

66330-386

8/27/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 27 2009

Mr. Jonathan A. Janis
Regulatory Manager
Arysta LifeScience North America LLC
15401 Weston Parkway, suite 150
Cary, NC 27513

RE: Notification of Change in Warranty Statement
EPA Registration Number: 66330-386
Submission Dated: July 6, 2009

Dear Mr. Janis:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated, July 6, 2009, for the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely yours,


A handwritten signature in black ink, appearing to read "Linda Arrington".

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

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Please read instructions on reverse before completing form.

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

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

Application for Pesticide - Section I

1. Company/Product Number Arysta LifeScience North America, LLC. / 66330-386	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Arysta LifeScience North America, LLC /	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513 <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 similar or identical in composition and labeling to: EPA Reg. No. <u>NOTIFICATION</u> Product Name <u>AUG 27 2009</u>	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

Notification of Changes in Warranty Statement per PR Notice 98-10 for Fluroxypyr Technical Herbicide (EPA Reg. No. 66330-386). Enclosed please find one copy of the new label with the changes to the Warranty Statement and a strike out version of the label to illustrate the changes. This label also includes the changes requested per the Agencies letter dated, June 1, 2009. The final printed labeling will be submitted to the Agency prior to shipment of the product.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input 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 <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product			<input type="checkbox"/> Other _____		
			<input type="checkbox"/> Lithograph <input 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 Jonathan A. Janis	Title Regulatory Manager	Telephone No. (Include Area Code) 919-678-4917
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 of both under applicable law.		6. Date Application Received (Stamped)
2. Signature <i>Jonathan A. Janis</i>	3. Title Regulatory Manager	
4. Typed Name Jonathan A. Janis	5. Date July 6, 2009	

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Arysta LifeScience

**REGISTRATION ACTION:
NOTIFICATION- CHANGES IN WARRANTY STATEMENT**

FEE CATEGORY:
REGISTRATION FEE: NO FEE ASSOCIATED WITH THIS ACTION

July 10, 2009

Courier delivery via FEDEX

Mrs. Joanne Miller, Product Manager 23
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
One Potomac Yard, 2777 South Crystal Drive
Arlington, VA 22202-4501

Dear Mrs. Miller:

**Subject: Fluroxypyr Technical Herbicide, EPA Reg. No. 66330-386.
Notification of Change of Warranty Statement per PR Notice 98-10.**

Arysta LifeScience North America, LLC, had reviewed and made the revisions to the Fluroxypyr Technical Herbicide label to include the conditions per the Agency's letter dated, June 1, 2009. The final printed labeling will be submitted to the Agency prior to shipment of the product.

Additionally, Arysta LifeScience North America, LLC is requesting to revise the Warranty Statement on the Fluroxypyr Technical Herbicide. Enclosed please find one copy of the Fluroxypyr Technical Herbicide with the warranty statement changed and a highlighted (strike-out) version of the label. This revised warranty statement was reviewed and approved for the Fluroxypyr product registrations, Obtain EC Herbicide (EPA Reg. No. 66330-385) and Obtain WGD Herbicide (EPA Reg. No. 66330-387). To facilitate the state registration process of the Fluroxypyr Technical Herbicide, Arysta is requesting the Agency to provide Arysta with a stamped approved Fluroxypyr Technical Herbicide label submitted in this notification.

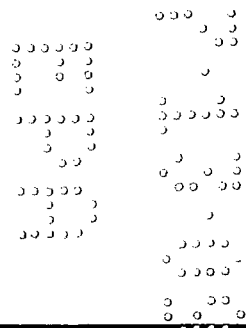
This notification is consistent with the provisions of PR Notice 98-10 and the EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statements to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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.

Should you have any questions or comments pertaining to Arysta's Fluroxypyr registrations, please feel free to contact me via email at jonathan.janis@arystalifescience.com or via phone at 919-678-4917.

Regards,

Jonathan A. Janis

Jonathan A. Janis
Registration Manager



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FLUROXYPYR
TECHNICAL HERBICIDE
For use only in the manufacture of herbicides

ACTIVE INGREDIENT(S):	BY WT.
fluroxypyr 1-methylheptyl ester:	
((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetic acid,	
1-methylheptyl ester	98.90%
Other Ingredients	<u>1.10%</u>
TOTAL	100.00 %

CAUTION PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail)

Read the entire label before use

KEEP OUT OF REACH OF CHILDREN

Precautionary Statements
Hazards to Humans and Domestic Animals

Causes moderate eye irritation. Harmful if inhaled or absorbed through the skin. Avoid contact with eyes, skin or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

Manufactured for:
ARYSTA LIFESCIENCE NORTH AMERICA, LLC
15401 Weston Parkway, Suite 150
Cary, North Carolina 27513

EPA Registration No.66330-386

EPA Est. No. 73660-CHN-001

NET WEIGHT _____ LBS

FIRST AID	
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 first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If inhaled:	<ul style="list-style-type: none"> • Move person to fresh air.

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	<ul style="list-style-type: none"> • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further 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.
EMERGENCY TELEPHONE NUMBERS:	
<p>Have the product container or label with you when calling a poison control center, or doctor or going for treatment. FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE CALL: 1-866-303-6952 or 1-651-632-8946 FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300</p>	

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product directly 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 in 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.

Only for formulation into a herbicide, for:

- (1) Crops including barley, wheat and oats, field corn, sweet corn, sorghum and grasses grown for seed, onions , pome fruit, fallow crop land, non-cropland including rangeland and permanent pastures,
- (2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration

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Manufacturing Chemical: Do not ship or store with food, feeds, drugs or clothing.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.
Pesticide Storage: Store in a cool dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food and feed. Store in original container and out of reach of children, preferably in a locked storage area.
Handle and open container in a manner as to prevent spillage. In case of leak or spill, use absorbent materials to contain material and dispose of waste. Refer to Precautionary Statements on label for hazards associated with the handling of this product. Do not walk through spilled material. Dispose of pesticide as directed below. In spill or leak incidents keep unauthorized people away. For help with any spill, leak, fire or exposure involving this material, call day or night CHEMTREC (703) 527-3887 or (800) 424-9300.
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:
Nonrefillable containers:
Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying.
Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.
Refillable containers:
Refill this container with pesticide only. Do not reuse this container for any other purpose. Triple rinse container (or equivalent) promptly after emptying. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Warranty and Disclaimer Statement

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.