

100-1195

09/26/2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

SEP 26 2006

Subject: Apron MAXX RFC
EPA Reg. No. 100-1195
Your amendment dated December 19, 2005
EPA Decision Number 363785

Dear Ms Schulz:

The revised amended label referred to above, resubmitted 2/23/06 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. 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."
4. 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...."

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,

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

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

Enclosure

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ApronMAXX™ RFC

Group 12 4 Fungicides

Alternate Package Type: ApronMAXX RFC Ready-to-Mix

Fungicide

Broad-spectrum seed treatment fungicide for protection against seed and seed-borne diseases.

Active Ingredients:	
Fludioxonil*.....	2.31%
Mefenoxam**.....	3.46%
<hr/>	
Other Ingredients:	94.23%
Total:	100.00%

* CAS No. 131341-86-1
** CAS Nos. 70630-17-0 and 69516-34-3

Contains 0.21 pound active ingredient of fludioxonil and 0.31 pound active ingredient of mefenoxam per gallon.

KEEP OUT OF REACH OF CHILDREN.

CAUTION

See additional precautionary statements and directions for use inside booklet.

EPA Reg. No. 100-1195
EPA Est. 100-NE-001

Product of
Formulated in

SCP 1195A-Mx xxxx

[XX] [gallons] [quarts]
Net Contents

**ACCEPTED
with COMMENTS
In EPA Letter Dated**

SEP 26 2006
**Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.**

_____ 100-1195

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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.
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 the skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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 butyl rubber, nitrile rubber, or polyvinyl chloride
- 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.
- Remove clothing 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.

Environmental Hazards

This pesticide is toxic to freshwater and estuarine/marine fish and aquatic invertebrates. Do not contaminate water when disposing of equipment washwater or rinsate.

Groundwater Advisory Statement

Mefenoxam 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.

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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.**

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.

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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.

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, 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 butyl rubber, nitrile rubber, or polyvinyl chloride
- Shoes plus socks

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

TREATMENT OF HIGHLY MECHANICALLY DAMAGED SEED, OR SEED OF KNOWN LOW VIGOR AND POOR QUALITY, MAY RESULT IN REDUCED GERMINATION AND/OR REDUCTION OF SEED AND SEEDLING VIGOR. TREAT AND CONDUCT GERMINATION TEST ON A SMALL PORTION OF SEED BEFORE COMMITTING THE TOTAL SEED LOT TO A SELECTED CHEMICAL TREATMENT. DUE TO SEED-QUALITY CONDITIONS BEYOND THE CONTROL OF SYNGENTA CROP PROTECTION, NO CLAIMS ARE MADE TO GUARANTEE GERMINATION OF CARRY-OVER SEED.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE

Store in original containers only in a cool, dry place. 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 of 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 alternatives allowed by State and local authorities.

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

CONTAINER IS NOT SAFE FOR FOOD, FEED OR DRINKING WATER.

GENERAL INFORMATION

ApronMAXX RFC 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. ApronMAXX RFC also suppresses seed-borne *Sclerotinia* and *Phomopsis* spp., particularly in soybeans. ApronMAXX RFC contains the active ingredient mefenoxam found in Apron XL[®] LS that provides protection against *Pythium* and early season *Phytophthora* root rot. ApronMAXX RFC also contains the active ingredient fludioxonil found in Maxim[®] 4FS that provides protection against the remaining diseases mentioned in this label.

GENERAL USE PRECAUTIONS

Resistance Management

Group	12	4	Fungicides
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Note: Mefenoxam is a systemic fungicide having a specific mode of action against fungal pathogens. Mefenoxam 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 mefenoxam insensitive strains of fungi which may occur.

All applications should be made according to the use directions that follow. If a rate range is specified, use higher rates of ApronMAXX RFC when the disease pressure is expected to be high.

MIXING INSTRUCTIONS FOR SOYBEANS

ApronMAXX RFC is especially formulated for on-farm or commercial treatment to be used with liquid rhizobia products, 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 ApronMAXX RFC on the seed. Uneven seed coverage may not give the desired level of disease control.

ApronMAXX RFC must be diluted with either water or liquid inoculants prior to application to soybeans. 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 ApronMAXX RFC fungicide with other pesticides unless sufficient compatibility, loading rates, and seed and crop safety factors are determined.

In a clean container large enough to contain the entire mixture add the desired amount of ApronMAXX RFC. Add half of the required water or liquid inoculant and mix thoroughly. Add the remaining amount of water or liquid inoculant and mix again. The slurry is ready for application to the soybeans. Mix as needed and do not store diluted mixture.

[This section for Ready-to-Mix package type]

Specific Instructions for ApronMAXX RFC Ready-to-Mix

If Using Water as the Diluent:

Remove the cap from the 2.5 gallon ApronMAXX RFC Ready to Mix container which contains a premeasured net contents of 3 quarts. Add one gallon of water to the container, replace the cap, secure tightly, and shake to mix. Add an additional 3 quarts of water, replace the cap, secure tightly, and shake again. The slurry is now ready for use. It will treat 128 units of soybean (50 lb. bags).

If Using Approved Liquid Inoculants as the Diluent:

Remove the cap from the 2.5 gallon ApronMAXX RFC Ready-to-Mix container which contains a premeasured net contents of 3 quarts. Predetermine the amount of approved liquid inoculant that will be required for 128 units (50 lb. bags) of soybean. The amount of liquid inoculant added to the partially filled container should not exceed a total of 7 quarts, or 3.5 fl. oz. per 100 lbs. of seed. Add about half of the liquid inoculant, replace the cap, secure tightly, and shake to mix. Add the remaining amount of liquid inoculant, replace the cap, secure tightly, and shake to mix again. The slurry is now ready for use. It will treat 128 units of soybean (50 lb. bags).

Note: Use the entire contents once the container is opened. Do not store diluted mixture. Do not add other pesticides products to the mixture. Do not overfill.

Additional or continuous agitation or mixing of the slurry mixture may be necessary to prevent the ApronMAXX RFC from settling out of solution when using water or liquid inoculants.

ApronMAXX RFC has been found to be compatible with some liquid inoculant products. ApronMAXX RFC may be mixed or applied sequentially with approved liquid inoculants. Consult the maker of the liquid inoculants and a Syngenta Crop Protection representative for directions before applying ApronMAXX RFC with liquid inoculants.

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Special Precaution: ApronMAXX RFC is specially formulated to be compatible with some liquid inoculants. **If water is used to further dilute ApronMAXX RFC when rhizobia are present, use only nonchlorinated water. Chlorinated water will kill the live rhizobia contained in the inoculant.**

MIXING INSTRUCTIONS FOR OTHER LEGUMES

Apply ApronMAXX RFC 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 protection. Thoroughly mix the recommended amount of ApronMAXX RFC into the required amount of water for the slurry treater and dilution rate to be used.

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.

CROP USE DIRECTIONS

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

Soybean

ApronMAXX RFC provides protection against damping-off and seed rots due to *Pythium*, *Phytophthora*, *Fusarium*, *Rhizoctonia* spp., and early season *Phytophthora* root rot. ApronMAXX RFC also suppresses seed-borne *Sclerotinia* and *Phomopsis* spp.

For these soybean diseases, ApronMAXX RFC is applied at the rate of 1.5 fl. oz. per 100 lbs. of seed, plus water at 3.5 fl. oz. per 100 lbs. or approved liquid rhizobia inoculants at rates recommended by manufacturer to achieve proper total slurry volumes. This ApronMAXX RFC rate will deliver 3.75 grams active ingredient of Apron XL LS (mefenoxam) and 2.5 grams active ingredient of Maxim 4FS (fludioxonil) per 100 kilograms of seed. If the target fields have a history of high *Phytophthora* pressure, then use 1.5 fl. oz. of ApronMAXX RFC 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.

Legume CropsBean (*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 (garbonzo 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

ApronMAXX RFC provides protection against damping-off and seed rots due to *Pythium*, *Phytophthora*, *Fusarium*, *Rhizoctonia* spp., and early season *Phytophthora* root rot. Additional Apron XL LS may be necessary depending on the type of pathogen and the level of disease pressure. Use the table below to determine the appropriate use rate of ApronMAXX RFC and Apron XL LS, if needed. Read and follow all label directions for Apron XL LS use.

Pathogens	Use Rate (fl. oz./100 lbs. seed)	
	ApronMAXX RFC	Apron XL LS
<i>Pythium</i> (low pressure), <i>Fusarium</i> and <i>Rhizoctonia</i>	1.5	--
<i>Pythium</i> (high pressure), <i>Fusarium</i> and <i>Rhizoctonia</i>	1.5	0.16
<i>Pythium</i> (high pressure), <i>Phytophthora</i> , <i>Fusarium</i> and <i>Rhizoctonia</i>	1.5	0.48

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

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www.syngenta-us.com

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