4/30/2013





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

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Michael Kellogg Tacoma Ag, LLC c/o Pyxis Regulatory Consulting Inc. 4110 136<sup>th</sup> Street NW Gig Harbor, WA 98332



Subject:

Label Notification per PRN 98-10

Current Primary Brand Name: Tacoma Ag Sodium Acifluorfen 44% MUP

Proposed Primary Brand Name: Sodium Acifluorfen 44% MUP

EPA Registration Number: 83520-25 Application Dated: February 11, 2013

Dear Mr. Kellogg,

The Agency is in receipt of your application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for Tacoma Ag Sodium Acifluorfen 44% MUP (EPA Reg. No. 83520-25) dated February 11, 2013. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The new primary brand name Sodium Acifluorfen 44% MUP is accepted. Our records will be updated to reflect this change.

If you have any questions, please contact Emily Hartman of my staff at (703) 347-0189 or hartman.emily@epa.gov.

Sincerely,

Kathryn V. Montague, Product Manager 23

Herbicide Division Registration Division

Office of Pesticide Programs

Form Approved. OMB No. 2070-0060, Approval expires 2-28-95 Please read instructions on reverse before completing form. **OPP Identifier Number** Registration **United States Environmental Protection Agency Amendment** Washington, DC 20460 Other Application for Pesticide - Section I 1. Company/Product Number 2. EPA Product Manager 3. Proposed Classification 83520-25 K. Montague Restricted 4. Company/Product (Name) PM# 23 Tacoma Ag, LLC/Tacoma Ag Sodium Acifluorfen 44% MUP 5. Name and Address of Applicant (Include ZIP Code) 6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3) Tacoma Ag, LLC (b)(i), my product is similar or identical in composition and labeling c/o Pyxis Regulatory Consulting Inc. NOTIFICATION 4110 136th St. NW EPA Reg. No. Gig Harbor, WA 98332 APR 3 0 2013 Check if this is a new address **Product Name** Section - II Final printed labels in repsonse to Amendment - Explain below. Agency letter dated Resubmission in response to Agency letter dated \_\_ "Me Too" Application. Notification - Explain below. Other - Explain below. Explanation: Use additional page(s) if necessary. (For section I and Section II.) Notification of a change in primary brand name per PRN 98-10. New primary brand name is "Sodium Acifluorfen 44% MUP". This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement 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. Section - III 1. Material This Product Will Be Packaged In: Child-Resistant Packaging **Unit Packaging** Water Soluble Packaging 2. Type of Container Metal Yes Yes Yes Plastic No Glass Paper No. per If "Yes" No. per IBC \* Certification must Unit Packaging wgt. container Package wgt Other (Specify) be submitted 3. Location of Net Contents Information 4. Size(s) Retail Container 5. Location of Label Directions On Label 264 gal (1,000 liters) On Labeling accompanying product Container 6. Manner in Which Label is Affixed to Product Lithograph Other Paper glued Stenciled CCCC Section - IV 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) Title Telephoné No. (Include Area Code) Name Michael Kellogg (253) 853-7369 Agent 6. Date Application Certification Received I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowlingly false or misleading statement may be punishable by fine or imprisonment or CCC(Stamped) both under applicable law. 3. Title 2. Signature Agent 4. Typed Name

Michael Kellogg

# 3/6

### PYXIS REGULATORY CONSULTING, INC.

4110 136<sup>th</sup> St. NW Gig Harbor, WA 98332

Phone: 253-853-7369 Fax: 253-853-5516 www.PyxisRC.com

February 11, 2013

### **COURIER DELIVERY**

Kathryn Montague (PM 23)
Document Processing Desk (**NOTIF**)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

RE: Tacoma Ag, LLC – Tacoma Ag Sodium Acifluorfen 44% MUP (EPA Reg. No. 83520-25) Submission of Change in Primary Brand Name Notification per PRN 98-10

Dear Ms. Montague,

On behalf of Tacoma Ag, LLC, please find the enclosed notification of a change in primary brand name for Tacoma Ag Sodium Acifluorfen 44% MUP (EPA Reg. No. 83520-25) per PRN 98-10. The new primary brand name is "Sodium Acifluorfen 44% MUP".

In support of this name change submission, we submit the following:

- 1. Completed Application for Registration (EPA Form 8570-1)
- 2. One (1) copy of the Sodium Acifluorfen 44% MUP label with changes tracked
- 3. One (1) copy of the Sodium Acifluorfen 44% MUP label with changes incorporated
- 4. Certification with Respect to Label Integrity
- 5. One (1) copy of the Sodium Acifluorfen 44% MUP label on CD
- 6. Letter of Authorization

Please contact me by telephone (253-853-7369) or e-mail (Mike@PyxisRC.com) if you have any questions or need any additional information.

Best regards,

Michael Kellogg

Enclosures

ce: K. Howard, Tacoma Ag, LLC

4/6

## NOTIFICATION APR 3 0 2013

### Sodium Acifluorfen 44% MUP

Deleted: Tacoma Ag

### FOR FORMULATION USE ONLY

ACTIVE INGREDIENT
Sodium salt of acifluorfen
[Sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate]
OTHER INGREDIENTS:
TOTAL

8 BY WT
44.0%
44.0%
100.0%

## KEEP OUT OF REACH OF CHILDREN DANGER—PELIGRO

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

FIRST AID	
If in eyes:	<ul> <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 eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
If swallowed:	<ul> <li>Immediately call a poison control center or doctor.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give any liquid to the person.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
If on skin or clothing:	<ul> <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>
If inhaled:	Move person to fresh air.     If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.  Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact CHEMTREC at 1-800-424-9300 for emergency medical information.

NOTE TO PHYSICIAN: Evacuation of the stomach might be advisable. Probable mucosal damage may contraindicate the use of gastric lavage.

EPA Reg. No. 83520-25 EPA Est. No. 81092-CHN-001

Manufactured For: Tacoma Ag, LLC P.O. Box 14073 Durham, NC 27713

NET CONTENTS: 264 Gal. (1,000 Liters)

1

## PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER

**CORROSIVE.** Causes irreversible eye damage. Harmful if swallowed, inhaled or absorbed through the skin. Do not get in eyes, on skin or clothing. Wear goggles or face shield when handling. Do not breathe vapor. In case of contact, immediately remove contaminated clothing and shoes. Wash contaminated clothing with soap and hot water before re-use. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

### **ENVIRONMENTAL HAZARDS**

Do not discharge effluent containing this product 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 to 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 Herbicide Products Intended For:** use on soybeans, rice, peanuts, strawberries; uses for which U.S. EPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration; uses for experimental purposes that are in compliance with U.S. EPA requirements for their formulated products.

### STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container only. Keep container closed when not in use. Do not store near food or feed. In case of spill on floor or paved surfaces, mop up and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to label. PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of federal law. If these wastes cannot be disposed of according to label instructions, contact your State Pesticide or Environmental Protection Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Nonrefillable rigid containers (greater than 5 gallons). Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse or pressure rinse (or equivalent). Triple rinse as follows: Empty the remaining contents into formulating equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into formulating equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over formulating equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Once properly rinsed, offer container for recycling, if available. If recycling is not available, dispose of in accordance with federal, state, and local regulations and procedures which may include puncturing the container and disposal in a sanitary landfill. If rinsate cannot be used, follow pesticide disposal instructions

Steps to be taken in case material is released or spilled: Dike and contain the spill with inert material such as sand, earth, etc. Transfer liquid to containers and solid diking material to separate containers for recovery and disposal.

### Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

### Warranty Disclaimer

Tacoma Ag, LLC warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, TACOMA AG, LLC MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILTY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

### Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Unintended consequences may result because of such factors as use of the product contrary to label instructions, presence of other materials, or other factors, all of which are beyond the control of Tacoma Ag, LLC or the seller. All such risks shall be assumed by buyer.

### Limitation of Remedies

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Tacoma Ag, LLC election, one of the following: Refund of purchase price paid by buyer or user for product bought, or Replacement of amount of product used.

To the extent consistent with applicable law, Tacoma Ag, LLC shall not be liable for losses or damages resulting from handling or use of this product unless Tacoma Ag, LLC is promptly notified of such loss or damage in writing. In no case, to the extent consistent with applicable law, shall Tacoma Ag, LLC be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Tacoma Ag, LLC or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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3