

66330-65

12-14-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 14 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Dr. Gary R. Orr
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, North Carolina 27513

Subject: Fluoxastrobin Technical
EPA Registration Number 66330-65
Decisions D398293, D398295, D400497, and D400502: Your amended master label that adds use on Field Corn, Low-Growing Berries (Crop Subgroup 13-07G), and Soybean and responds to Pesticide Regulation Notice 2007-4

Dear Dr. Orr,

The amended master label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended is acceptable, provided that you comply with the following conditions.

1. Make the following changes to the label:
 - a. In all locations on the label that refer to "Seed Corn" the reference must be changed to "Hybrid Seed Corn".
 - b. In the "STORAGE AND DISPOSAL" section move the sentences "Non-refillable container. Do not use or refill this container." From the "PESTICIDE STORAGE" subsection to the beginning of the "CONTAINER DISPOSAL" subsection.
2. Submit the following studies within the required timeframe. Further details concerning the required submissions can be found in the Health Effects Division reviews and risk assessment.
 - a. A satisfactory Immunotoxicity (Guideline Requirement Number 870.7800) study of Fluoxastrobin must be submitted by no later than September 30, 2011. Please feel free to contact us about study design prior to commencement of the study.

b. A satisfactory field corn processing study in which the crops are treated at an exaggerated rate (at least 5X) high enough that quantifiable residues in the grain can be reported must be submitted by December 31, 2010.

c. A satisfactory soybean processing study in which the crops are treated at an exaggerated rate (at least 5X) high enough that quantifiable residues in the grain can be reported must be submitted by December 31, 2010.

d. Analytical reference standards of the fluoxastrobin metabolite HEC 7154 [6-(2-chlorophenoxy)-5-fluoro-4-pyrimidinol], fluoxastrobin-d₄, fluoxastrobin-d₄ mixture with deuterated Z-isomer, and HEC 7154-d₄ must be provided to the EPA National Pesticide Standards Repository by March 31, 2010.

3. Submit one copy of your final printed labeling before you release the product for shipment.

If these conditions are not complied with, the registration may be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have any questions about this letter, please contact John Bazuin at (703)305-7381 or bazuin.john@epa.gov.

Sincerely yours,

John B. Bazuin, Jr.
for

Shaja Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7505P)

Attachment: Master label stamped "ACCEPTED with COMMENTS"

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FLUOXASTROBIN TECHNICAL

FOR FORMULATION PURPOSES ONLY

Formulators who use this product are responsible for obtaining EPA registration for their formulated product.

ACTIVE INGREDIENT:	By wt.
Fluoxastrobin: [(1E)-[2-[[6-(2-Chlorophenoxy)-5-fluoro-4-pyrimidinyl]oxy]phenyl] (5,6-dihydro-1,4,2-dioxazin-3-yl)methanone-O-methyloxime].....	95.76%
OTHER INGREDIENTS:	4.24%
TOTAL	100.00%

EPA Reg No. 66330-65

EPA Est. No.

NET CONTENTS:

Batch Code: _____

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

**ACCEPTED
with COMMENTS
In EPA Letter Dated
— DEC 14 2009**

For Product Use Information Call 1-866-761-9397

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, the pesticide
registered under EPA Reg. No.
66330-65**

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID	
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.
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. Call a poison control center or doctor for treatment advice.
If swallowed	<ul style="list-style-type: none"> Immediately call a poison control center or doctor for treatment advice. Do not induce vomiting unless told to do so by a poison control center or doctor. Have person sip a glass of water if able to swallow. Do not give anything by mouth to an unconscious person.
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p> <p style="text-align: center;">FOR 24-HOUR MEDICAL EMERGENCY ASSISTANCE: Call PROSAR at 1-866-303-6952 or 1-651-632-8946 if calling from outside of the U.S.</p>	

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Harmful if absorbed through skin. Harmful if swallowed. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. Avoid contact with eyes or clothing. Wear protective eye wear. Wear: Long-sleeved shirt and long pants, Socks, Shoes, and gloves.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other public waters unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of 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 a fungicide for the uses listed below:

1. The following approved uses:

- for control of certain diseases in peanuts, tuberous and corm vegetables, leaf petiole vegetables, field corn, seed corn, soybeans, fruiting vegetables, and low growing berries
 - for soilborne/seedling disease control in field corn, seed corn, soybean low growing berries.
 - for control of certain diseases in turf
 - for suppression of seed-borne disease as a seed treatment in potato, peanut and turf
2. Uses for which the U.S. 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 U.S. EPA requirements

This product may be used to formulate products for specific use(s) not listed on this label if the formulator, user group, or grower has complied with U.S. EPA requirements regarding the support of such use(s).

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

Non-refillable container. Do not reuse or refill this container. Store in original container and keep tightly closed. Store in a cool dry place.

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

Offer for recycling if available.

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FOR 24-HOUR CHEMICAL EMERGENCY ASSISTANCE:

Spill, leak, fire, exposure, or accident, call CHEMTREC at 1-800-424-9300 or 1-703- 527-3887 if calling from outside of the U.S.

Warranty and Disclaimer Statement

1. 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.
2. 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.
3. 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, EXPRESS 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.**
4. **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.**