



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:
264-973

Date of Issuance:
MAR 26 2009

NOTICE OF PESTICIDE:

- Registration
- Reregistration
 (under FIFRA, as amended)

Term of Issuance: **Conditional**

Name of Pesticide Product:
**EVOLVE Potato Seed-Piece
 Treatment Fungicide**

Name and Address of Registrant (include ZIP Code):

Bayer CropScience LP
P.O. Box 12014
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 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.

Based on your response to the Reregistration Eligibility Decision Document (s) for **Thiophanate-methyl and Mancozeb**, EPA has reregistered the product listed above provided you submit within 30 days from the date of this notice, a final printed label with the following changes:

1. In the ingredients statement, move the percentages of manganese, zinc, and ethylene bisdithiocarbamate ion to the left so that it does not extend into the column containing the active ingredient percentages.
2. Revise "Inert Ingredients" to read "Other Ingredients".
3. Correct the typographical error on page 2 of 5, in the first sentence of the Engineering control text, "...seed pieces that prevents form contacting ..." to "...seed pieces that prevents from contacting ..."
4. On page 1, move the signal word "CAUTION" so that it appears below the subheading "HAZARDS TO HUMANS AND DOMESTIC ANIMALS".

(Continued on Page 2)

Signature of Approving Official:

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

Date:
3/26/2009

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5. Revise the personal protective equipment list as follows:
Loaders, applicators, and other handlers must wear:
 - long-sleeved shirt
 - long pants
 - shoes and socks
 - chemical-resistant gloves, and
 - a NIOSH-approved respirator with a dust/mist filter MSHA/NIOSH approval number prefix TC-21C or any N, R, P, or HE filter.
6. Move the User-Safety Recommendations on page 2 below the Engineering Controls section.
7. On page 2, revise the Environmental Hazard section as follows: “This pesticide is toxic to aquatic organisms. Dispose of all excess treated seed by burial away from bodies of water. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.”
8. Move the current Endangered Species Notice on your label to the Environmental Hazards section.
9. Move the second and third sentence on page 2 under the heading “Directions for Use” so that it appears on page 3 under the “Recommended Applications” section. Revise the sentences to read as follows: This labeling must be in the possession of the user at the time of application. Do not use this product at higher than the specified rate.
10. Move the Agricultural Use Requirements box to page 2 above the Storage and Disposal box.
11. The REI text in the Agricultural Use Requirements box must be revised to read “Do not enter or allow worker entry into the treated areas during restricted entry interval (REI) of 48 hours.” This reflects the more restrictive REI found in the RED for Thiophanate-methyl.
12. In the Agricultural Use Requirements box, delete the statement “Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas”.
13. Add “chemical resistant head-gear for overhead exposure” to the early entry PPE in the Agricultural Use Requirements box.

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14. On page 2, in the Storage and Disposal section, delete the "Prohibitions", and add the following sentence "Do not reuse container." to the Container Disposal section.
15. On page 3, in the Resistance Management box, revise the third sentence to read, "To the extent allowed by applicable law, Bayer Crop Science cannot assume liability. . ."
16. On page 3, change the heading "Recommended Applications" to "Application Directions".
17. On page 3, revise the sentence "Note: Federal regulation . . . rates." to read "Note: Federal regulations have established official tolerances for certain pesticide residues. In order to ensure that residues on food and forage crops do not exceed established tolerances, use only at specified rate."
18. On page 4, revise the last sentence in the fourth paragraph to read as follows: To the extent allowed by applicable law, all such risk shall. . ."
19. Submit an amendment or notification to comply with PR Notice 2007-4.
20. Add the following labeling for seed pieces which are bagged for later use:

Seed pieces that have been treated with this product that are packaged or bagged for future use must be colored with an EPA approved dye to impart an unnatural color and must contain the following labeling on the outside of the seed-piece or bag:

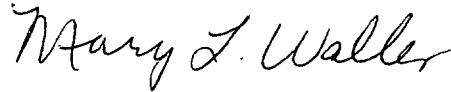
"Treated seed pieces. Seed pieces have been treated with the fungicides Thiophanate-methyl, mancozeb and cymoxanil. When opening this bag or loading/pouring the treated seed pieces, wear a long-sleeved shirt, long pants, shoes, socks, chemical resistant gloves, and a NIOSH approved respirator with a dust/mist filter with MSHA/NIOSH approval number prefix TC 21C, *or* any N, R, P, or HE filter. After seeds have been planted, do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours. Exception: Once seeds are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be no contact with the treated subsurface."

This action is taken under the authority of section 4(g) (2) (c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. EPA may require submission of data at any time to maintain the registration of your product.

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If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA Section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. This label supersedes all previously accepted versions. A copy of your label stamped "Accepted with Comments" is enclosed for your records.

Sincerely,



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

Enclosure

EVOLVE™ Potato Seed-Piece Treatment Fungicide

ACTIVE INGREDIENTS:

Thiophanate-methyl: (dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)]bis[carbamate])*	2.50%
Mancozeb: A coordination product of zinc ion and manganese ethylene bisdithiocarbamate.....	6.00%
In which the ingredients are:	
Manganese++	1.2%
Zinc++	0.15%
Ethylene bisdithiocarbamate ion (C ₄ H ₆ N ₂ S ₄)	4.65%
Cymoxanil: 2-cyano-N[(ethylamino)carbonyl]-2-(methoxyimino)acetamide	1.00%
INERT INGREDIENTS:	90.50%
TOTAL	100.00%

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

EPA Reg. No. 264-973

EPA Est.

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 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.
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.

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 skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are made out of any waterproof material. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

Loaders, applicators and other handlers must wear: Long-sleeved shirt and long pants, shoes plus socks, chemical-resistant gloves.

See engineering controls for additional requirements.

**ACCEPTED
with COMMENTS
In EPA Letter Dated
MAR 26 2009**

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing or other absorbent materials that have been drenched or heavily contaminated with this product' concentrate. Do not reuse them.

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USER SAFETY RECOMMENDATIONS

Users should: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing/PPE 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.

Engineering Controls:

Large scale seed piece treatment facilities that, on any given week in the current year or in the past year, treated $\geq 50,000$ cwt ($\geq 2,500$ tons) must use a dust collection system during the treatment of the seed pieces that prevents dust from contacting handlers or other persons.

Handlers using the dust collection system must wear:

Long-sleeved shirt and long pants,

shoes plus socks,

chemical-resistant gloves and must be provided with, have immediately available, and wear in an emergency, such as a broken package, spill, or equipment breakdown:

a NIOSH-approved respirator with a dust/mist filter with MSHA/NIOSH approval number prefix TC-21C or any N, R, P, or HE filter.

When handlers use closed systems or enclosed cabs 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.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates and aquatic organisms. Drift and runoff from treated areas may be hazardous to aquatic organisms. 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 from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Dispose of all excess treated seed-pieces and seed packaging by burial away from bodies of water.

DIRECTIONS FOR USE

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

This labeling must be in the possession of the user at the time of application. 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.

ENDANGERED SPECIES NOTICE: Consult your local county bulletin, County Extension Agent, or Pesticide State Lead Agency for information concerning endangered species in your area.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

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

PROHIBITIONS

Do not reuse empty bag. Open dumping is prohibited.

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 by tapping sides to dislodge residues. 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: Once the seed pieces are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be not worker contact with the soil/media subsurface. 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, chemical resistant gloves made of any waterproof material and chemical-resistant footwear plus socks.

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

RESISTANCE MANAGEMENT

NOTE: Systemic fungicides having a specific mode of action have been subject to development of resistant strains of fungi. Development of resistant strains 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. This pesticide will not control bacterial diseases or other diseases not claimed on the 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.

PESTS CONTROLLED

Potato Seed-Piece – Will prevent the spread of *Phytophthora infestans* (late blight) that may occur from seedborne infection or surface infestation resulting from seed-piece to seed-piece contact during the handling, cutting and planting process. EVOLVE will also help to reduce the transmission of the late blight fungus from the tuber to the above-ground plant. EVOLVE is not effective in protecting potato plants against airborne inoculum in potato fields. EVOLVE should not be used as a rescue treatment on seed lots with visual or known infections of *P. infestans*. EVOLVE also 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).

RECOMMENDED APPLICATION

Apply at 0.75 pounds per 100 pounds of cut seed-pieces. Apply using a seed dust metering applicator so that cut seed-pieces are thoroughly covered with the mixture. Thoroughly clean and sanitize cutting machines, knives, trays, tables, barrels, equipment, trucks and planters before cutting and planting seed-pieces. Plant seed-pieces as soon as possible after cutting and treating in accordance with the recommendations of your local extension potato specialist.

RESTRICTIONS:

Do not use treated seed-pieces for food, feed, or fodder.

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

NOTE: Federal regulations have established official tolerances for certain pesticide residues. In order that residues on food and forage crops will not exceed established tolerances, use only at recommended rates.

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

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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.

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 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 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.

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: 40 pounds

PATENT PENDING

EVOLVE is a trademark of Bayer

Produced for



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)**

EVOLVE Potato Seed-Piece Treatment Fungicide (PENDING) Submitted 10/28/05, resubmitted 01/22/08, resubmitted 03/07/08