

100-946

2/27/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Patrick McCain
Senior Regulatory Product Manager
Seed Care
Syngenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, NC 27419-8300

FEB 27 2009

Dear Mr. McCain:

Subject: Apron MAXX RTA
EPA Registration Number 100-946
Your submission dated April 24, 2008
OPPIN Decision Number 393404

The labeling referred to above, submitted in connection with registration under section (3) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable provided you make the following changes:

Page 3 - Conditions of Sale and Limitation of Warranty and Liability:

In the paragraph beginning "The Directions for Use of this product must be followed carefully." change the sentence "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."

to

"Crop injury, ineffectiveness, or other unintended consequences may result due to such factors as weather conditions, presence or absence of other materials, or the manner of use or application, all of which are beyond the control of Syngenta Crop Protection, Inc. or Seller."

Throughout the Conditions of Sale and Limitation of Warranty and Liability section change "to the extent permitted by applicable law" to "to the extent consistent with applicable law."

Page 4 - Directions for Use:

Change the sentence "Do not formulate this product into other End-use products without written permission." to "Do not formulate this product into other End-use products." wherever it appears throughout this section.

Please submit one copy of the final printed labeling before the product is released for shipment. A stamped copy of the label is enclosed for your records.

If you have any questions, please contact Lisa Jones on my team by phone at (703) 308-9424 or by e-mail at jones.lisa@epa.gov.

Sincerely,



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

Enclosure: Stamped Label

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Apron MAXX® RTA®

Fungicide

A seed treatment fungicide for control of certain seed-borne, soil-borne, and seedling diseases of soybeans and other legumes.

Active Ingredients:

Mefenoxam* 1.10%

Fludioxonil** 0.73%

Other Ingredients: 98.17%

Total: 100.00%

Contains 0.096 lbs. mefenoxam per gallon and 0.064 lbs. fludioxonil per gallon.

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

**CAS No. 131341-86-1

KEEP OUT OF REACH OF CHILDREN.

CAUTION

See additional precautionary statements and directions for use inside booklet.

EPA Reg. No. 100-946

EPA Est.

SCP 946A

_____ gallons
Net Contents

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

FEB 27 2009

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

100-946

FIRST AID	
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.
If in eyes	<ul style="list-style-type: none"> • 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.
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 absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

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 A on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

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

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.

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 must 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. To the extent permitted by applicable law, 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. To the extent permitted by applicable law: (1) this warranty does not extend to the use of the product contrary to label instructions or under conditions not reasonably foreseeable to or beyond the control of Seller or SYNGENTA, and, (2) Buyer and User assume the risk of any such use. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, SYNGENTA MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS WARRANTED BY THIS LABEL.**

To the extent permitted by applicable law, in no event shall SYNGENTA be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **TO THE EXTENT PERMITTED BY APPLICABLE LAW, 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.

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.

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. especially in soybeans. Apron MAXX RTA contains the active ingredient mefenoxam found in Apron XL® 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.

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.

CROP USE DIRECTIONS

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 of mefenoxam (the active ingredient in Apron XL, EPA Reg. No. 100-799) and 2.5 grams of fludioxonil (the active ingredient in Maxim) 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 per 100 lbs. of seed. Read and follow all label directions for Apron XL use.

Legume Crops

Bean (*Lupinus* spp.)

(grain lupin, sweet lupin, white lupin, white sweet lupin)

Bean (*Phaseolus* spp.)

(field bean, kidney bean, lima bean, navy bean, pinto bean, runner bean, snap bean, tepary bean, wax bean)

Bean (*Vigna* spp.)

(adzuki bean, asparagus bean, blackeyed pea, catjang, Chinese longbean, cowpea, Crowder pea, moth bean, mung bean, rice bean, southern pea, urd bean, yardlong bean)

Broad bean (fava bean)

Chickpea (garbanzo bean)

Guar

Jackbean

Lablab bean (hyacinth bean)

Lentil

Pea (*Pisum* spp.)

(dwarf pea, edible-pod pea, English pea, field pea, garden pea, green pea, snow pea, sugar snap pea)

Pigeon pea

Sword bean

Apron MAXX RTA provides protection against damping-off and seed rots due to *Pythium*, *Phytophthora*, *Fusarium*, *Rhizoctonia* spp., seed-borne sclerotinia, phomopsis seed decay and early season *Phytophthora* root rot. Additional Apron XL may be necessary for *Phytophthora* or high levels of *Pythium*. Use the table below to determine the appropriate use rate of Apron MAXX RTA and Apron XL, if needed. Read and follow all label directions for Apron XL use.

Pathogens	Use Rate (fl. oz./100 lbs. seed)		Grams active ingredient per 100 kg seed	
	Apron MAXX RTA (EPA Reg. No. 100-946)	Apron XL (EPA Reg. No. 100-799)	mefenoxam	fludioxonil
<i>Pythium</i> (low pressure), <i>Fusarium</i> , <i>Rhizoctonia</i> , seed-borne sclerotinia and <i>phomopsis</i> seed decay	5.0	--	3.75	2.5
<i>Pythium</i> , <i>Fusarium</i> , <i>Rhizoctonia</i> , seed-borne sclerotinia and <i>phomopsis</i> seed decay	5.0	0.16	7.5	2.5
<i>Pythium</i> (high pressure), <i>Phytophthora</i> , <i>Fusarium</i> , <i>Rhizoctonia</i> , seed-borne sclerotinia and <i>phomopsis</i> seed decay	5.0	0.48	15	2.5

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."

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

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Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Container Disposal

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. If burned, keep out of smoke.

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 containers 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.

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

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Manufactured for:
Syngenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, North Carolina 27419-8300

SCP 946A

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