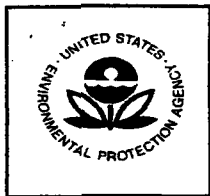


264-862

05/30/2008

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:

264-862

Date of Issuance:

MAY 30 2008

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance: Conditional

Name of Pesticide Product:

Prosaro 421 SC Fungicide

Name and Address of Registrant (include ZIP Code):

Bayer CropScience (Attn: Mel Toliver)
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA Section 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA Section 4.
2. Before releasing the product for shipment, revise the EPA Registration Number to read, "EPA Reg. No. 264-862." Submit a final printed label, within 45 days of the date hereon, making the following changes:
 - A. Submit a GLP one-year storage stability study (830.6317) and corrosion characteristics study (830.6320) by May 31, 2009.
 - B. In the 'Ingredient Statement', for the active ingredient Tebuconazole, correct the misspelling of 'chlorophenyl'.

Signature of Approving Official:

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

Date:

MAY 30 2008

- C. In the 'First Aid' boxes, change the poison control statements for 'oral' and 'inhalation' to match the others.
- D. 'General Information' section requires its second sentence to be revised, particularly "...applications beyond the number allowed by this label may be needed." Thus, revise the sentence as follows or a variation thereof: "Under conditions conducive to extended infection or high disease pressure, another registered fungicide may be needed once this product's maximum application rates have been reached."
- E. Consistent with the recent approvals for product's 264-1055, 264-825, under the section 'Use Directions for Specific Crops', on page 4, add, "Hand-harvesting is prohibited." This label requirement is pending further consideration by the Agency, at the request of the registrant. Should the Agency later decide such a statement(s) to be unnecessary, the registrant will then be allowed to remove such comments from each affected label.
- F. In the second paragraph, on page 4, revise its second sentence, by exchanging "should" for "must." By doing so, the recommended guidance becomes most apparent, whereby "...no label dosage rate *must* be exceeded...."
- G. Throughout the label replace 'recommended', 'recommendation(s)', with 'specified' or 'directions', accordingly, because the former terms are considered advisory, and are not enforceable.
- H. 'Rotational Restrictions' section, on page 4, incorrectly makes reference to a '30 day plant back', which must be changed to a '120 plant back', so that it is consistent with the most restrictive regulatory decision shared by the product's two active ingredients. Such a decision was recently made, by the Agency, for a tebuconazole product, its EPA regulatory number: 264-752.
- H1. Similarly, taken from the label #264-752, dated May 2, 2008, add the following to the subject product label's 'Wheat' table, under the 'General Comments' subsection, "*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 this product.*" Under the 'General Comments' section of the 'Barley' table, insert the latter sentence to establish consistency with such restrictions observed in the above cited label.
- H2. Additionally, beneath the subject product's 'Wheat' table, on page 6, insert the aquatic guidance section altogether, as observed, on page 6, of the aforementioned tebuconazole label, beginning with the sentence: "**OBSERVE THE FOLLOWING PRECAUTIONS...**", ending with the sentence "*The applicator may detect...layer near the ground surface.*"

- I. From page 5, in the 'General Comments' section, delete "Do not enter treated field for 12 hours," because it conflicts with the 48 hour restricted - entry interval, referenced in the Agricultural Use Requirement's box.
 - II. On page 5, change "3 gallons of spray" to "5 gallons of spray," as the former is inconsistent with such specifications made in the 'Spray Equipment/Volumes' section, found on page 3.
- J. Under the section 'Conditions', append the sentence "All such risks shall be assumed by the buyer," with "*To the extent consistent with applicable law* all such risks shall be"

CONDITIONS OF REGISTRATION

1. Submit tebuconazole barley field trial data from regions 10 and 11 (along with concurrent storage stability data on barley straw). Submission Due by: December 2011.
2. Within the specified timeframe, comply with the Agency Data Call-In for all triazole-derivative active ingredients.
3. By December 2011, submit a tebuconazole Whole Sediment Toxicity Study for benthic invertebrates.
4. By December 2011, submit a tebuconazole 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.

Enclosures

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GROUP 3 FUNGICIDE

PROSARO™ 421 SC Fungicide

For control of specified diseases on Barley and Wheat.

Active Ingredients: Prothioconazole, 2-[2-(1-Chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-1,2-dihydro-3H-1,2,4-triazole-3-thione.....	19.0%
Tebuconazole, alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol.....	19.0%
Other Ingredients:.....	62.0%
Total.....	100.0%

Contains 1.76 lbs/gal of prothioconazole plus 1.76 lbs/gal of tebuconazole

EPA Reg. No. 264-IAE

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>	
NOTE TO PHYSICIAN: No specific antidote. Treat symptomatically.	

PRECAUTIONARY STATEMENTS

HAZARDS 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. 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 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.

GENERAL INFORMATION

PROSARO™ 421 SC is a broad-spectrum systemic fungicide for the control of Ascomycetes, Basidiomycetes and Deuteromycetes diseases in a variety of crops. 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

PROSARO™ 421 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 PROSARO™ 421 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

PROSARO™ 421 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. Do not tank mix with products containing a prohibition against tank mixing. Follow the most restrictive labeling requirements of any tank mix product.

PROSARO™ 421 SC Alone: Add ½ of the required amount of water to the mix tank. With the agitator running, add the PROSARO™ 421 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.

PROSARO™ 421 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 PROSARO™ 421 SC in tank mixtures, all products in water-soluble packaging should be added to the tank before any other tank-mix partner, including PROSARO™ 421 SC. Allow the water-soluble packaging to completely disperse before adding any other tank-mix partner to the tank.

If using PROSARO™ 421 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.

PROSARO™ 421 SC is compatible with most insecticide, fungicide, herbicide and foliar nutrient products. However, the physical compatibility of PROSARO™ 421 SC with tank-mix partners should be tested before use. To determine the physical compatibility of PROSARO™ 421 SC with other products, use a jar test, as described below.

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 PROSARO™ 421 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.

Adjuvants: PROSARO™ 421 SC is recommended to be used with a registered non-ionic surfactant at the lowest recommended labeled rate for most crops. Refer to the individual crop recommendations for those specific uses where a surfactant is not recommended.

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 30 days of last application.

USE DIRECTIONS FOR SPECIFIC CROPS

PROSARO™ 421 SC provides control or suppression of many important diseases of barley and wheat. 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.

APPLICATION DIRECTIONS		
CROP	DISEASE CONTROLLED	RATE OF PROSARO 421 SC
Barley	<p>Fusarium Head Blight (Suppression) (Fusarium spp.)</p> <p>Leaf and Stem Diseases Net Blotch (Pyrenophora teres)</p> <p>Scald (Rhynchosporium secalis)</p> <p>Spot Blotch (Cochliobolus sativus)</p> <p>Rust (Puccinia graminis, P. hordei,)</p>	6.5 to 8.2 fl oz. per acre
	<p>Application Directions:</p> <p>Fusarium Head Blight (Suppression Only): Apply PROSARO 421 SC as a preventative foliar spray within the time period when 75% to 100% of the barley heads on the main stem are fully emerged (~ Feekes Growth Stages 10.3 to 10.51). Spray equipment must be set up to provide good coverage of barley heads. For thorough coverage of the barley head using ground application equipment, use forward, forward and backward mounted nozzles, or nozzles that have a two-directional spray. Nozzles should be operated within the spray pressure directions suggested by the manufacturer.</p> <p>Leaf and Stem Diseases: Apply PROSARO 421 SC as a preventive foliar spray when the earliest disease symptoms appear on the leaves and stems. 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>GENERAL COMMENTS: Apply up to two (2) applications of PROSARO 421SC per year but do not exceed 8.2 oz per season. Repeat applications as needed using a 7- to 14-day spray interval if conditions remain favorable for continued or increasing disease development. For optimum disease control, the lowest labeled rate of a spray surfactant should be tank-mixed with PROSARO 421 SC. PROSARO 421 SC may be applied in a minimum of 10 gallons of spray solution per acre by ground sprayer or in a minimum of 3 gallons of spray solution per acre by aircraft spray equipment. Application through any type of irrigation equipment is prohibited. Do not apply within 30 days of harvest. Straw cut after harvest may be fed or used for bedding. Do not enter treated field for 12 hours after application.</p>		

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APPLICATION DIRECTIONS		
CROP	DISEASE CONTROLLED	RATE OF PROSARO 421 SC
Wheat (spring, durum, and winter)	Fusarium Head Blight (Suppression) (Fusarium spp.)	6.5 to 8.2 fl oz. per acre
	Leaf and Stem Diseases Leaf Rust (Puccinia recondita f.sp. tritici) Septoria Leaf and Glume Blotch (Septoria tritici, S. nodorum) Stem Rust (Puccinia graminis) Tan Spot (Pyrenophora tritici-repentis)	
Application Directions: Fusarium Head Blight (Suppression Only): PROSARO 421 SC may be applied up to mid flowering. This is when 75% - 100% of the wheat heads on the main stem are fully emerged and when 50% of the heads on the main stem are in flower (~ Feekes Growth Stage 10.52). Spray equipment must be set up to provide good coverage to wheat heads. For thorough coverage of the wheat head using ground application equipment, use forward, forward and backward mounted nozzles, or nozzles that have a two-directional spray. Operate nozzles within the spray pressure directions suggested by the manufacturer. Leaf and Stem Diseases: Apply PROSARO 421 SC as a preventive foliar spray of when the earliest disease symptoms appear on the leaves and stems. 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.		
General Comments: Apply up to two (2) applications of PROSARO 421 SC per year. Repeat applications as needed using a 7- to 14-day spray interval if conditions remain favorable for continued or increasing disease development. For optimum disease control, the lowest labeled rate of a spray surfactant must be tank-mixed with PROSARO 421 SC. Applications may be made by ground or aerial spray equipment. A maximum of 8.2 fl oz. of PROSARO 421 SC may be applied per acre per crop year. PROSARO 421 SC may be applied up to the point where wheat heads are in the full flower growth stage (Feekes 10.52). Do not apply within 30 days of harvest.		

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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. 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:

Prosaro is a registered trademark of Bayer.

**ACCEPTED
with COMMENTS
In EPA Letter Dated**

**MAY 30 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.**

264-862



Bayer CropScience

**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)**

PROSARO™ 421 SC Fungicide (PENDING) Submitted 12/30/05, Resubmitted 05/07/08