

62719-464

08/24/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Raymond S. Brinkmeyer, Ph.D.
Regulatory Leader
Dow AgroSciences, LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

AUG 24 2009

Dear Dr. Brinkmeyer:

SUBJECT: Systhane M40
EPA Registration Number 62719-464
Your submission dated April 3, 2009
Signal word change
OPPIN Decision Number 408350

The amendment referred to above, submitted in connection with registration under section (3) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is acceptable.

Page 1 and page 6 – Precautionary Statements:

- Reorder the precautionary statements to read as follows: Harmful if swallowed. Causes Moderate Eye Irritation. Harmful if Absorbed Through Skin. Avoid contact with skin eyes or clothing.
- Remove the vertical space above the sentence beginning "Avoid contact with . . ."
- Change the second sentence from: "Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco." to: "Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, tobacco or using the toilet."

Page 1 and page 6 – First Aid Statements:

Move the entire First Aid section so that it goes between the end of the Precautionary Statements and the beginning of the Personal Protective Equipment section.

Page 1 and page 6 – User Safety Requirements:

- Place the text "Follow manufacturer's instructions . . . separately from other laundry" into a box and title the box "User Safety Requirements."
- Change the sentence: "If no such instructions for washables, use detergent and hot water." to: "If no such instructions for washables exist, use detergent and hot water."

Page 1 and page 6 – Engineering Controls:

Move the "Engineering Controls" section so that it follows the "User Safety Recommendations" box.

Page 7 – Use Restrictions: Label treated seed:

Change: "This seed is treated with Systhane M40. Do not use for food, feed, oil production or any other purpose except planting. Store away from treated foodstuffs." to: "This seed is treated with with Systhane M40, a myclobutanil product.

Do not allow children, pets or livestock to have access to treated seeds.

Wear long pants, long sleeved shirt and protective gloves when handling treated seed.

Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seed spilled during loading and planting.

Dispose of all excess treated seed by burying seed away from bodies of water.

Do not contaminate bodies of water when disposing of planting equipment wash water.

Dispose of seed packaging or containers in accordance with local requirements.

Do not use for food, feed, oil production or any other purpose except planting.

Store away from treated foodstuffs."

Page 7 – Warranty Disclaimer:

Change the sentence: "Dow AgroSciences makes no other express or implied warranty of merchantability or fitness for a particular purpose or any other express or implied warranty." to: "To the extent permitted by law, Dow AgroSciences makes no other express or implied warranty of merchantability or fitness for a particular purpose or any other express or implied warranty."

Page 16 – Limitation of Remedies:

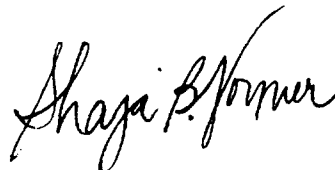
- Change the text: "Dow AgroSciences shall not be liable . . ." to: "To the extent permitted by law, Dow AgroSciences shall not be liable. . .".

In the future, please format label text so that when tables extend from one page to the next the table headings appear on both pages.

You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after 12 months from the date of this letter or the next printing of the label whichever occurs first, must bear the new revised label.

A stamped copy of the label is enclosed for your records. If you have any questions, please contact Lisa Jones of my team at (703) 308-9424 or at jones.lisa@epa.gov.

Sincerely yours,

A handwritten signature in black ink, reading "Shaja B. Joyner". The signature is written in a cursive style with a large, stylized "S" and "J".

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

Enclosure: Stamped label
Acute Toxicity review dated July 29, 2009

(Base label):

Systhane[®] M40**Fungicide****For Commercial Seed Treatment Only**

Active Ingredient:

myclobutanil: a-butyl-a-(4-chlorophenyl)-1H-

1,2,4, triazole-1-propanenitrile40%

Other Ingredients60%

Total100%

**ACCEPTED
with COMMENTS
In EPA Letter Dated:****AUG 24 2009****Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.****62719-464****Keep Out of Reach of Children****CAUTION**

Precautionary Statements

Hazards to Humans and Domestic Animals**Causes Moderate Eye Irritation • Harmful If Swallowed Or Absorbed Through Skin**

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

Personal Protective Equipment (PPE)**Applicators and other handlers must wear:**

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as natural rubber ≥ 14 mils
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

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 do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

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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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 day or night, for emergency treatment information.

Environmental Hazards

Do not apply directly to water or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate. Do not apply when weather conditions favor drift or runoff from areas treated.

(Storage and Disposal for rigid containers 5 gal or less)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry area above freezing.

Pesticide Disposal: Wastes resulting in the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application 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. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrigid containers any size)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry area above freezing.

Pesticide Disposal: Wastes resulting in the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for refillable rigid containers greater than 5 gal)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry area above freezing.

Pesticide Disposal: Wastes resulting in the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: 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 application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then

offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrefillable rigid containers larger than 5 gal)

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry area above freezing.

Pesticide Disposal: Wastes resulting in the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application 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 application equipment or a mix tank. Hold container upside down over application 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. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Refer to label booklet for Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of label booklet. If terms are unacceptable, return at once unopened.**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-464

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Produced for

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268

Net Weight ____

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(Label booklet cover):

Systhane[®] M40

Fungicide

For Commercial Seed Treatment Only

Active Ingredient:

myclobutanil: a-butyl-a-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile	40%
Other Ingredients	60%
Total	100%

Keep Out of Reach of Children

CAUTION

Refer to inside of label booklet for additional precautionary information including Directions for Use.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of Directions for Use. If terms are unacceptable, return at once unopened.**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

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

EPA Reg. No. 62719-464

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Produced for

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268

Net Weight ____

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(Page 1 through end):

Precautionary Statements

Hazards to Humans and Domestic Animals**CAUTION****Causes Moderate Eye Irritation • Harmful If Swallowed Or Absorbed Through Skin**

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

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as natural rubber ≥ 14 mils
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

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 do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 day or night, for emergency treatment information.

Environmental Hazards

Do not apply directly to water or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate. Do not apply when weather conditions favor drift or runoff from areas treated.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

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Not for use on agricultural establishments (farms) in hopper box, planter box, slurry-box, or other seed-treatment applications at or immediately before planting.

Storage and Disposal

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

Pesticide Storage: Store in original container in a cool dry area above freezing.

Pesticide Disposal: Wastes resulting in the use of this product must be disposed of on site or at an approved waste disposal facility.

Nonrefillable rigid containers 5 gallons or less:

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a mix tank. Hold container upside down over application 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. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Nonrefillable nonrigid containers:

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Refillable rigid containers larger than 5 gal:

Container Handling: 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 application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Nonrefillable rigid containers larger than 5 gal:

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse** as follows: Empty the remaining contents into application 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 application equipment or a mix tank. Hold container upside down over application 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. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

General Information

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Use Systhane® M40 fungicide as a seed treatment to protect against sore shin (*Rhizoctonia solani*) and black root rot (*Thielaviopsis basicola*) which impairs cotton seed germination and seedling development. Systhane M40 may be applied to dry seed with conventional slurry or mist seed treating equipment. For best results, the seed must be completely and uniformly covered with fungicide. Systhane M40 can be tank mixed with other properly labeled cotton seed protectants such as Apron TL fungicide for Pythium control. Do not tank mix with products whose labels contain a prohibition against tank mixing.

Commercial Cotton Seed Treatment

Use Rate

Use 0.05 to 0.155 lb of Systhane M40 (0.019 to 0.062 lb active ingredient) per 100 lb of cotton seed to reduce seedling damage caused by sore shin (*Rhizoctonia solani*) and black root rot (*Thielaviopsis basicola*).

Use Restrictions:

Label treated seed "This seed is treated with Systhane M40 which contains the active ingredient myclobutanil. Do not use for food, feed, oil production or any other purpose except planting. Do not graze cotton plants grown from treated seed. Store away from feed and foodstuffs."

In California, this product must be applied through a closed system such as WECO-RED (Returnable Evacuation Device).

For cotton seed treatment, always use Systhane M40 with an EPA approved dye or colorant that imparts an unnatural color to the seed.

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

Dow AgroSciences 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. Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY 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. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Dow AgroSciences or the seller. To the extent permitted by law, all such risks shall be assumed by buyer.

Limitation of Remedies

To the extent permitted by law, 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 Dow AgroSciences' election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used

Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Dow AgroSciences or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or Limitation of Remedies in any manner.

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EPA accepted __/__/__