

264-737 4.30.2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

APR 30 2008

Mr. Melvin K. Tolliver
Bayer CropScience
2 T.W. Alexander Drive
P.O. Box 12014
Research Triangle Park, NC 27709

Subject: Label Notifications for Pesticide Registration Notice 2007-4

Dear Mr. Tolliver,

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated March 26, 2008, for the following products:

Bayleton Technical Fungicide	EPA Registration Number 264-736
Bayleton 50% Wettable Powder Fungicide	EPA Registration Number 264-737
Bayleton 50% Concentrate Fungicide	EPA Registration Number 264-740
Flint Fungicide	EPA Registration Number 264-777
Gem Fungicide	EPA Registration Number 264-781
Gem 500 SC Fungicide	EPA Registration Number 264-826
Distinguish 480 SC Fungicide	EPA Registration Number 264-1027

The Registration Division (RD) has conducted its review of these requests for their applicability under PRN 2007-4 and finds that the label changes requested fall within the scope of PRN 2007-4. The labels submitted with the applications have been stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please call me directly at 703-305-6249 or Steve Schaible of my staff at 703-308-9362.

Sincerely,



Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 264-737	2. EPA Product Manager Tony Kish	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Bayleton 50% Wettable Powder Fungicide	PM# Team 22	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience LP P.O. Box 12014, 2 T.W. Alexander Drive Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4. See attached.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input checked="" type="checkbox"/> Glass	<input type="checkbox"/> Paper
				Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2 pounds and 25 kilograms		5. Location of Label Directions <input checked="" type="checkbox"/>	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph Paper glued Stenciled		<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Melvin K. Tolliver	Title Registration Product Manager, Fungicides	Telephone No. (Include Area Code) (919) 549-2631
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		5. Date Application Received (Stamped)
2. Signature <i>Melvin K. Tolliver</i>	3. Title Registration Product Manager, Fungicides	
4. Typed Name Melvin K. Tolliver	5. Date March 26, 2008	

Bayer CropScience



Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S4900
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

March 26, 2008

Bayer CropScience
2 T.W. Alexander Drive
P. O. Box 12014
RTP, NC 27709
Phone: (919) 549-2000

Subject: Bayleton 50% Wettable Powder Fungicide, EPA Reg. No. 264-737
Notification per PR Notice 2007-4

Dear Sir/Madam:

Bayleton 50% Wettable Powder Fungicide is currently registered with the Agency for control of fungi infecting a number of crops. With the enclosed application form, we are notifying the Agency of label changes per PR Notice 2007-4.

Since this is a notification, no fee under PRIA is required.

If you have any questions or need additional information, please contact me by phone at (919) 549-2631 or by e-mail at mel.tolliver@bayercropscience.com.

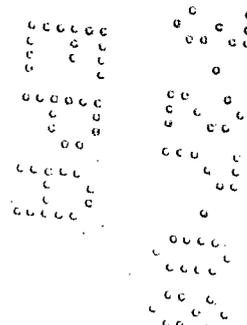
Sincerely,

Melvin K. Tolliver

Melvin K. Tolliver
Registration Product Manager, Fungicides

Enclosure:

1. EPA application form 8570-1
2. Draft labeling with changes highlighted in yellow
3. Final Printed labeling (two copies)



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Bayleton® 50% Wettable Powder Fungicide

ACTIVE INGREDIENT:	1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone.....	50%
INERT INGREDIENTS:	50%
		100%

EPA Reg. No. 264 -737 EPA Est. No. _____

STOP - Read the label before use.
Keep out of reach of children.
CAUTION

For **MEDICAL** And **TRANSPORTATION** Emergencies **ONLY** Call 24 Hours A Day 1-800-334-7577
 For **PRODUCT USE** Information Call 1-866-99BAYER (1-866-992-2937)

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 INHALED	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 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.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577. Have a product container or label with you when calling a poison control center or doctor, or going for treatment.	
Note To Physician: No specific antidote. Treat symptomatically. Symptoms of poisoning: The compound does not cause any definite symptoms that would be diagnostic. Poisoning is accompanied by hyperactivity followed by sedation.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, inhaled, or absorbed through the skin. Prolonged or frequently repeated skin contact may cause allergic skin reactions in some individuals. Avoid contact with skin, eyes or clothing. Avoid breathing dust or spray mist.

Personal Protective Equipment

Applicators and other handlers (other than mixers and loaders) must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of waterproff material such as neoprene, butyl rubber, barrier laminate or nitrile rubber
- Shoes plus socks
- Chemical-resistant headgear for overhead exposure

Mixer and loaders must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of waterproff material such as neoprene, butyl rubber, barrier laminate or nitrile rubber
- Shoes plus socks
- Chemical-resistant headgear

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- NIOSH approved respirator with any N, R, P or HE filter.

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 controls statements: When handlers use closed systems, enclosed cabs, or aircraft 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

Do not apply directly to water, or 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 washwaters. Apply this product only as specified on this label.

Do not make applications when weather conditions favor drift from target area.

Ground Water Advisory: This chemical demonstrates the properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.

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 12 hours.

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 waterproff material such as neoprene, butyl rubber, barrier laminate or nitrile rubber
- Shoes plus socks
- Chemical-resistant headgear for overhead exposure

MIXING: Add the recommended amount of BAYLETON 50% Wettable Powder into the spray tank while filling with water to the desired level. Operate the agitator while mixing. If other materials are added to the spray tank, the BAYLETON 50% Wettable Powder should be thoroughly dispersed prior to the addition of other materials.

COMPATIBILITY: BAYLETON fungicide is physically compatible with many registered insecticides, miticides, and fungicides. To determine the compatibility of BAYLETON fungicide with other products, the following procedure should be followed: Pour the recommended proportions of the products into a suitable container of water, mix thoroughly and allow to stand at least five (5) minutes. If the combination remains mixed or can be re-mixed readily, the mixture is considered physically compatible. For further information contact your local Bayer CropScience representative.

RECOMMENDED APPLICATIONS

BAYLETON 50% Wettable Powder may be applied in a minimum of 20 gallons of spray solution per acre by ground or in a minimum of 5 gallons of spray solution per acre by aircraft spray equipment except as noted under "Remarks" for each crop. Check equipment calibration frequently. Complete coverage and uniform application are essential for the most effective results, especially when lower spray volumes are applied. If necessary, increase the spray volume per acre for complete crop coverage.

Do not apply this product through any type of irrigation system.*

Do not use on other crops grown for food or forage.

Consult your State Agricultural Experiment Station or Extension Service Specialist or Bayer CropScience representative for guidance on the selection of specific dosage rates and timing of applications appropriate for your specific crop and disease. State regulations may contain additional restrictions or requirements. Check the Remarks and restrictions sections of this label for additional directions.

RECOMMENDED APPLICATIONS		
CROP	DISEASE	RATE OF BAYLETON 50% Wettable Powder
Pineapple	Pineapple butt rot <i>Ceratocystis paradoxa</i>	2-2/3 to 9 oz
	Pre-Plant Seed Piece Material Treatment: Apply specified dosage in 100 gallons of water as a planting material dip. Immerse material to allow for thorough wetting. Use higher label rates under heavy disease pressure. Do not use green forage or green fodder for animal feed. Cannery waste may be fed.	
	Fresh fruit rot <i>Ceratocystis paradoxa</i>	2-2/3 to 9 oz
	Post-Harvest Fruit Treatment: Apply specified dosage in 100 gallons of water or wax water after harvest. Fruit should be dipped or sprayed for thorough coverage and allowed to drain. Limit dipping time to not more than 3 minutes. Fruit discarded from fresh fruit packing operation may be used for processing. Cannery waste may be fed.	
Pine (Seedlings) (Except California)	Pine Rust (Fusiform rust)	4 to 16 oz/A
	Begin application prior to infection period and repeat as necessary at 2- to 3-week intervals depending upon disease pressure. Use lower rates in areas of low disease incidence and higher rates in areas of severe disease incidence. A maximum of 64 oz of BAYLETON 50% WP may be applied per acre per season. A spreader-sticker is needed to help adhere spray solution to the pine trees. Do not apply BAYLETON 50% WP on recent grafted scions until one year after grafting.	
Pine Seed (Nurseries) (Except California)	Fusiform rust (<i>Cronartium quercuum</i>)	20 oz
	Mix specified dosage in 100 gallons of water. Cover seeds with the mixture and soak them, at room temperature (75 °F), for 24 hours, stirring occasionally. Seed stratification, if necessary, should be completed before treatment with BAYLETON 50% WP. Thoroughly air dry all seed before applying any additional treatment or before planting. A spreader sticker may be needed to help adhere BAYLETON to the pine seed. Do not use treated seed for food or feed purposes.	
	Fusiform rust (<i>Cronartium quercuum</i>)	2 oz
	Apply specified dosage to 50 lb of thoroughly wetted pine seeds in a commercial tumbler or other suitable tumbler apparatus. Allow to mix for at least 10 minutes before applying bird repellent or other seed dressing materials. Thoroughly air dry seed before sowing. Do not use treated seed for food or feed purposes.	
Christmas Trees (Except Concolor Fir)	Stem & Cone Rusts <i>Cronartium</i> spp. (Fusiform) <i>Peridermium</i> spp. <i>Endocronartium harknessii</i> (Gall) Tip blight <i>Sirococcus strobilinus</i> Lophodermium Needlecast (<i>Lophodermium pinestri</i>)	8 oz/A
	Apply specified dosage per acre or per 100 gallons of water as a full coverage, dilute spray as needed. Full coverage of the trees is essential for maximum control. Use of nonionic spray adjuvant is recommended. Time applications appropriately for the specific disease being controlled. A maximum of 64 oz of BAYLETON 50% WP may be applied per acre per season. For rusts, begin applications when the needles break through the fascicle sheath. Make additional applications at 14- to 21-day intervals. Stop when galls become pale to white in color. For tip blight, begin applications to coincide with bud break. Make two additional applications at 14-day intervals. For Lophodermium needlecast, begin applications to coincide with spore release, normally beginning in mid-July and ending in mid-October. Make applications at 21-day intervals. Extend interval to 28 days if spore release is light or dry weather is expected.	

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ROTATIONAL CROPS

Corn, sorghum, soybeans, beans and peas may be planted 35 days after the last application of BAYLETON, however forage or vines from these crops may not be used for food or feed. Root crops may be planted 120 days after the last application but tops must not be used for food or feed. All crops may be planted 12 months or later after the last application of BAYLETON without any restrictions.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

Handle and open container in a manner as to prevent spillage. If the container is leaking or material spilled for any reason or cause, carefully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Dispose of pesticide as directed below. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer CropScience Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer CropScience Emergency Response Telephone No. is 1-800-334-7577 or contact Chemtrec at 1-800-424-9300.

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: Completely empty bag into application equipment. Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. If not recycled, then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.

Net Weight: ___ Pounds

PRODUCED FOR



Bayer CropScience

2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709
1-866-99BAYER (1-866-992-2937)

Bayleton 50% WP (MASTER) Approved 11/02/07, Notification 03/18/08