

66330-65

08-18-2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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

AUG 18 2011

Subject: Fluoxastrobin Technical
EPA Reg. No. 66330-65
EPA Decision Number: 433137
Your master label amendment associated with tolerance petition # 0F7726 and submitted on May 28, 2011 and resubmitted with changes on August 10, 2011 that adds uses in or on Squash/Cucumber Subgroup 9B

Dear Dr. Orr,

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended are acceptable.

Arysta LifeScience is required to address the following data gaps and/or deficiencies noted on page 5 of the Human Health Risk Assessment (DP 379110) and page 3 of the Ecological Risk Assessment (DP 379112 and 384375) :

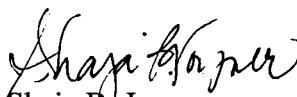
- OPPTS 860.1650 – Analytical Reference Standards
 - Arysta must provide an analytical reference standard of the metabolite HEC 7154 to the EPA National Pesticide Standards Repository.
- OPPTS 870.7800 – Immunotoxicity – due to the Agency by 9/30/11
 - Additional information on the mouse subchronic immunotoxicity study is needed for a potential upgrade.
- OPPTS 860.1500 – Crop Field Trials – due to the Agency 18 months from the date of this letter
 - To fulfill geographic distribution requirements, an additional cucumber field trial must be conducted in region 2.
- OPPTS 850.1735 – Whole Sediment: Acute Freshwater Invertebrates – due to the Agency by 12/31/11
- OPPTS 850.1740 – Whole Sediment: Acute Marine Invertebrates – due to the Agency by 12/31/11

- OPPTS 850.1770 – Whole Sediment: Chronic Invertebrates Freshwater and Marine – due to the Agency by 12/31/11
- OPPTS 850.1760 – Whole Sediment: Chronic Invertebrates Freshwater and Marine – due to the Agency by 12/31/11
- OPPTS 850.5400 – Tier II Aquatic Plant Growth Study – due to the Agency by 4/13/12.

Additionally, a 96 hour acute study on the toxicity of the technical fluoxastrobin to sheepshead minnow (MRID 458654-17) does not fulfill the guideline solubility limit requirement for an acute toxicity study OPPTS 850.1075. This study is due to the Agency by 1/15/12.

One copy of each label stamped “Accepted” is enclosed for your records. These labels supersede all labels previously accepted for this product. Please submit one copy of the final printed label before the product is released for shipment. If you have any questions, please contact Heather Garvie by phone at: 703-308-0034 or via email at: garvie.heather@epa.gov.

Sincerely,



Shaja B. Joyner
Product Manager 20
Fungicide Branch
Registration Division

Enclosure: Stamped label; Human Health Risk Assessment (DP 379110), Drinking Water Assessment (DP 379114 and 384377); Ecological Risk Assessment (DP 379112 and 384375), Chemistry and Residue Data review (DP 380846), Chronic Dietary Exposure Assessment (DP 380847), and Occupational and Residential Exposure Assessment (DP 380848) were mailed to the attention of Dr. Gary Orr on 6/1/11

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ACCEPTED
with COMMENTS
In EPA Letter Dated
AUG 18 2011

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

Label Information Page

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].....

By wt.

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

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

**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 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.
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.
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: Call PROSAR at 1-866-303-6952 or 1-651-632-8946 if calling from outside of the U.S.	

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Harmful if absorbed through skin or 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. Wear protective eye wear and 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/corm vegetables, soybean, squash/cucumber subgroup 9B, and wheat.
- For soilborne/seedling disease control in corn (field, sweet and hybrid seed corn), soybeans, (squash/cucumbers) subgroup 9B, 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 HANDLING

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available, or dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

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.

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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.**

FLUOXASTROBIN TECHNICAL (PENDING) 04/11/10 RESUBMITTED08/03/11