

100-916

09-25-2006 (5788#01)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Michele A. Schulz
NAFTA Fungicides Team Leader
Syngenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, NC 27419-8300

SEP 25 2006

Subject: Maxim® XL
EPA Reg. No. 100-916
Your amendment dated December 10, 2005
EPA Decision Number 363792

Dear Ms Schulz:

The amended label referred to above, submitted 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 "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...."
2. In the second paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY", delete the words "or under abnormal conditions".
3. In the third paragraph of the section "CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY", change "THE EXCLUSIVE REMEDY OF THE USER...." to "TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER...."

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supersedes all labels previously accepted for this product. 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,

Mary L. Waller
Product Manager (21)
Fungicide Branch
Registration Division (7505C)

Enclosure

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FIRST AID	
If swallowed	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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 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 swallowed or absorbed through skin. Avoid contact with eyes, skin, or clothing.

Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category C on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, such as barrier laminate or butyl rubber or nitrile rubber or neoprene rubber or polyvinyl chloride (PVC) or viton
- 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.

Engineering Control Statements

When handlers use closed systems 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.

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present, or to inter-tidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash water or rinsates.

Groundwater Advisory

This chemical is known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

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

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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 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.

Maxim XL should be used only in accordance with recommendations on this label or in separately published Syngenta supplemental labeling recommendations for this product.

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 is:

- Coveralls
- Chemical-resistant gloves, such as barrier laminate or butyl rubber or nitrile rubber or neoprene rubber or polyvinyl chloride (PVC) or viton
- Shoes plus socks

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

Treatment of highly mechanically scarred or damaged seed, or seed known to be of low vigor and poor quality, except for the purpose of curative control of existing disease pests, may result in reduced germination and/or reduction of seed and seedling vigor. Treat using equipment similar to that planned for treating the total seed lot. Conduct germination tests on a small portion of seed before committing the total seed lot to a selected seed treatment. Due to seed quality and seed storage conditions beyond the control of Syngenta, no claims are made to guarantee the germination of carry-over treated seed.

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STORAGE AND DISPOSAL

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

Pesticide Storage

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. If these wastes cannot be used according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA regional office for guidance in proper disposal methods.

Container Disposal

Do not reuse empty container. Triple rinse (or equivalent), puncture and dispose of in a sanitary landfill, or by alternatives allowed by state and local authorities. If burned, keep out of smoke.

FOR BULK AND MINIBULK CONTAINERS

CONTAINER DISPOSAL: Reseal container and offer for reconditioning, or triple rinse (or equivalent) and offer for recycling or reconditioning, or clean in accordance with manufacturer's instructions.

CONTAINER PRECAUTIONS: Before refilling, inspect thoroughly for damage, such as cracks, punctures, bulges, dents, abrasions, and damaged or worn threads on closure devices.

REFILL ONLY WITH Maxim XL. The contents of this container cannot be completely removed by cleaning. Refilling with materials other than Maxim XL will result in contamination and may weaken the container. After filling and before transporting, check for leaks. Do not refill or transport damaged or leaking container.

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 procedures and disposal of wastes. In the event of a major spill, fire, or other emergency, call 1-800-888-8372, day or night.

GENERAL INFORMATION

Maxim[®] XL, a pre-pack of the active ingredients of Maxim[®] 4FS (fludioxonil) and Apron XL[®] LS (mefenoxam), is a seed treatment fungicide which controls certain soil-borne and seed-borne diseases of crop plants. Fludioxonil is active against *Fusarium*, *Rhizoctonia*, seed-borne *Sclerotinia*, *Helminthosporium*, *Tilletia caries* (which causes common bunt in wheat) and weakly pathogenic fungi, *Aspergillus* and *Penicillium*. Mefenoxam is active against *Pythium*, *Phytophthora* and systemic downy mildew. On

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some crops, additional Apron XL LS will be required to control *Pythium*, *Phytophthora*, and systemic downy mildew. The amount of additional Apron XL LS needed will depend on the level of disease pressure. Follow all directions on the Apron XL LS label if mixed with Maxim XL.

Resistance Management

Note: Maxim XL is a pre-pack of the active ingredients of Maxim 4 FS and Apron XL LS. 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.

The following guidelines may be used to determine the required rate of each product:

Step 1 – Select the rate of Maxim XL required based on the expected level of *Fusarium*, *Rhizoctonia*, seed-borne *Sclerotinia*, *Helminthosporium*, *Tilletia caries*, *Aspergillus*, or *Penicillium*. Use the higher rate (0.334 fl. oz. per 100 lbs. of seed) when high levels of disease are expected.

Step 2 – If necessary, select the rate of additional Apron XL LS required based on the expected level of *Pythium*, *Phytophthora*, or systemic downy mildew. See directions under each crop for specific rate.

Important: (1) Do not use treated seed for feed, food, or oil. (2) Corn and sorghum forage may not be grazed until 30 days after planting.

Federal law requires that bags containing treated seeds shall be labeled with the following information: "This seed has been treated with fludioxonil and mefenoxam fungicides. Do not use for feed, food, or oil purposes. Store away from feeds and foodstuffs. Corn and sorghum forage may not be grazed until 30 days after planting." Use an EPA-approved dye or colorant that imparts an unnatural color to the seed.

Mixing Procedures

Apply Maxim XL as a water-based slurry utilizing standard slurry seed treatment equipment which provides uniform seed coverage. Uneven or incomplete seed coverage may not give the desired level of disease control. Thoroughly mix the recommended amount of Maxim XL into the required amount of water for the slurry treater and dilution rate to be used.

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Follow the manufacturer application instructions for the seed treatment equipment being used. Maintain constant agitation of the slurry during the treatment. Allow seed to dry before bagging.

Maxim XL used at 0.167 fl. oz. per 100 lbs. of seed will deliver 2.5 grams active ingredient of fludioxonil and 1 gram of Apron XL LS active ingredient per 100 kg. of seed. The 0.334 fl. oz. per 100 lbs. of seed of Maxim XL will deliver 5 grams active ingredient of fludioxonil and 2 grams of Apron XL LS active ingredient per 100 kg. of seed.

CARROTS, COTTON, FORAGE GRASSES, GARDEN BEETS, PEANUTS, LEAFY VEGETABLES, AND SPINACH

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, apply Maxim XL and Apron XL LS as shown here:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	Low to Moderate <i>Pythium</i> damping-off	0.278
	High level of <i>Pythium</i> damping-off	0.598
0.334	Low to Moderate <i>Pythium</i> damping-off	0.234
	High level of <i>Pythium</i> damping-off	0.553

*Refer to the **General Information** section for additional guidance on rate selection.

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SOYBEANS

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, and early season *Phytophthora* protection, apply Maxim XL and Apron XL LS as shown here:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	Low to Moderate level of <i>Pythium</i> damping-off protection	0.117
	High level of <i>Pythium</i> and early season <i>Phytophthora</i> protection	0.598
0.334	Low to Moderate level of <i>Pythium</i> damping-off protection	0.074
	High level of <i>Pythium</i> And early season <i>Phytophthora</i> protection	0.553

*Refer to the **General Information** section for additional guidance on rate selection.

CEREAL GRAINS: WHEAT, BARLEY, RYE, OATS, BUCKWHEAT AND TRITICALE

For protection against damping-off caused by *Fusarium* spp., *Rhizoctonia* spp., and *Pythium* spp., and general seed rots caused by *Aspergillus* spp. and *Penicillium* spp. in wheat, barley, rye, and oats, apply 0.167-0.334 fl. oz. of Maxim XL. Apply Maxim XL at 0.167-0.334 fl. oz. for protection against *Tilletia caries* (Common Bunt) in wheat.

Maxim XL may also be used in combination with Dividend® XL for damping-off caused by *Fusarium* spp. in wheat. Maxim XL at 0.084 fl. oz. may be combined with labeled rates of Dividend XL for a broader spectrum of seedling disease protection. Follow all label directions described on the Dividend XL label.

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OTHER CEREAL GRAINS: MILLET AND RICE

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, apply Maxim XL and Apron XL LS as shown here:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	Low to Moderate <i>Pythium</i> damping-off	0.278
	High level of <i>Pythium</i> damping-off	0.598
0.334	Low to Moderate <i>Pythium</i> damping-off	0.074
	High level of <i>Pythium</i> damping-off	0.553

*Refer to the **General Information** section for additional guidance on rate selection.

CORN: FIELD CORN AND POPCORN

For protection against seed-borne and soil-borne fungi that cause seed decay, damping-off, and seedling blight, apply Maxim XL as shown below. If *Pythium* disease pressure is high and the low rate of Maxim XL is used, apply Apron XL LS and Dynasty™ as well. If *Pythium* disease pressure is high and the high rate of Maxim XL is used, apply Dynasty, but **do not** apply Apron XL LS. Follow application and other instructions on the Apron XL LS and Dynasty labels.

Maxim XL Use Rate*			Expected <i>Pythium</i> pressure	Apron XL LS Use Rate			Dynasty Use Rate		
fl. oz./ 100 lbs. seed	fl. oz./ 80,000 kernel count	mg active ingredient per kernel		fl. oz./ 100 lbs. seed	fl. oz./ 80,000 kernel count	mg active ingredient per kernel	fl. oz./ 100 lbs. seed	fl. oz./ 80,000 kernel count	mg active ingredient per kernel
0.167	0.075	0.009	Low to Moderate	—	—	—	—	—	—
			High	0.0425	0.019	0.0025	0.153	0.0688	0.0025
0.334	0.150	0.018	Low to Moderate	—	—	—	—	—	—
			High	—	—	—	0.153	0.0688	0.0025

*Refer to the **General Information** section of this label for additional guidance on rate selection.

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CORN: ALL SWEET CORN

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, and systemic downy mildew, apply Maxim XL and Apron XL LS as shown here:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	Low to Moderate level of <i>Pythium</i> pressure	0.278
	High level of <i>Pythium</i> pressure	0.598
	For systemic downy mildew protection	1.230
0.334	Low to Moderate level of <i>Pythium</i> pressure	0.234
	High level of <i>Pythium</i> pressure	0.553
	For systemic downy mildew protection	1.190

*Refer to the **General Information** section for additional guidance on rate selection.

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FORAGE LEGUMES – ALFALFA, CLOVER, LESPEDEZA, BEANS (FOR FORAGE), SOYBEANS (FOR FORAGE), SOYBEAN HAY, PEAS (FOR FORAGE), PEA VINE HAY, COWPEAS (FOR FORAGE), COWPEA HAY, TREFOIL, VETCH, AND VELVET BEANS (FOR FORAGE)

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, and early season *Phytophthora*, apply Maxim XL and Apron XL LS as shown here:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	For <i>Pythium</i> damping-off and early season <i>Phytophthora</i> protection	0.598
	For suppression of early season downy mildew in alfalfa and soybeans	0.598
0.334	For <i>Pythium</i> damping-off and early season <i>Phytophthora</i> protection	0.553
	For suppression of early season downy mildew in alfalfa and soybeans	0.553

*Refer to the **General Information** section for additional guidance on rate selection.

LEGUME VEGETABLES – BLACK-EYED PEAS, COWPEAS, EDIBLE SOYBEANS, FIELD BEANS, CHICK PEAS (GARBANZO BEANS), FIELD PEAS, GARDEN PEAS, GREEN BEANS, KIDNEY BEANS, LIMA BEANS, NAVY BEANS, PEAS, PINTO BEANS, POLE BEANS, SNAP BEANS, STRING BEANS, WAX BEANS, LENTILS, AND LUPINES

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, and early season *Phytophthora* protection, apply Maxim XL and Apron XL LS as shown here:

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Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	For low <i>Pythium</i> pressure	0.0425
	For high <i>Pythium</i> pressure	0.598
	For early season <i>Phytophthora</i> protection	0.598
	For systemic downy mildew protection in peas	1.230
0.334	For high <i>Pythium</i> pressure	0.553
	For early season <i>Phytophthora</i> protection	0.553
	For systemic downy mildew protection in peas	1.190

*Refer to the **General Information** section for additional guidance on rate selection.

SORGHUM

For protection against seed-borne and soil-borne fungi which cause seed decay, damping-off, and seedling blights of sorghum, and for downy mildew protection on cultivars which possess sorghum downy mildew resistance, Maxim XL must be tank mixed with Apron XL LS. Apply 0.167 fl. oz. of Maxim XL tank mixed with 0.278-0.598 fl. oz. of Apron XL LS per 100 lbs. of seed. When higher disease pressure is expected, apply 0.334 fl. oz. of Maxim XL with an additional 0.235-0.555 fl. oz. of Apron XL LS per 100 lbs. of seed.

To those cultivars which do not possess resistance to a particular race of sorghum downy mildew in areas with recent history of severe disease, apply 0.167 fl. oz. of Maxim XL per 100 lbs. of seed with an additional 1.28 fl. oz. of Apron XL LS per 100 lbs. of seed for suppression of downy mildew. If higher disease pressure is expected, apply 0.334 fl. oz. of Maxim XL with an additional 1.195 fl. oz. of Apron XL LS per 100 lbs. of seed.

Follow application and other instructions found on the Apron XL LS product label.

***Note:** Seed treated with the additional Apron XL LS (1.28 fl. oz.) should be planted, and not stored or carried over to the following year.

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SUNFLOWER

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight, apply Maxim XL and Apron XL LS as shown here:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	For <i>Pythium</i> damping-off protection	0.598
	For systemic downy mildew protection	1.230
0.334	For <i>Pythium</i> damping-off protection	0.553
	For systemic downy mildew protection	1.190

*Refer to the **General Information** section for additional guidance on rate selection.

ALL TURFGRASSES

For protection against seed-borne and soil-borne fungi which cause decay, damping-off, and seedling blight in turfgrass, apply Maxim XL and Apron XL LS on seed as follows:

Rate of Maxim XL* fl. oz. per 100 lbs. of seed	Expected <i>Pythium</i> pressure	Rate of Apron XL LS fl. oz. per 100 lbs. of seed
0.167	Low to Moderate <i>Pythium</i> damping-off protection	0.598
	High level of <i>Pythium</i> damping-off	1.230
0.334	Low to Moderate <i>Pythium</i> damping-off	0.553
	High level of <i>Pythium</i> damping-off	1.190

*Refer to the **General Information** section for additional guidance on rate selection.

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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 916A-L1 (2.5 gallons)
SCP 916A-L3 (15 gallons)

MAXIM XL 916 AMEND DEC05 CLEAN – df – 12/19/05
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