



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Larry R. Hodges
Bayer CropScience LP
2 T.W. Alexander Drive,
Research Triangle Park, NC 27709

JUL 10 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated June 26, 2009 for:

EPA Registration 264-973 Evolve Potato Seed-Piece Treatment Fungicide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 264-973	2. EPA Product Manager NOTIF	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Evolve Potato Seed-Piece Treatment Fungicide	PM# 21	
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)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. <u>NOTIFICATION</u> Product Name <u>JUL 10 2009</u>	

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 of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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 checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container	<input checked="" type="checkbox"/> Glass
					<input type="checkbox"/> Paper
					Other (Specify) _____
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 40 lbs.		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Larry R. Hodges	Title Registration Manager - Insecticides	Telephone No. (Include Area Code) 919-549- 2870
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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Registration Manager - Insecticides	
4. Typed Name Larry R. Hodges	5. Date June 26, 2009	

JUL 10 2009

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%
OTHER 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

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

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, long pants, shoes and 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.

See engineering controls for additional requirements.

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.

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.

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.

ENVIRONMENTAL HAZARDS

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.

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

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.

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 and chemical resistant head-gear for overhead exposure.

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.

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

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. 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.

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. To the extent allowed by applicable law, 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).

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 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 treated area without restriction if there will be no contact with the treated subsurface.

APPLICATION DIRECTIONS

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.

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.

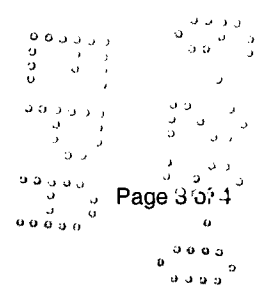
RESTRICTIONS:

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 to ensure that residues on food and forage crops do not exceed established tolerances, use only at specified rate.

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



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. To the extent allowed by 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 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)**

NOTIFICATION

JUL 10 2009

EVOLVE Potato Seed-Piece Treatment Fungicide (MASTER) 03/26/09, Notification 04/20/09

