

264-958

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

SEP 21 2005

Dennis McFadden
Bayer CropScience
2 T W Alexander Drive
Research Triangle Park, NC 27709

Subject: TOPS MZ Potato Seed-Piece Treatment Fungicide
EPA Reg. No. 264-958
Submission Date: November 12, 2004 and April 28, 2005

Dear Mr. McFadden:

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

- Under PRECAUTIONARY STATEMENTS, place the signal word, "CAUTION", below the heading Hazards to Humans and Domestic Animals. (Page 1)
- Under DIRECTIONS FOR USE, move the sentence, "*Do not use this product at a higher recommended rate.*" to the General Information section. (Page 2)
- Place the AGRICULTURAL USE REQUIREMENTS box above the Storage and Disposal box. (Page 2)

One copy of the label stamped "Accepted with Comments" is enclosed for your records. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment.

If you have any questions, please contact Lana Coppolino by phone at 703-305-0086 or via email at coppolino.lana@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mary L. Waller".

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

Enclosure

jacket

958(S)062205D1
284

TOPS® MZ® Potato Seed-Piece Treatment Fungicide

ACTIVE INGREDIENTS:

Thiophanate-methyl: (dimethyl[(1,2-phenylene) bis (iminocarbonothioyl)]bis[carbamate]) 2.5%
Mancozeb: A coordination product of zinc ion and manganese ethylene bisdithiocarbamate 6.0%

In which the ingredients are:

Manganese++ 1.2%
Zinc++ 0.15%
Ethylene bisdithiocarbamate ion (C₄H₆N₂S₄) 4.65%

INERT INGREDIENTS: 91.5%

TOTAL 100.00%

*Also known as dimethyl 4,4'-o-phenylenebis[3-thioallophanate]

EPA Reg. No. 264-958

EPA Est.

Covered under U.S. Patent Number 5007953

KEEP OUT OF REACH OF CHILDREN CAUTION

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

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
IF INHALED	<ul style="list-style-type: none">• Move person to fresh air.• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.• Call a poison control center or doctor for further treatment advice.
IF 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.
In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577. Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if absorbed through the skin. Causes eye irritation. Avoid contact with skin, eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers (other than mixers and loaders) must wear: Coveralls over long-sleeved shirt and long pants, waterproof gloves, shoes plus socks and a NIOSH approved respirator with any N, R, P or HE filter.

Mixers and loaders must wear: Coveralls over long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, protective eyewear and chemical-resistant apron when mixing/loading. For exposures in enclosed areas, mixers and loaders must wear a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P or HE prefilter; for exposures outdoors, a NIOSH approved respirator with any N, R, P or HE filter.

3 8 4

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.

When handlers use closed systems 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. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes.

DIRECTIONS FOR USE

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

Do not use this product at higher than recommended rate.

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.

STORAGE AND DISPOSAL

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

STORAGE

Store in cool, dry location. Do not store in direct, hot sunlight.

PESTICIDE DISPOSAL

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL

Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

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 24 hours. Exception: if the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated. PPE required for early reentry 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 over long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, and protective eyewear.

NOTICE

This pesticide will not control bacterial diseases or other diseases not claimed on this label. Consult your local extension potato specialist for variety and treatment information, and for recommendations specific to your area on how to minimize the potential expression of seed-piece decay and potato diseases.

GENERAL INFORMATION

Note: Thiophanate-methyl is a systemic fungicide having a specific mode of action which has been subject to development of resistant strains of fungi. Development of resistance cannot be predicted. Therefore, Bayer CropScience cannot assume liability for crop damage resulting from resistant strains of fungi. Consult with your local extension potato specialist for guidance and ways to control any possible resistant strains of fungi which may occur.

NOTE: This pesticide is to be sole ONLY in this original unbroken package.

Do not use treated seed-pieces for food, feed, or fodder. Plant as soon as possible after cutting and treating in accordance with the basic recommendations of your local extension potato specialist.

Apply only in areas with adequate ventilation or dust collection and control equipment installed. Do not substitute fans for ventilation in areas where application is made to cut potatoes.

4 8 4

APPLICATION

TOPS MZ aids in the suppression of potato seed-piece diseases caused by *Fusarium* (dry rot), *Rhizoctonia* (black scurf and stem canker), and *Helminthosporium solani* (silver scurf) and will help reduce the "spread of *Phytophthora infestans* (late blight) that may occur from surface infestation resulting from seed-piece to seed-piece contact during the handling, cutting and planting process. [TOPS MZ is not efficacious against systemic seed-piece infections or airborne (secondary) inoculum.] Use 0.75-1.0 pound TOPS MZ per 100 pounds of cut seed-pieces. Apply by means of a seed dust metering applicator or dust attachment positioned over the belt so that the cut seed-pieces are thoroughly covered with TOPS MZ. Thoroughly clean and sanitize cutting machines, knives, trays, tables, barrels, equipment, trucks and planters before cutting and planting seed-pieces. Consult your local extension potato specialist for detailed information about controlling Silver Scurf in your area.

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.

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, may result in reduced germination and/or reduction of seed and seedling vigor. Treat and conduct germination tests on a small portion of seed before committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of Bayer CropScience, no claims are made to guarantee germination of carry-over seed.

CONDITIONS: The directions for use of this product are believed to be adequate and should 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 allowable under State law, all such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: BAYER CROPSCIENCE MAKES NO 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. BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: 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.

NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States.

NET CONTENTS:

TOPS is a registered trademark of Bayer



Bayer CropScience

Bayer CropScience LP
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Research Triangle Park, North Carolina 27709
1-866-99BAYER (1-866-992-2937)

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

SEP 21 2005

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

164-958