

66330-65

10/13/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

OCT 13 2010

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  
Decision D411400: Your amended technical label that  
adds use on sweet corn and wheat

Dear Dr. Orr,

The amended technical 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 the second bulleted item after "1. The following approved uses:" in the "DIRECTIONS FOR USE" section on page 2 change "...potato and tuber/corm vegetables..." to "...potatoes and other tuberous and corm vegetables."

2. Submit the following studies and/or information within the required timeframe. Further details concerning the required submissions can be found in the Health Effects Division reviews and risk assessment.

a. Submit, by no later than September 30, 2011, a satisfactory Immunotoxicity (Guideline Requirement Number 870.7800) study of Fluoxastrobin. Please feel free to contact us about study design prior to commencement of the study.

b. Submit, by no later than 18 months following the date of this letter, two additional acceptable sweet corn field trials reflecting the proposed use pattern, one each from Zones 1 and 5. The additional field trials should include use of an adjuvant.

c. Submit, by no later than 18 months following the date of this letter, two additional acceptable wheat field trials reflecting the proposed use pattern, from Zone 8. The additional field trials should include use of a crop oil concentrate.

Note: All additional field trials should include an adjuvant (sweet corn) or crop oil concentrate(wheat).

d. Submit, by June 30, 2011, an acceptable Tier I seedling emergence (Guideline Requirement Number (GRN) 122-1) (OPPTS 850.4100) study that tests the subject product (EPA Registration No. 66330-64) at the new high use rate for drench use on ornamentals.

e. Submit, by June 30, 2011, an acceptable Tier I vegetative vigor (GRN 122-1) (OPPTS 850.4150) study that tests the subject product (EPA Registration No. 66330-64) at the new high use rate for drench use on ornamentals.

f. Submit, by December 31, 2011, one acute (10-day) spiked sediment toxicity test, as described in the OPPTS 850.1735 and 850.1740 protocols. This study will reduce risk assessment uncertainties in regard to freshwater and estuarine/marine sediment dwelling organisms. Note: the submissions must include one study per each of the referenced guidelines above.

g. Submit, by December 31, 2011, one chronic (28-day) spiked sediment toxicity test, as described in the OPPTS 850.1770;850.1760 or OECD 218 protocols. This study will reduce risk assessment uncertainties in regard to freshwater and estuarine/marine sediment dwelling organisms. Note: This submission requires only one study.

h. Submit, by 18 months from the date of this letter, an acceptable Tier II aquatic plant growth study (OPPTS 850.5400), using HEC 7155, of *Selenastrum capricornutum* that determines the NOAEC or the EC<sub>05</sub>.

i. For the 96-hour acute study of the toxicity of technical fluoxastrobin to the sheepshead minnow (OPPTS 850.1000) either upgrade the study to acceptable by submission of documentation on the limit of fluoxastrobin in saltwater under


test conditions (documentation as specified in OPPTS Series 850.1000) or else submit a new, acceptable such study to the Agency by 15 months from the date of this letter.

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,

  
Shaja B. Joyner, Product Manager-20  
Fungicide Branch  
Registration Division (7505P)

Attachment: Technical label stamped "ACCEPTED with COMMENTS"



Arysta LifeScience

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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:**

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%

By wt.

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:**

**OCT 13 2010**

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

*66330-65*

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

## KEEP OUT OF REACH OF CHILDREN

### CAUTION

FIRST AID	
<b>If on skin or clothing</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 in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>• Immediately call a poison control center or doctor for treatment advice.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p> <p><b>FOR 24-HOUR MEDICAL EMERGENCY ASSISTANCE:</b> Call PROSAR at 1-866-303-6952 or 1-651-632-8946 if calling from outside of the U.S.</p>	

## 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 corn (field, sweet and hybrid seed corn), fruiting vegetables and leaf petiole vegetables, listed low growing berries, peanuts, potato and tuber/corn vegetables, soybean, and wheat.
- For soilborne/seedling disease control in field corn, hybrid seed corn, soybeans, and 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

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

Non-refillable container. Do not reuse or refill this container. Offer for recycling if available.

### 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.**