



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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

MAY 2 2008

Subject: Folicur 3.6 F Foliar Fungicide  
EPA Registration No. 264-752  
Tolerance Petition 7F4895  
Addition of Tree Nuts, Wheat and Barley to the Product Label

Dear Mr. Tolliver:

The label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable, provided that the changes are made and conditions are met:

**LABEL REVISIONS**

1. In the "Ingredients Statement", change "Inert Ingredients" to "Other Ingredients".
2. Revise the first sentence in the "Environmental Hazards" section to read "This pesticide is toxic to mammals, fish, and aquatic invertebrates".
3. Add the following text to the "Environmental Hazards" section: "Ground Water Advisory: Tebuconazole is known to leach through soil into ground under certain conditions as a result of label use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

Surface Water Advisory: This product may contaminate water through drift of spray in wind. This product has a high potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to runoff that contains this product. A level, well maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall-runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted within 48 hours".

4. On page 3, add the following statement to your mixing directions: "Do not tank mix with products containing a prohibition against tank mixing. Follow the most restrictive labeling requirements of any tank mix product."
5. Revise the heading "RECOMMENDED APPLICATIONS" on pages 3-6 to read "APPLICATION DIRECTIONS".
6. On pages 3-6 in the "Application Directions", in all instances where the word "recommended" or "recommendations" is used, replace these words with either the word "specified" or "directions" as appropriate. Use of the words "recommended" or "recommendations" is considered advisory language and therefore, is not enforceable.
7. On page 7 in the section "Conditions", revise the last sentence to read "To the extent consistent with applicable law, all such risks shall be assumed by the user or buyer." Additionally, in the "Disclaimer of Warranties" and Limitations of Liability" section, correct the spelling of "consisten" to read "consistent".

#### CONDITIONS OF REGISTRATION

1. Submit barley field trial data from regions 10 and 11 (along with concurrent storage stability data on barley straw). Submission Due by: December 2011.
2. Comply in the timeframe specified with the future Agency Data Call-In for all triazole-derivative active ingredients.
3. Submit a Whole Sediment Toxicity Study for benthic invertebrates. Submission due by December 2011.
4. Submit Aerobic and Anaerobic Aquatic Metabolism Studies. Submission due by December 2011.

One copy of the label stamped "Accepted, with comments" is enclosed for your records. Please submit one copy of the final printed label before the product is released for shipment. If you have any questions, please contact Tracy Keigwin of my team at (703) 305-6605 and/or via email at [keigwin.tracy@epa.gov](mailto:keigwin.tracy@epa.gov).

Sincerely,



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

Enclosure

ACCEPTED  
with COMMENTS  
In EPA Letter Dated:

5/2/2008

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No. 264-752

# Folicur® 3.6 F Foliar Fungicide

For control of specified diseases on various crops.

**ACTIVE INGREDIENT:**

Tebuconazole, alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol ..... 38.7%

**INERT INGREDIENTS:** ..... 61.3%

Contains 3.6 pounds tebuconazole per gallon ..... 100.0%

EPA Reg. No. 264-752

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"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
If on skin or clothing	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
If in eyes	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
If inhaled	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>

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. Contact with the eyes may cause irritation

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### CAUTION

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes, and clothing. Avoid breathing vapor or spray mist.

**Personal Protective Equipment:** 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 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 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**

This pesticide is toxic to estuarine and marine invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate.

#### **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, such as barrier laminate or butyl rubber or nitrile rubber or neoprene rubber or polyvinyl chloride or viton
- Shoes plus socks

## 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 container is leaking invert to prevent leakage. If the container is leaking or material is spilled for any reason or cause, carefully dam up spilled material to prevent runoff. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides 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.

**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:** Non-refillable container. Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Offer for recycling, if available. If not recycled, then puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**Spray Volume:** FOLICUR 3.6 F may be applied in a minimum of 10 gallons of spray solution per acre by ground sprayer or in a minimum of 5 gallons of spray solution per acre by aircraft spray equipment. 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.

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

**Mixing:** Add recommended amount of FOLICUR 3.6 F 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 FOLICUR 3.6 F should be thoroughly dispersed prior to the addition of other materials.

**Compatibility:** To determine the compatibility of FOLICUR 3.6 F 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		
CROP	DISEASE	RATE OF FOLICUR 3.6 F
Grasses Grown for Seed	Rusts ( <i>Puccinia spp.</i> )	4 to 8 fl oz per acre
	Apply the specified rate of FOLICUR 3.6 F as soon as weather conditions are favorable for rust development or when first rust pustules are present. Repeat applications at 14- to 16-day intervals. Under heavy disease pressure use 6 to 8 fl oz/A and shorter spray intervals.	
	Powdery mildew	4 to 8 fl oz per acre
	Apply specified rate of FOLICUR 3.6 F when powdery mildew first appears on the leaves. Repeat applications at 14- to 16-day intervals. Under heavy disease pressure use 6 to 8 fl oz/A and shorter spray intervals.	
<b>General Comments:</b> Apply the specified rate in a minimum of 20 gallons of water per acre with ground sprayers or in a minimum of 10 gallons of water per acre with aircraft. Thorough coverage is important for optimum disease control.		
For optimum benefit, the lowest recommended rate of a spray surfactant should be tank mixed with FOLICUR 3.6 F.		
A maximum of 16 fluid ounces (1 pint) may be applied per acre per crop season. FOLICUR may be applied up to 4 days before harvest. Chaff, screenings and straw from treated areas may be used for feed purposes; however, do not forage, cut green crop, or use seed for feed purposes. Regrowth may be grazed starting 17 days after last application.		

**RECOMMENDED APPLICATIONS**

CROP	DISEASE	RATE OF FOLICUR 3.6 F
Barley	Rusts ( <i>Puccinia spp.</i> )	4 fl. oz. per acre
	Head blight ( <i>Fusarium spp.</i> ) – Suppression	
<p>Notes: Apply FOLICUR 3.6 F in a minimum of 10 gallons of spray solution per acre by ground or in a minimum of 5 gallons of spray solution per acre by air. A maximum of 4 fl. oz. of FOLICUR 3.6 F may be applied per acre per crop season. Do not apply within 30 days of harvest. Straw cut after harvest may be fed or used for bedding. Grazing livestock or feeding of green forage is permitted 6 or more days after the last application of FOLICUR 3.6 F. Barley fields should be observed closely for early disease symptoms, particularly when susceptible varieties are planted and/or under prolonged conditions favorable for disease development.</p> <p>Application timing recommendations:                      Rusts: Apply FOLICUR 3.6 F at the earliest sign of rust pustules on foliage.                      Fusarium head blight: Optimal timing of FOLICUR 3.6 F for Fusarium head blight suppression is when main stem heads have fully emerged (Feekes 10.5) on 50% of the plants.</p>		

General Comments: For optimum disease control, the lowest recommended rate of a spray surfactant should be tank-mixed with FOLICUR 3.6 F. FOLICUR 3.6 F must have two to four hours of drying time on plant foliage for the active ingredient to move systemically into plant tissue before rain or irrigation occurs. After this period of time, FOLICUR 3.6 F will be resistant to weathering. FOLICUR 3.6 F is a demethylation inhibitor (DMI) fungicide (Group 3).

**RECOMMENDED APPLICATIONS**

CROP	DISEASE	RATE OF FOLICUR 3.6 F
Peanut	<p><b>SOILBORNE:</b>                      Sclerotium stem and pod rot (white mold, southern blight, southern stem rot)                      Rhizoctonia limb rot                      Rhizoctonia pod rot (Virginia and North Carolina only)</p> <p><b>FOLIAR:</b>                      Early leaf spot                      Late leaf spot                      Leaf rust                      Web blotch (Phoma)                      Pepper spot (<i>Leptosphaerulina</i>)</p>	7.2 fl oz per acre
<p><b>FOUR-APPLICATION SPRAY PROGRAM:</b> Apply the specified rate in a preventive spray schedule. See table below for proper timing of applications. Applications of chlorothalonil should be made prior to and following applications of FOLICUR 3.6 F to discourage development of resistant strains of fungi. For optimum control of foliar diseases such as leaf rust, web blotch, and pepper spot, the lowest label recommended rate of a spray surfactant should be tank-mixed with FOLICUR 3.6 F.</p> <p><b>LEAF SPOT ADVISORY SCHEDULE:</b> For control of soilborne diseases in an advisory schedule, apply FOLICUR 3.6 F in the first advisory spray in July and continue FOLICUR 3.6 F applications at 14-day intervals. Applications after August 15 should be tank mixed with chlorothalonil for resistance management purposes.</p> <p><b>GENERAL DIRECTIONS:</b> For optimum control of the specified soilborne diseases, four consecutive applications of FOLICUR 3.6 F must be made at 14-day intervals.</p> <p>A maximum of 28.8 fluid ounces of FOLICUR 3.6 F may be applied per crop season. FOLICUR may be applied up to 14 days before harvest. Do not feed hay or threshings or allow livestock to graze in treated areas.</p> <p>FOLICUR 3.6 F is a sterol demethylation inhibitor (DMI) fungicide. Chlorothalonil may be tank mixed at the rate of 12 ounces of active ingredient with FOLICUR 3.6 F as a leaf spot resistance management strategy. A spray surfactant is not necessary when FOLICUR 3.6 F is tank mixed with chlorothalonil. Mixing or alternating FOLICUR 3.6 F with other DMI fungicides may lead to resistance.</p> <p>FOLICUR 3.6 F must be carried by rainfall or irrigation into the root and pod zone for control of root and pod rots caused by <i>Sclerotium rolfsii</i> and <i>Rhizoctonia solani</i>. Drought conditions will decrease the effectiveness of FOLICUR 3.6 F against the root and pod rots.</p> <p>Use FOLICUR 3.6 F in conjunction with cultural practices that are known to reduce the severity of soilborne diseases, such as proper crop rotation practices.</p>		
<p><b>Timing of FOLICUR 3.6 F Application for Optimum Control of White Mold and Rhizoctonia Limb and Pod Rot</b></p>		
Spray Program	FOLICUR 3.6 F Application No.	Chlorothalonil Application No.
7 applications	3, 4, 5 and 6	1, 2 and 7

RECOMMENDED APPLICATIONS		
CROP	DISEASE	RATE OF FOLICUR 3.6 F
Wheat	Rusts leaf, stem, and stripe ( <i>Puccinia spp.</i> )	4 fl. oz. per acre
	Head blight or scab ( <i>Fusarium spp.</i> ) – Suppression	
<p>Notes: Wheat fields should be observed closely for early disease symptoms, particularly when susceptible varieties are planted and/or under prolonged conditions favorable for disease development. A maximum of 4 fl. oz. of FOLICUR 3.6 F may be applied per acre per crop season. Do not apply within 30 days of harvest. Straw may be fed or used for bedding. Do not allow livestock to graze or feed green forage to livestock prior to 6 days after treatment with FOLICUR 3.6 F. Apply FOLICUR 3.6 F in a minimum of 10 gallons of spray solution per acre by ground, or in a minimum of 5 gallons of spray solution per acre by air.</p> <p>Application timing recommendations:  Rusts: Apply FOLICUR 3.6 F at the earliest sign of rust pustules on foliage.  Fusarium head blight: Optimal timing of FOLICUR 3.6 F for Fusarium head blight suppression is the beginning of flowering on main stem heads (Feekes 10.51).</p>		
<p>General Comments: For optimum disease control, the lowest recommended rate of a spray surfactant should be tank-mixed with FOLICUR 3.6 F. FOLICUR 3.6 F must have two to four hours of drying time on plant foliage for the active ingredient to move systemically into plant tissue before rain or irrigation occurs. After this period of time, FOLICUR 3.6 F will be resistant to weathering. FOLICUR 3.6 F is a demethylation inhibitor (DMI) fungicide (Group 3).</p>		

**OBSERVE THE FOLLOWING PRECAUTIONS WHEN SPRAYING IN THE VICINITY OF AQUATIC AREAS SUCH AS LAKES, RESERVOIRS, RIVERS, PERMANENT STREAMS, MARSHES OR NATURAL PONDS, AND ESTUARIES.**

Apply only during alternate years in fields adjacent to aquatic areas listed above.

Do not apply by ground or air within 100 feet of aquatic areas listed above.

Do not cultivate within 10 feet of an aquatic area to allow growth of a vegetative filter strip.

Spray Drift Management: For aerial applications, the spray boom should be mounted on the aircraft so as to minimize drift caused by wing tip vortices. The minimum practical boom length should be used, and must not exceed 75% of the wing span or rotor diameter.

Use the largest droplet size consistent with pest control. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible and by avoiding excessive spray boom pressure. Apply in a minimum of 5 gallons of spray solution per acre by aircraft spray equipment.

Spray should be released at the lowest possible height consistent with good pest control and flight safety. Applications more than 10 feet above the crop canopy should be avoided.

Make aerial or ground applications when wind velocity favors on-target product deposition (approximately 3 to 10 mph). Do not apply when wind velocity exceeds 15 mph. Avoid applications when wind gusts approach 15 mph.

Risk of exposure to sensitive aquatic areas can be reduced by avoiding applications when wind direction is toward the aquatic area.

Low humidity and high temperatures increase the evaporation rate of spray droplets and therefore the likelihood of spray drift to aquatic areas. Avoid spraying during conditions of low humidity and/or high temperature.

Do not make aerial or ground applications during temperature inversions. Inversions are characterized by stable air and increasing temperatures with height above the ground. Mist or fog may indicate the presence of an inversion in humid areas. The applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.

**ROTATIONAL CROPS**

Treated areas may be replanted with any crop specified on this label as soon as practical after last application. Any crop not specified on this label may be planted into treated areas 120 days after last application.



## **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 CONSISTEN 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 CONSISTEN 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 CONSISTEN 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 CONTENTS:**

PRODUCED FOR

Bayer CropScience LP  
P.O. Box 12014, 2 T.W. Alexander Drive  
Research Triangle Park, North Carolina 27709  
1-866-99BAYER (1-866-992-2937)

Folicur 3.6 F Foliar Fungicide (PENDING) 04/11/08