

100-885

09/14/2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Patrick McCain
Regulatory Product Manager
Syngenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, NC 27419

SEP 14 2006

Subject: Dividend® XL
EPA Reg. No. 100-885
Your amendment dated January 23, 2006
EPA Decision Number 370194

Dear Mr. McCain:

The amended label referred to above, resubmitted September 12, 2006 in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following changes are made:

1. In the first paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY", change "The Directions for Use of this product should be followed carefully." to "The Directions for Use of this product must be followed carefully."
2. In the first paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY", change "All such risks shall be assumed by Buyer and User, and Buyer and User agree...." to "To the extent consistent with applicable law, Buyer and User agree...."
3. In the second paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY", delete the words "or under abnormal conditions".
4. Change the last sentence of the second paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY" from "SYNGENTA MAKES NO...EXCEPT AS STATED ABOVE." to "SYNGENTA MAKES NO EXCEPT AS WARRANTED BY THIS LABEL."
5. In the third paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY", change "THE EXCLUSIVE REMEDY OF THE USER OR...." to "TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR...."

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One copy of the label stamped "Accepted with comments" is enclosed for your records. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment.

If you have any questions, please contact Robert Westin by phone at (703) 305-5721 or via email at westin.robert@epa.gov.

Sincerely,



Tony Kish
Product Manager (22)
Fungicide Branch
Registration Division (7505P)

Enclosure

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Marketing Label
Booklet Label

Dividend® XL

Fungicide

A seed treatment for control of diseases of wheat by commercial seed treaters

Active Ingredients:

Difenoconazole*	16.50%
Mefenoxam**	1.38%
<hr/>	
Other Ingredients:	82.12%
Total:	100.00%

*CAS No. 119446-68-3

**CAS Nos. 70630-17-0 and 69516-34-3

Dividend XL contains 1.54 lbs. difenoconazole and 0.13 lb. mefenoxam per gallon.

KEEP OUT OF REACH OF CHILDREN.

CAUTION

See additional precautionary statements and directions for use inside booklet.

EPA Reg. No. 100-885

(For 2½ gallons)

EPA Est. 34704-MS-2

SCP 885A-L1 (2½ gallons)

SCP 885A-L2 (___ gallons)

2.5 gallons

Net Contents

___ gallons

Net Contents

**ACCEPTED
with COMMENTS
In EPA Letter Dated
SEP 14 2006**

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

100-885

FIRST AID	
If inhaled	<ul style="list-style-type: none">• Remove victim 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.
NOTE TO PHYSICIAN	
If ingested, induce emesis and treat symptomatically.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
HOT LINE NUMBER	
For 24 Hour Medical Emergency Assistance (Human or Animal) or Chemical Emergency Assistance (Spill, Leak, Fire, or Accident), Call 1-800-888-8372	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Harmful if inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Chemical-resistant gloves made of any waterproof material

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.

Engineering Control Statements

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water, 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 wash water or rinsate.

If treated seed is spilled outdoors or in areas accessible to birds, promptly clean up or bury to prevent ingestion.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of SYNGENTA CROP PROTECTION, Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold SYNGENTA and Seller harmless for any claims relating to such factors.

SYNGENTA warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of the product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or SYNGENTA, and Buyer and User assume the risk of any such use. SYNGENTA MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

IT IS SYNGENTA'S AND SELLER'S INTENTION THAT in no event shall SYNGENTA or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF SYNGENTA AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF SYNGENTA OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

SYNGENTA and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and of Liability, which may not be modified except by written agreement signed by a duly authorized representative of SYNGENTA.

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours. Exception: If the seed is treated with the product and the treated seed is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, wear:

- Coveralls
- Socks plus shoes
- Chemical-resistant gloves made of any waterproof material

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN CROP INJURY, POOR DISEASE CONTROL, AND/OR ILLEGAL RESIDUES.

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6 7 8 9 0

STORAGE AND DISPOSAL

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

Pesticide Storage

Store in a tightly closed container out of reach of children.

Spill Response

For minor spills, leaks, etc., follow all precautions indicated on this label and clean up immediately. Take special care to avoid contamination of equipment and facilities during cleanup and disposal of wastes. In the event of a major spill, fire, or other emergency, call 1-800-888-8372.

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

2½ Gallon Container

Do not reuse empty container. Triple rinse (or equivalent), and offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or by open burning if allowed by state and local authorities. If burned, keep out of smoke.

Container Refilling and Disposal

If this is a Syngenta refillable container and is to be refilled, do not rinse or introduce any pesticide other than Dividend XL. Reseal and return the container to an authorized Syngenta refilling facility. If the Syngenta container is not to be refilled, triple rinse (or equivalent) and offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or by open burning if allowed by state and local authorities. If burned, keep out of smoke.

GENERAL INFORMATION

Dividend XL is a systemic seed dressing that controls or suppresses certain seed-borne, soil-borne, and fall foliar diseases of wheat. It is a mixture of Dividend and Apron XL® LS. Apron XL LS provides Pythium damping-off activity and Dividend provides activity on the remaining diseases claimed on this label. An EPA-approved coloring agent, Pigment Red 48 has been added to the formulation.

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Note: Apron XL LS is a systemic fungicide having a specific mode of action. Apron XL LS could be subject to development of insensitive strains of fungi. Development of insensitivity cannot be predicted. Therefore, Syngenta cannot assume liability for crop damage resulting from insensitive strains of fungi. Consult with your State Agricultural Experiment Station or Extension Service Specialist for guidance and ways to control any possible Apron XL LS insensitive strains of fungi which may occur.

MIXING PROCEDURES

Apply Dividend XL as a water-based slurry through standard slurry or mist-type commercial seed treaters. Prepare a slurry by mixing Dividend XL in up to 16 fl. oz. of water per 100 lbs. of seed. Mix the slurry thoroughly with the seed to provide uniform coverage.

WHEAT

Apply Dividend XL to wheat seed at the rates given in the following table:

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Winter Wheat

Rate/ CWT	Diseases Controlled	Fall Season Foliar Diseases Controlled¹	Diseases Partially Controlled²
2 fl. oz.	Common Bunt ³ Dwarf Bunt Loose Smut Flag Smut Seed-borne Septoria General Seed Rots ⁴ Fusarium Seed Scab Pythium Damping-Off	Fall Season Powdery Mildew Fall Season Leaf Rust Fall Season Septoria Leaf Blotch	Common Root Rot (<i>Cochliobolus</i> spp.) Fusarium Root Rot Fusarium Crown Rot Take-All Rhizoctonia Root Rot
1 fl. oz.	Common Bunt ³ Dwarf Bunt Flag Smut Seed-borne Septoria Loose Smut General Seed Rots ⁴ Fusarium Seed Scab Pythium Damping-Off		Common Root Rot (<i>Cochliobolus</i> spp.) Rhizoctonia Root Rot

¹Dividend XL provides control of fall season powdery mildew, fall season leaf rust, and fall season Septoria leaf blotch in winter wheat for the first 6 weeks after planting. For full season control of these foliar diseases, use Tilt® fungicide according to label instructions.

²Partial control can either mean erratic control from good to poor or consistent control at a level below that generally considered acceptable for commercial disease control.

³Dividend XL controls both seed-borne and soil-borne common bunt.

⁴General seed rots controlled include those caused by saprophytic organisms, such as *Penicillium* and *Aspergillus*.

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Spring Wheat

Rate/CWT	Diseases Controlled	Diseases Partially Controlled
2 fl. oz.	Common Bunt ¹ Loose Smut Flag Smut Seed-borne Septoria General Seed Rots ² Fusarium Seed Scab Pythium Damping-Off	Take-All Common Root Rot (<i>Cochliobolus</i> spp.) Rhizoctonia Root Rot
1 fl. oz.	Common Bunt ¹ Seed-borne Septoria Loose Smut General Seed Rots ² Fusarium Seed Scab Pythium Damping-Off	Common Root Rot (<i>Cochliobolus</i> spp.) Rhizoctonia Root Rot

¹Dividend XL controls both seed-borne and soil-borne common bunt.

²General seed rots controlled include those caused by saprophytic organisms such as *Penicillium* and *Aspergillus*.

³Partial control can either mean erratic control from good to poor or consistent control at a level below that generally considered acceptable for commercial disease control.

Important: (1) Do not use treated seed for feed, food, or oil. (2) Green wheat may not be grazed until 55 days after planting. (3) Do not plant any crop other than wheat within 30 days to fields in which treated seeds were planted.

Note: Federal law requires that bags containing treated seeds shall be labeled with the following information: "This seed has been treated with difenoconazole and mefenoxam fungicides. Do not use for feed, food, or oil purposes. Store away from feeds and foodstuffs. Green wheat may not be grazed until 55 days after planting. Do not plant any crop other than those on this label within 30 days in fields in which treated seeds were planted."

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Apron XL®, Dividend®, Tilt®, and the Syngenta logo are trademarks of a Syngenta Group Company

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For non-emergency (e.g. current product information) call
Syngenta Crop Protection at 1-800-334-9481.

Syngenta Crop Protection, Inc.
Greensboro, North Carolina 27409
www.syngenta-us.com

SCP 885A-L1 (2½ gallons)
SCP 885A-L2 (___ gallons)

DIV XL 885 DEC05B AMEND – bb - 9-8-06
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Base Label
(For 2½ gallons)

Dividend® XL

Fungicide

A seed treatment for control of diseases of wheat by commercial seed treaters

Active Ingredients:

Difenoconazole*	16.50%
Mefenoxam**	1.38%
Other Ingredients:	82.12%
Total:	100.00%

*CAS No. 119446-68-3

**CAS Nos. 70630-17-0 and 69516-34-3

Dividend XL contains 1.54 lbs. difenoconazole and 0.13 lb. mefenoxam per gallon.

KEEP OUT OF REACH OF CHILDREN.

CAUTION

See directions for use in attached booklet.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to supplemental labeling under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

EPA Reg. No. 100-885

EPA Est. 34704-MS-2

2.5 gallons
Net Contents

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FIRST AID	
If inhaled	<ul style="list-style-type: none">• Remove victim 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.
NOTE TO PHYSICIAN	
If ingested, induce emesis and treat symptomatically.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
HOT LINE NUMBER	
For 24 Hour Medical Emergency Assistance (Human or Animal) or Chemical Emergency Assistance (Spill, Leak, Fire, or Accident), Call 1-800-888-8372	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Harmful if inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water, 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 wash water or rinsate.

If treated seed is spilled outdoors or in areas accessible to birds, promptly clean up or bury to prevent ingestion.

STORAGE AND DISPOSAL

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

Pesticide Storage

Store in a tightly closed container out of reach of children.

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Spill Response

For minor spills, leaks, etc., follow all precautions indicated on this label and clean up immediately. Take special care to avoid contamination of equipment and facilities during cleanup and disposal of wastes. In the event of a major spill, fire, or other emergency, call 1-800-888-8372.

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U.S. Patent No. 5,266,585

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Syngenta Crop Protection, Inc.
Greensboro, North Carolina 27409
www.syngenta-us.com

SCP 885A-L1 (2½ gallons)

DIV XL 885 DEC05B AMEND - bb - 9-8-06
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