

264-862

5/20/2014

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Jessica Fernandez
Bayer Crop Science
2 T.W Alexander Drive
P.O. Box 12014
RTP, NC 27709

MAY 20 2014

Subject: Prosaro 421 SC Fungicide
EPA Reg. No.264-862
Notification dated 4/25/14
Decision Number 491243

Dear Ms. Fernandez:

The Agency is in receipt of your April 25, 2014 Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10.

The Agency acknowledges your request to add the restriction: "Not for use on corn in NY" to the label. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call Summer Gardner-Jenkins at 703-308-9353.

Sincerely,

Tony Kish
Product Manager, Team 22
Fungicide Branch
Registration Division (7504P)



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 264-862	2. EPA Product Manager Tony Kish	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Prosaro 421 SC Fungicide	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience LP 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, per PR Notice 98-10: Since tebuconazole is not currently registered in the State of NY for use on corn, the following statement has been added to the label on page 7, "Not for use on corn in New York". This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Metal Plastic Glass Paper Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Jessica Fernandez	Title Registration Manager	Telephone No. (Include Area Code) 919-549-2331
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.		Date Application Received (Stamped)
2. Signature <i>Jessica Fernandez</i>	3. Title Registration Manager	
4. Typed Name Jessica Fernandez	5. Date April 25, 2014	

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Bayer CropScience



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

April 25, 2014

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

Re: Prosaro 421 SC Fungicide, EPA Reg. No. 264-862: Amendment by Notification (per PR Notice 98-10) to Add the restriction: "Not for use on corn in NY" to the Label.

To Whom It May Concern:

As allowed by PR Notice 98-10, we are notifying the Agency of a minor labeling amendment for Prosaro 421 SC Fungicide (EPA Reg. No. 264-862). Since tebuconazole is not currently registered in the State of NY for use on corn, the following statement has been added to the label on page 7, "Not for use on corn in New York".

"This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

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

Sincerely,

Jessica Fernandez
Registration Manager

Handwritten initials and marks, including several groups of 'J' characters and some illegible scribbles.

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Enclosures:

1. EPA Application Form 8570-1
2. Draft labeling (electronic copies: one version with highlighted changes, one clean copy version)

Handwritten marks and symbols in the bottom right corner, including several rows of small, illegible characters and symbols.

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DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, 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 (REI). 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 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 any waterproof material.
- Shoes plus socks

PRODUCT INFORMATION

PROSARO® 421 SC Fungicide is a broad-spectrum systemic fungicide for the control of Ascomycetes, Basidiomycetes and Deuteromycetes diseases in barley, corn (field corn, field corn grown for seed, popcorn, and sweet corn), and wheat. Under conditions conducive to extended infection periods or high disease pressure, another registered fungicide may be needed once this product's maximum application rates have been reached. Under these conditions use another fungicide registered for the crop/disease.

Resistance Management Statement

PROSARO 421 SC Fungicide 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 directions 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 FUNGICIDE may be applied by either ground, aerial and/or chemigation application equipment. Equipment must be properly calibrated before use.

For ground application, apply in a minimum of 10 gallons of spray solution per acre. For aerial application, apply in a minimum of 2 gallons of spray solution per acre unless stated differently in the USE DIRECTIONS FOR SPECIFIC CROPS section. 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 FUNGICIDE Alone: Add ½ of the required amount of water to the mix tank. With the agitator running, add the PROSARO 421 SC FUNGICIDE 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 FUNGICIDE + 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.

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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 wingspan 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.

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 1/4 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.

Refillable container – Refer to Bottom Discharge IBC or Top Discharge IBC, Drums, Kegs information as follows. Refill this container with pesticide only. Do not reuse this container for any other purpose. Contact your Ag retailer or Bayer CropScience for container return, disposal, and recycling recommendations.

Bottom Discharge IBC (e.g. – Schuetz Caged IBC or Snyder Square Stackable)

End users are authorized to remove tamper evident cables as required to remove the product from the container and to pressure rinse the container with water to remove residual product contents. Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. Empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inch on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely remove the top lid of the IBC. Use water pressurized to at least 40 PSI to rinse all interior portions. Continuously pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g. – Snyder 120 Next Gen, Bonar B120, Drums, Kegs).

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End users are not authorized to not remove tamper evident cables, one-way valves, or clean container if refilling is planned. Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To triple rinse the containers before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container at least 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

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