

70252-8

1/31/2014

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Jimmy S. Lovell
Nation's Ag, LLC
20 Ambiance Drive
Burr Ridge, IL 60527

JAN 31 2014

Subject: Notification for label changes per PRN 2007-4: Revise language for all packages size
Submission date: 12/28/13
Product Name: Nation's Ag Metalaxyl Technical for Seed Treatment
EPA Reg. No. 70252-8
Decision Number 486876

Dear Mr. Lovell:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4. The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the action(s) requested falls within the scope of PRN 2007-4. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have questions concerning this letter, please call Banza Djapao at 703-305-7269 or via email at djapao.banza@epa.gov, or you may call me at 703-305-5410.

Sincerely,

A handwritten signature in black ink, appearing to read "Hope Johnson".

Hope Johnson
Product Manager 21
Fungicide Branch
Registration Division (7504P)



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 70252-08	2. EPA Product Manager Hope Johnson	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nation's Ag Metalaxyl Technical for Seed Treatment	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Steve Lovell 20 Ambriance Drive Burr Ridge, IL 60527 <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. _____ Product Name _____	

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.)

Submission of label language for new package size using the exact language set forth in PR Notice 2007-4 regarding container type and reuse (non-reusable paper bags). As indicated in Section III.B.ii on page 4 of PRN 2007-4, this non-reusable flexible packaging does not bear residue removal instructions.

Section - III

1. Material This Product Will Be Packaged In:			
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	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 25,50 and 500kg	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 checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Jimmy S. Lovell	Title VP, Regulatory Affairs	Telephone No. (Include Area Code) 757 869 6177
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 or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Vice President, Regulatory Affairs	
4. Typed Name Jimmy S. Lovell	5. Date 12/28/13	

Addendum to EPA Form 8570-1 dated 1/29/14

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR Sections 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 wilfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR Sections 156.16, 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.

J. Howell
1/29/14



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December 28, 2013

Ms. Hope Johnson, PM 21
U.S. EPA, Office of Pesticide Programs
Registration Division (7505P)
One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-3553

Re: Nation's Ag Metalaxyl Technical for Seed Treatment
EPA Reg. Number 70252-8
Your letter of 12-5-2013

Dear Ms. Johnson:

As requested in your December 5th letter, I am enclosing 3 copies of labeling for the subject product that comply with PR Notice 2007-4. I have also enclosed a copy of our previous label with the Storage and Disposal language marked to indicate the changes that were made. Essentially, we have deleted the language regarding residue removal since this language is not required on non-reusable flexible packaging. This product is packaged only in 25kg, 50kg, and 500kg paper bags. Therefore, none of these packages require residue removal instructions, so the labeling would be the same for all package sizes that we manufacture.

Please notify me by email if you have any questions or suggestions regarding this label.

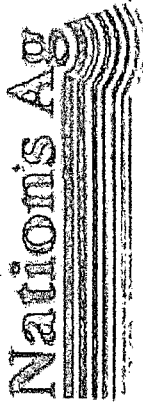
Sincerely Yours,

A handwritten signature in black ink, appearing to read 'J. Lovell', is written over the typed name.

J. Steve Lovell
Vice President, Regulatory Affairs
757-869-6177
stevelovell@comcast.net

NOTIFICATION

JAN 31 2014



METALAXYL TECHNICAL

FOR SEED TREATMENT

Active ingredient: Metalaxyl: N-(2,6-dimethylphenyl)-1,1-dimethylethyl 2-methyl ester. 97%
Inert ingredients: 3%
TOTAL: 100%
EPA Est. No. 072036-CHN-001
081359-CHN-001
089858-CHN-001
EPA Reg. No. 70252-8

KEEP OUT OF REACH OF CHILDREN
WARNING

FIRST AID:	
IF IN EYES	• 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 eye. • Call a poison control center or doctor for treatment advice.
IF SWALLOWED	• Call a 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 to by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF ON SKIN	• 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 INHALED	• Move person to fresh air. • If person is not breathing, call 911 or ambulance; then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
For MEDICAL Emergencies involving this product, call 1-800-308-5391. Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

PRECAUTIONARY STATEMENTS:

HAZARDS TO HUMANS AND DOMESTIC ANIMALS: WARNING:

May cause substantial but temporary eye injury. Harmful if swallowed or absorbed through the skin. Do not get in eyes or on clothing. Wear goggles or face shield. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS:

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with 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 to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

DIRECTIONS FOR USE:

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

STORAGE AND DISPOSAL:

PROHIBITIONS: Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited. Do not reuse empty containers.
PESTICIDE STORAGE: Store in original container only, in a cool, dry, locked area. Store separately from other pesticides, fertilizers, food or feed to prevent contamination. In case of a spill or broken container, call CHEMTREC at 1-800-424-9300.
PESTICIDE DISPOSAL: Wastes resulting from the use of this product are acutely toxic. Improper disposal of unused pesticide is a violation of Federal law. Pesticides that cannot be disposed of according to label instructions must be disposed of according to federal, state and local procedures. For guidance in proper disposal methods, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office.
CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If recycling is not available, dispose of empty container in sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

FORMULATION:

Use Pattern: This product is for formulator use in the manufacture of agricultural seed treatment fungicidal products only, offered for sale to the public, and which are duly registered with the Environmental Protection Agency, Washington, DC, for the uses listed below.

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

FORMULATION ASSISTANCE: Additional information regarding specific problems in formulations involving this product may be obtained by writing: Nation's Ag, LLC, 3124 Great Wood Way, Knoxville, TN 37922.

Only for formulation into seed treatment fungicidal products, for the use sites listed below:

CROP	MAXIMUM USE RATE (Oz. a.i./cwt)	DISEASE
Carrots	0.25	For control of <i>Pythium</i> damping-off.
Cotton	0.50	For <i>Pythium</i> seed rot and damping-off.
Peanuts	0.25	For <i>Pythium</i> seed rot and damping-off.
Soybeans	0.50	For <i>Pythium</i> damping-off and early season <i>Phytophthora</i> control.
Sorghum (for disease resistant cultivars)	0.25	For control of <i>Pythium</i> and systemic downy mildew.
Sorghum (for non-disease resistant cultivars)	0.50	For control of <i>Pythium</i> and systemic downy mildew.
Sprach	0.25	For <i>Pythium</i> damping-off.
Sunflowers	1.0	For control of systemic downy mildew.
Garden Beets (including Sugar Beets)	0.25	For control of <i>Pythium</i> damping-off.
Forage Legumes	0.50	For <i>Pythium</i> damping-off and early season <i>Phytophthora</i> control.
Alfalfa, clover, lespedeza, beans (for forage), soybeans (for forage), soybean hay, peanuts (for forage), peanut hay, peas (for forage), pea vine hay, cowpeas (for forage), cowpea hay, trefol, vetch and velvet beans (for forage).	0.25	For <i>Pythium</i> damping-off control.
Grain Crops	0.25	For control of systemic downy mildew.
Wheat, barley, rye, oats, millet, milo, corn (field corn, sweet corn and popcorn), buckwheat and triticale.	0.50	For <i>Pythium</i> damping-off and early season <i>Phytophthora</i> control.
Sweet Corn	0.50	
Rice	0.50	
Vegetables (Seed and Pod)	0.25	

Black-eyed peas, chickpeas (Garbanzoes), cowpeas, dill, edible soybeans, field beans, field peas, garden peas, green beans, kidney beans, lima beans, lupines, navy beans, peas, pole beans, snap beans, string beans, wax beans and lentils.
Peas 0.50

For Pythium damping-off and systemic downy mildew.

For control of Pythium damping-off.
For Pythium damping-off control on golf courses, home lawns, reclamation and erosion control projects.

Grazes grown for hay grazing or silage corn (fodder or silage), sorghum (hay or silage), and small grain grown for hay or grazing.

For Pythium damping-off control.

For Pythium damping-off control.

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NOTICE- READ CAREFULLY CONDITIONS OF SALE AND LIMITED WARRANTY

Treatment of highly mechanically damaged seed, or seed of known low vigor or poor quality, may result in reduced germination and/or reduction of seed and seedling vigor. Treat and conduct germination tests on a small portion of seed before committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of Nation's Ag, LLC, no claims are made to guarantee germination of carry-over seed.

Nation's Ag warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the Directions for Use when it is used in accordance with such directions. NATION'S AG, LLC NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE TO MAKE, ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULT FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS, OR CAUTIONS. BUYER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED TO THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES, RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. Nation's Ag, LLC and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warranty.

EPA 122513

Nation's Ag, LLC
3124 Great Wood Way
Knoxville, TN 37922

Net Content: 500KG

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