

83520-25

5/13/2013

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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> St. NW  
Gig Harbor, WA 98332

MAY 13 2013

Subject: Notification per PRN 2007-4 - Adding Refillable Container Language.  
Sodium Acifluorfen 44% MUP  
EPA Reg. No. 83520-25  
Application Dated: February 21, 2013

Dear Mr. Kellogg,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 for the subject product.

The Registration Division (RD) has conducted a review of this request for its applicability under PRN 2007-4 and finds that the action requested falls within the scope of this notice. The revised label has been stamped "Notification" and will be placed in our records, replacing all previously submitted versions.

If you have any questions regarding this letter, please feel free to contact Grant Rowland at (703) 347-0254 or [rowland.grant@epa.gov](mailto:rowland.grant@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn V. Montague".

Kathryn Montague Product Manager 23  
Herbicide Branch  
Registration Division (7505P)  
Office of Pesticide Programs



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 83520-25	2. EPA Product Manager K. Montague	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Tacoma Ag, LLC/Sodium Acifluorfen 44% MUP	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Tacoma Ag, LLC c/o Pyxis Regulatory Consulting Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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>MAY 13 2013</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.)

Submission of a label notification adding refillable container language per PRN 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 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 willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 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.

Section - III

1. Material This Product Will Be Packaged In:						2. Type of Container	
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		<input checked="" type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container	Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 264 gals., bulk		5. Location of Label Direction <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 Michael Kellogg	Title Agent	Telephone No. (Include Area Code) (253) 853-7369
2. Signature 		3. Title Agent
4. Typed Name Michael Kellogg		5. Date 2/21/13
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)

**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 21, 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

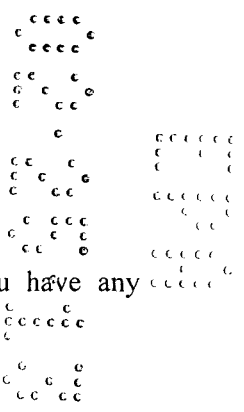
RE: Tacoma Ag, LLC – Sodium Acifluorfen 44% MUP (EPA Reg. No. 83520-25)  
Submission of a Label Notification adding Refillable Container language per PRN 2007-4

Dear Ms. Montague,

On behalf of Tacoma Ag, LLC, please find the enclosed label notification adding refillable container language to the Sodium Acifluorfen 44% MUP (EPA Reg. No. 83520-25) label per PRN 2007-4.

In support of this label notification 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

cc: K. Howard, Tacoma Ag, LLC

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# Sodium Acifluorfen 44% MUP

FOR FORMULATION USE ONLY

<b>ACTIVE INGREDIENT</b>	<b>% BY WT</b>
Sodium salt of acifluorfen	
[Sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate]	44.0%
<b>OTHER INGREDIENTS:</b>	<u>56.0%</u>
<b>TOTAL</b>	<b>100.0%</b>

## 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	
<b>If in eyes:</b>	<ul style="list-style-type: none"> <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>
<b>If swallowed:</b>	<ul style="list-style-type: none"> <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>
<b>If on skin or clothing:</b>	<ul style="list-style-type: none"> <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>
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
HOT LINE NUMBER	
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.	
<b>NOTE TO PHYSICIAN:</b> 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:      Gal. (      Liters)

**NOTIFICATION**

**MAY 13 2013**

**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 HANDLING:**

**[NONREFILLABLE CONTAINERS]**

**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.

**[REFILLABLE CONTAINERS]**

**Refillable container.** Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into formulating equipment. Fill the container

about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into formulating equipment or rinsate collection system. Repeat this rinsing procedure two more times. Return to point of sale or offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

**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.

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**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 MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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**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.

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**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.