

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



**OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES**

Ms. Shannon Yanocha
Nichino America, Inc.
4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808

MAR 26 2010

Dear Ms. Yanocha:

Subject: Flutolanil Technical
EPA Reg. No. 71711-5
Your label amendment dated March 12, 2009 adding cotton, soybean and
sugarbeet seed treatment
OPP Decision Number 407124

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

You must submit the following as conditions of registration:

The revised Toxicology Data Requirements for Conventional Pesticides [40 CFR
§158.340] now include studies which are better able to detect toxicities that are outside
the scope of standard subchronic and chronic assays. These new study requirements
are:

- (1) Acute neurotoxicity, OPPTS Guideline 870.6200a, due April 1, 2011.
- (2) Subchronic neurotoxicity, OPPTS Guideline 870.6200b, due April 1, 2011.
- (3) Immunotoxicity, OPPTS Guideline 870.7800, due April 1, 2011.

The following ecotoxicity studies are also required:

- (4) Tier I Vegetative Vigor study, GRN 123-2, OPPTS 850.4150, due April 1, 2011.
- (5) Tier I Seedling Emergence study, GRN 123-2, OPPTS 850.4100, due April 1, 2011.

Please submit one copy of your final printed labeling before you release the product for shipment. A stamped copy of the label is enclosed for your records. If you have any questions, please contact Lisa Jones on my team at (703) 308-9424 or at jones.lisa@epa.gov.

Sincerely,

Lisa Jones FOR

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

Enclosure: Stamped Label

March 24, 2010, Environmental Fate and Ecological Risk Assessment for New Use of Flutolanil as Seed Treatment for Cotton, Soybeans, and Sugar Beets

January 22, 2010, Flutolanil. Human Health Risk Assessment. Requests for Tolerances for Seed Treatment Use on Soybean, Cotton, and Sugar Beet

Stamped "accepted with comments, March 26, 2010"
on second page

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Flutolanil Technical

For Formulating Use Only

ACTIVE INGREDIENTS:

N-[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide.....98.3%

OTHER INGREDIENTS..... 1.7%

TOTAL 100.0%

EPA Reg. No. 71711-5

EPA Est. No. 61484-JPN-001

KEEP OUT OF THE REACH OF CHILDREN CAUTION

FIRST AID

If on skin or clothing	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.
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PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

Environmental Hazards

Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans or public waters unless this product is specifically identified and addressed in a NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the 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 which is inconsistent with its labeling.

Only for formulation into a fungicide, for:

- (1) The following uses: peanuts; rice; potatoes; seed treatment for cotton, soybeans and sugar beets; and turf and ornamentals;
- (2) Uses for which USEPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration;
- (3) Uses for experimental purposes that are in compliance with USEPA requirements.

Active Ingredient Made in Japan for
Nichino America Inc.
4550 New Linden Hill Rd., Suite 501
Wilmington, DE 19808
888-740-7700

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Formulation Information

Each formulator is responsible for obtaining EPA registration for his/her own end-use products. Technical information on formulations of this product as well as its physical and chemical characteristics may be obtained from Nichino America, Inc.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container and keep 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: Nonrefillable container. Do not reuse or refill this container. Completely empty bag by shaking and tapping sides to loosen clinging particles. Empty residue into formulation equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or if allowed by state and local authorities by burning. If burned stay out of smoke.

IMPORTANT: READ BEFORE USE

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be accurate and must be followed carefully. However, because of extreme weather and soil conditions, use methods and other factors beyond the control of Nichino America, Inc. (NAI), it is impossible for NAI to eliminate all risks associated with the use of this product. As a result, crop injury or ineffectiveness is always possible. To the extent consistent with applicable law, all such risks are assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of NAI is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, NAI disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT THE ELECTION OF NICHINO AMERICA, THE REPLACEMENT OF PRODUCT.

Rev: FlutTech 032510

ACCEPTED
with COMMENTS
In EPA Letter Dated:
MAR 26 2010

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

71711-5