

100-946

2/20/2004

CSF S 748964/19



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Larry Zang
Senior Regulatory Product Manager
Sygenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, NC 27419-8300

FEB 20 2004

Subject: APRON MAXX RTA
EPA Reg. No. 100-946
Amended label submitted September 23, 2003
Amended Basic Confidential Statement of Formula submitted September 24, 2003

Dear Mr. Zang:

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. Delete the following sentences from the List of Ingredients statement: "Mefenoxam is the concentration of mefenoxam technical. The maximum concentration of related compounds is 0.05%."

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supercedes 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.

The revised basic Confidential Statement of Formula (CSF) dated August 18, 2003 referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable. Please note that this CSF supercedes all previous CSFs for this product and will be added to the regulatory file.

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

Sincerely,

A handwritten signature in cursive script that reads "Mary J. Waller".

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

Enclosure

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions exist 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 PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Environmental Hazards

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 cleaning equipment or disposing of equipment wash water.

Physical and Chemical Hazards

Do not use, pour, spill, or store near heat or open flame.

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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.

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.

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DIRECTIONS FOR USE

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

Apron MAXX RTA 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 made of any waterproof material
- Shoes plus socks

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

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STORAGE AND DISPOSAL

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

Pesticide Storage

Store in original containers only. Store in a cool place. Protect from excessive heat. Keep container closed when not in use. Do not store near food or feed. In case of spill on floor or paved surfaces, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to the 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 by use 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.

Container Disposal

Plastic Containers

Triple rinse (or equivalent); then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill or by alternative methods allowed by state and local authorities.

Returnable Refillable Container

If Apron MAXX RTA is packaged in a returnable refillable container, then, after use, do not rinse container. The contents of this container cannot be completely removed by cleaning. Return container intact to point of purchase.

This container must only be refilled with Apron MAXX RTA. Refilling with materials other than Apron MAXX RTA will result in contamination and may weaken container. **DO NOT REUSE THE CONTAINER FOR ANY OTHER PURPOSE.** Before refilling, inspect thoroughly for damage such as cracks, punctures, abrasions, and damaged or worn threads on closure devices. Check for leaks after refilling and before transport. Do not refill or transport a damaged or leaking container.

Bulk and Minibulk Containers

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 IS NOT SAFE FOR FOOD, FEED OR DRINKING WATER.

GENERAL INFORMATION

Apron MAXX RTA is a seed treatment fungicide that protects against damping-off and seed rots due to *Pythium*, *Phytophthora*, *Fusarium*, *Rhizoctonia* spp., and early season *Phytophthora* root rot. Apron MAXX RTA also suppresses seed-borne *Sclerotinia* and *Phomopsis* spp. Apron MAXX RTA contains the active ingredient mefenoxam found in Apron XL[®] LS that provides protection against *Pythium* and early season *Phytophthora* root rot. Apron MAXX RTA also contains the active ingredient fludioxonil found in Maxim[®] that provides protection against the remaining diseases mentioned in this label.

Note: Apron MAXX RTA is a systemic fungicide having a specific mode of action against fungal pathogens. Apron MAXX RTA 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 MAXX RTA insensitive strains of fungi which may occur.

Mixing Instructions

Apron MAXX RTA is especially formulated for on-farm treatment, using standard mechanical slurry or mist-type seed treatment equipment which accurately measures and mixes a flowable seed treatment. The equipment must provide uniform coverage of Apron MAXX RTA on the seed. Uneven seed coverage may not give the desired level of disease control. The product does not require the addition of water for application. Consult the manufacturer of the application equipment you plan to use for suitability for this application and for instructions on operation and calibration of the equipment. Do not mix Apron MAXX RTA fungicide with other pesticides unless sufficient compatibility, loading rates, and crop safety factors are determined.

For Soybean Seed Treatment

Apron MAXX RTA provides protection against damping-off and seed rots due to *Pythium*, *Phytophthora*, *Fusarium*, *Rhizoctonia* spp., and early season *Phytophthora* root rot. Apron MAXX RTA also suppresses seed-borne *Sclerotinia* and *Phomopsis* spp. For these soybean diseases, Apron MAXX RTA is applied at the rate of 5.0 fl. oz. per 100 lbs. of seed. The suggested Apron MAXX RTA rates will deliver 3.75 grams active ingredient of Apron XL LS (mefenoxam) and 2.5 grams active ingredient of Maxim (fludioxonil) per 100 kilograms of seed. If the target fields have a history of high *Phytophthora* pressure, then use 5.0 fl. oz. of Apron MAXX RTA with 0.16-0.48 fl. oz. of Apron XL LS per 100 lbs. of seed. Read and follow all label directions for Apron XL LS use.

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Apron MAXX RTA has been found to be compatible with some liquid inoculant products. Apron MAXX RTA may be mixed or applied sequentially with approved liquid inoculants. Consult the manufacturer of the liquid inoculants and a Syngenta Crop Protection seed treatment representative for directions before applying Apron MAXX RTA with liquid inoculants.

Note: Federal law requires that bags containing treated seeds shall be labeled with the following information: "This seed has been treated with mefenoxam and fludioxonil fungicides. Do not use for feed, food, or oil purposes. Store away from feeds and foodstuffs."

Apron[®] MAXX[®] RTA[®], Apron XL[®], Maxim[®] and the Syngenta logo are trademarks of a Syngenta Group Company

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SCP 946A-L1 (2.5 gal. booklet)
SCP 946A-L3 (___ gal./bulk booklet)

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