitted in Support of Registration; and
3. Uses for Experimental Purposes that are in compliance with US EPA Requirements.



leaf 6

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a dry place away from excessive heat. Do not store near food or feed. Store in original container only.

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: Refillable container. Refill this container with this pesticide only. Do not reuse this container for any other purpose. Cleaning container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the seller. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing 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. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

NOTIFICATION

Warranty and Disclaimer Statement

FEB 21 2009

The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Such risks may arise from weather conditions, soil factors, off-target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Arysta LifeScience North America, LLC ("Arysta"), and can cause crop injury, injury to non-target crops or plants, ineffectiveness of the product, or other unintended consequences. All such risks shall be assumed by the user or buyer.

Arysta 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, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

This warranty does not extend to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to Arysta, and is subject to the inherent risks described above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA DISCLAIMS ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA, MANUFACTURER, AND SELLER DISCLAIM AND SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE, HANDLING, APPLICATION, STORAGE, OR DISPOSAL OF THIS PRODUCT OR FOR DAMAGES IN THE NATURE OF PENALTIES, AND THE USER AND BUYER WAIVE ANY RIGHT THAT THEY MAY HAVE TO SUCH DAMAGES. NO AGENT, REPRESENTATIVE OR EMPLOYEE OF ARYSTA IS AUTHORIZED TO MAKE ANY WARRANTY, GUARANTEE OR REPRESENTATION BEYOND THOSE CONTAINED HEREIN OR TO MODIFY THE WARRANTIES CONTAINED HEREIN. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE TOTAL LIABILITY OF ARYSTA, MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT ARYSTA'S ELECTION, THE REPLACEMENT OF THE PRODUCT.

Fenhexamid was invented and is produced by Bayer AG, Germany.