

264-861

7/28/2008

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JUL 28 2008

Attn: Melvin Tolliver
Bayer CropScience LP
P.O. Box 12014
2 T.W. Alexander Drive
Raleigh, NC 27709

Subject: ~~Provost 433-SC Fungicide~~
EPA Registration No. 264-861
Your new use PRIA application for prothioconazole, and tebuconazole in/on
soybean, dated May 17, 2006

Dear Mr. Tolliver:

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, has been reviewed. The label is acceptable provided the conditions herein are observed in a revised final printed label, and resubmitted to the Agency within 45 days of the date hereon. A copy of the label stamped "Accepted with Comments" is enclosed.

1. 'General Information' section, on page 3, must be revised, by appending:

"Under conditions conducive to extended infection or high disease pressure, another registered fungicide may be used once this product's maximum application rates have been reached. Equipment must be properly calibrated before use."

2. Under the 'General Information' subsections for peanut and soybean, add, "**Hand-harvesting is prohibited**," which is consistent with the Agency's most recent approvals for products, containing prothioconazole, 264-1055, and 264-825. At the request of the Bayer CropScience, this label requirement is pending further consideration by the Agency. Should the Agency later decide such a statement(s) to be unnecessary, it will be removed from the affected label(s).

3. In the 'Environmental Hazards' section, on page 2, change 'estuarines' to 'estuarine'.
4. Throughout the label replace 'recommended', 'recommendation(s)', with 'specified' or 'directions', or similar, because the former terms are considered advisory, and are not enforceable. Similarly, from the table heading, on pages 5 and 6, observe the aforementioned, revising "Recommended Applications."

CONDITIONS OF REGISTRATION

1. "In the Agency's risk assessment for 1,2,4-triazole and its metabolites triazole alanine, and triazole acetic acid, dated February 7, 2006 (see docket number 2005-0497 at <http://www.regulations.gov>), the Agency identified additional data that are needed for triazole-derivative active ingredients which have the 1,2,4,-triazole ring. The Agency plans to issue a Data Call-In for all triazole-derivative active ingredients which will identify all data needs for these active ingredients listed in the February 7, 2006 risk assessment. The Data Call-In will not address data needs that are related to parent-only data requirements."
2. By December 2011, submit a tebuconazole 'Whole Sediment Toxicity Study for benthic invertebrates.
3. By December 2011, for tebuconazole, submit Aerobic and Anaerobic Aquatic Metabolism Studies.

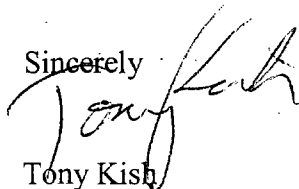
If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release of the shipment of your product constitutes acceptance of these conditions.

A copy of the label stamped "Accepted with Comments" is enclosed for your records.

If you have any questions, please contact Bryant Crowe by phone at (703) 305-0025 or via email at crowe.bryant@epa.gov.

Enclosure

Sincerely



Tony Kish
Product Manager (22)
Fungicide Branch
Registration Division (7505P)

GROUP	3	FUNGICIDE
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PROVOST™ 433 SC Fungicide

For control of specified diseases on peanuts and soybeans.

Active Ingredients: Prothioconazole, 2-[2-(1-Chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-1,2-dihydro-3H-1,2,4-triazole-3-thione.....	12.9%
Tebuconazole, alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl-1H-1,2,4-triazole-1-ethanol.....	25.8%
Inert Ingredients:	61.3%
Contains 1.2 lbs/gal (144.6 g/l) of prothioconazole plus 2.4 lbs/gal (289.3 g/l) of tebuconazole	100.0%

EPA Reg. No. 264-861

EPA Est.

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"> • Immediately call a poison control center or doctor for treatment advice. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Have person sip a glass of water if able to swallow. • 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 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.
<p>For MEDICAL Emergencies Call 24 Hours A Day 1-800-334-7577.</p> <p>Have the product container or label with you when calling a poison control center or doctor or going for treatment.</p>	
<p>NOTE TO PHYSICIAN: No specific antidote. Treat symptomatically.</p>	

PRECAUTIONARY STATEMENTS

HAZARD (TO HUMANS AND DOMESTIC ANIMALS)
CAUTION

Harmful if swallowed, inhaled, or absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes and clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment

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, 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.
- Wash the outside of gloves before removing.

ENVIRONMENTAL HAZARDS

This product is toxic to mammals, fish, aquatic invertebrates, and freshwater/estuarines/marine aquatic plants. 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.

Groundwater Advisory: Prothioconazole-desthio (a degradate of prothioconazole) and tebuconazole are known to leach through soil into ground water 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. Drift and runoff are hazardous to aquatic organisms in water adjacent to treated areas. This product has a high potential for runoff for several months or more after application. Poorly draining soils and soils with shallow watertables are more prone to produce 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 to occur within 48 hours.

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 and notification to workers (as applicable). 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.

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

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 on site or at an approved waste disposal facility.

Container Disposal: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

GENERAL INFORMATION

PROVOST™ 433 SC is a broad-spectrum systemic fungicide for the control of Ascomycetes, Basidiomycetes and Deuteromycetes diseases in peanuts and soybeans. Under conditions conducive to extended infection periods or high disease pressure, additional fungicide applications beyond the number allowed by this label may be needed. Under these conditions use another fungicide registered for the crop/disease.

Resistance Management Statement

PROVOST 433 SC is a Group 3 fungicide which exhibits no known cross-resistance to other fungicide groups. However, fungal pathogens are known to develop resistance to products with the same mode of action when used repeatedly. Any fungal population may contain or develop individuals that are resistant to PROVOST 433 SC and other Group 3 fungicides. If Group 3 fungicides are used repeatedly in the same field or in successive years as the primary method of control for targeted diseases, the resistant isolates may eventually dominate the fungal population. Because resistance development cannot be predicted, the use of this product should conform to resistance management strategies established for the crop and use area. Such strategies may include rotation and /or tank mixing with products having different modes of action or limiting the total number of applications per season. Contact your local extension specialist, certified crop advisor, and/or manufacturer for fungicide resistance management and/or integrated disease management recommendations for specific crops and pathogen populations. Bayer CropScience encourages responsible resistance management to ensure effective long-term control of the fungal diseases on this label.

Spray Equipment/Volumes

PROVOST 433 SC may be applied by either ground or aerial application equipment. Apply 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.

Mixing Procedures

Prepare no more spray mixture than is necessary for the immediate operation. Thoroughly clean spray equipment before using this product. Maintain maximum agitation throughout the spray operation. Do not let the spray mixture stand overnight in the spray tank. Flush the spray equipment thoroughly following each use and apply the rinsate to the previously treated area or dispose of the rinsate according to local regulations.

PROVOST 433 SC Alone: Add ½ of the required amount of water to the mix tank. With the agitator running, add the PROVOST 433 SC to the tank. Continue agitation while adding the remainder of the water. Begin application of the solution after the product has completely and uniformly dispersed into the mix water. Maintain agitation until all of the mixture has been applied.

PROVOST 433 SC + Tank-Mix Partners: Add ½ of the required amount of water to the mix tank. Start the agitator running before adding any of the tank-mix partners. In general, tank-mix partners should be added in this order: products packaged in water-soluble packaging*, wettable powders, wettable granules (dry flowables), liquid flowables, liquids and emulsifiable concentrates. Always allow each tank-mix partner to become fully and uniformly dispersed before adding the next product. Provide sufficient agitation while adding the remainder of the water. Maintain agitation until all of the mixture has been applied.

* **Note:** When using PROVOST 433 SC in tank mixtures, all products in water-soluble packaging should be added to the tank before any other tank-mix partner, including PROVOST 433 SC. Allow the water-soluble packaging to completely disperse before adding any other tank-mix partner to the tank.

If using PROVOST 433 SC in a tank mixture, observe all directions for use, crop/sites, use rates, dilution ratios, precautions, and limitations; which appear on the tank-mix product label. No label dosage rate should be exceeded, and the most restrictive label precautions and limitations must be followed. This product must not be mixed with any product that prohibits such mixing. Tank mixtures or other applications of products referenced on this label are permitted only in those states in which the referenced products are registered.

PROVOST 433 SC is compatible with most insecticide, fungicide, herbicide and foliar nutrient products. However, the physical compatibility of PROVOST 433 SC with tank-mix partners should be tested before use. To determine the physical compatibility of PROVOST 433 SC with other products, use a jar test, as described below.

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Using a quart jar, add the proportionate amounts of the products to 1 qt. of water. Add wettable powders and water-dispersible granular products first, then liquids, and emulsifiable concentrates last. After thoroughly mixing, let stand for at least 5 minutes. If the combination remains mixed or can be remixed readily, it is physically compatible. Once compatibility has been proven, use the same procedure for adding required ingredients to the spray tank. For further information contact your local Bayer CropScience representative.

The crop safety of all potential tank mixes including additives and other pesticides on all crops has not been tested. Before applying any tank mixture not specifically recommended on this label, the safety to the target crop should be confirmed. To test for crop safety, apply PROVOST 433 SC to the target crop in a small area and in accordance with label instructions for the target crop.

Aerial Application: Avoid application under conditions when uniform coverage cannot be obtained or when excessive spray drift may occur. Do not apply directly to humans or animals.

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

Recommendations to Avoid Spray Drift

Do not make applications when conditions favor drift beyond the target application area. When drift may be a problem, take measures to reduce drift, including:

1. Do not spray if wind speeds are or become excessive. Do not spray if wind speed is 15 mph or greater. If non-target crops are located downwind, use caution when spraying if wind is present. Do not spray if winds are gusty.
2. Use caution when conditions are favorable for drift (high temperatures, drought, low relative humidity).
3. Do not apply when temperature inversion exists. If inversion conditions are suspected, consult with local weather services before making an application.

ROTATIONAL RESTRICTIONS

Treated areas may be replanted with any crop specified on this label as soon as practical after last application. For crops not listed on this label, do not plant back within 120 days of last application.

USE DIRECTIONS FOR SPECIFIC CROPS

PROVOST 433 SC provides control or suppression of many important diseases of peanuts and soybeans. When reference is made to disease suppression, suppression can mean either erratic control from good to fair or consistent control at a level below that obtained with the best commercial disease control products.

**ACCEPTED
with COMMENTS
In EPA Letter Dated**

JUL 28 2008

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

264-861

RECOMMENDED APPLICATIONS		
CROP	DISEASE CONTROLLED	RATE OF PROVOST 433 SC
Peanut	Foliar diseases Early Leaf Spot (<i>Cercospora arachidicola</i>) Late Leaf Spot (<i>Cercosporidium personatum</i>) Leaf Rust (<i>Puccinia arachidis</i>) Web Blotch (<i>Phoma arachidicola</i>) Leaf Scorch and Pepper Spot (<i>Leptosphaerulina crassiasca</i>)	7 to 8 fl oz. per acre
	Soil-borne diseases Sclerotium Rot, White Mold, Southern Blight, Southern Stem Rot (<i>Sclerotium rolfsii</i>) Rhizoctonia Limb Rot, Peg Rot, Pod Rot (<i>Rhizoctonia solani</i>)	
	Cylindrocladium Black Rot (<i>Cylindrocladium crotalariae</i>) (Suppression Only)	
Application Directions <p>Disease Control Program: For foliar diseases, apply the specified rate in a preventive spray schedule using a 14-day interval. For optimum control of the specified soil-borne diseases, it is recommended that four consecutive applications of PROVOST 433 SC be made at 14-day intervals. In a typical 7 spray application program, PROVOST 433 SC should be applied in a block (sprays 3, 4, 5 and 6). If fewer than 7 calendar-based applications are typically made, the number of consecutive block sprays with PROVOST 433 SC can be reduced accordingly. For control of soil-borne diseases when using a Leaf Spot Advisory Program schedule, apply PROVOST 433 SC in the first advisory spray in July and continue applications at 14-day intervals for at least three applications. Soil-borne disease control will be improved with four applications. PROVOST 433 SC must be carried by rainfall or irrigation into the root and pod zone for control of root and pod rots. Use the higher use rate when conditions are favorable for severe disease pressure and/or when growing less disease resistant varieties.</p> <p>For resistance management: No more than 4 foliar applications of fungicides containing sterol biosynthesis inhibitors (Group 3) are recommended per season for resistance management. Applications of fungicides with a different mode of action should be made prior to and following block applications of PROVOST 433 SC to discourage development of resistant strains of fungi. Use in conjunction with cultural practices that are known to reduce the severity of soil-borne diseases, such as proper crop rotation practices.</p> <p>General Comments: A maximum of 42.8 fl oz. per acre of PROVOST 433 SC may be applied per season. If other products are used containing tebuconazole or prothioconazole, do not exceed a maximum of 0.8 lb tebuconazole/acre/season or 0.71 lb prothioconazole/acre/season. PROVOST 433 SC may be applied up to 14 days before harvest. Do not feed hay or threshings or allow livestock to graze in treated areas. Applications may be made by ground or aerial spray equipment.</p>		

RECOMMENDED APPLICATIONS		
CROP	DISEASE CONTROLLED	RATE OF PROVOST433 SC
Soybean	Asian Soybean Rust (Phakopsora pachyrhizi)	3.0 fl oz per acre
	Powdery Mildew (Microsphaera diffusa)	

Application Directions:
Apply PROVOST 433 SC as a broadcast foliar spray as a preventative spray or at first visible symptoms of disease. Repeat applications on a 10- to 21- day spray interval if environmental conditions are favorable for continued disease development. Use of shorter spray intervals are recommended when disease pressure is severe. Use of spray adjuvants may enhance performance of PROVOST 433 SC especially when disease is already present at time of application. If utilized, apply the lowest labeled rate of a registered nonionic surfactant or spreader sticker. PROVOST 433 SC should be applied in a minimum of 15 gallons of spray solution by ground sprayer or in a minimum of 2 gallons per acre by aircraft spray equipment.

General Comments: Applications may not be made within 21 days of harvest. A maximum of 9 fl oz. per acre of PROVOST 433 SC may be applied per season. If other products are used containing tebuconazole or prothioconazole, do not exceed a maximum of 0.338 lb tebuconazole/acre/season or 0.402 lb prothioconazole/acre/season.

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.

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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. To the extent consistent with applicable law, 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 CONTENTS:

Provost is a trademark of Bayer.

PRODUCED FOR



Bayer CropScience

**Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
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1-866-99BAYER (1-866-992-2937)**

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Resubmitted 07/08/08