



264-997

11/15/2005

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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**Application for Pesticide - Section I**

1. Company/Product Number <b>264-997</b>	2. EPA Product Manager <b>J. Edwards</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>TOPS-MZ-GAUCHO Potato Seed-Piece Treatment</b>	PM# <b>Notifications</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Bayer CropScience          2 T.W. alexander Drive          Research Triangle Park, NC 27709</b> <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 checked="" type="checkbox"/> Resubmission in response to Agency letter dated <u>10/25/05</u> <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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**NOTIFICATION**  
NOV 15 2005

**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Notification to remove sentence incorrectly included in earlier notification, per PR Notice 98-10. "This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40CFR152.46, 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." *Dennis McFadden*  
 Resubmission of notification dated 9/12/05. The label notification dated 6/15/05 changing from gustafson to Bayer CropScience inadvertently had a sentence that is not required on the label, "Not for sale, sale into, distribution or use in Nassau and Suffolk counties of New York" in the DIRECTIONS FOR USE. This notification label has the sentence removed.

**Section - III**

<b>1. Material This Product Will Be Packaged In:</b>			
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging w/gt.    No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt    No. per container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted			
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container	5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name <b>Dennis McFadden</b>	Title <b>Reg. Mgr.-Seed Treatment Products</b>	Telephone No. (Include Area Code) <b>919-549-2427</b>
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 <i>Dennis McFadden</i>	3. Title <b>Reg. Mgr.-Seed Treatment Products</b>	
4. Typed Name <b>Dennis McFadden</b>	5. Date <b>11/01/2005</b>	

# TOPS<sup>®</sup>-MZ-GAUCHO<sup>®</sup> Potato Seed-Piece Treatment

**ACTIVE INGREDIENTS:**

Imidacloprid (1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine).....	1.25%
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 (C <sub>4</sub> H <sub>6</sub> N <sub>2</sub> S <sub>4</sub> ).....	4.65%

<b>INERT INGREDIENTS:</b> .....	90.25%
<b>TOTAL</b>	<b>100.00%</b>

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

EPA Reg. No. 264-977

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

<b>IF SWALLOWED:</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>IF ON SKIN OR CLOTHING:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF INHALED:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>IF IN EYES:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>

In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577.  
Have a product container or label with you when calling a poison control center or doctor, or going for treatment.

### PRECAUTIONARY STATEMENTS

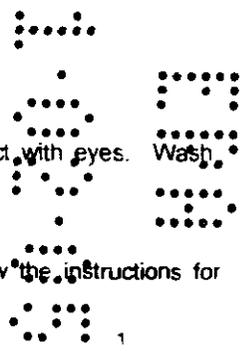
**CAUTION**

**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

Harmful if swallowed, absorbed through skin or inhaled. Avoid breathing vapor or spray mist. Avoid contact with eyes. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

**PERSONAL PROTECTIVE EQUIPMENT**

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA Chemical resistance category selection chart



**Applicators and other handlers (other than mixers and loaders) must wear:** coveralls over long-sleeved shirt and long pants, chemical-resistant 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, chemical-resistant 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.

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 highly toxic to birds and aquatic invertebrates and 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 when disposing of equipment washwaters. Exposed treated seed-pieces may be hazardous to birds. 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.

### STORAGE AND DISPOSAL

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

#### STORAGE

Store in cool, dry location. Do not store in direct, hot sunlight. Protect from freezing temperatures.

#### PROHIBITIONS

Do not contaminate water, food or feed by storage, disposal, or by cleaning of equipment. 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:** 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.

### PESTS CONTROLLED

Potato Seed-Piece - To aid in control of insects including aphids, Colorado potato beetle, flea beetle, potato leafhopper, psyllids, wireworms *Limoni* sp., and *Melanotus* sp., and diseases including *Fusarium* (dry rot), *Rhizoctonia* (black scurf and stem canker), *Helminthosporium solani* (silver scurf) and to 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. Consult your local extension potato specialist for detailed information about controlling silver scurf in your area.

\*TOPS-MZ-GAUCHO when used at the label rate can reduce wireworm damage in seed pieces, and can also reduce the amount of damage in the daughter tubers.

\*\*TOPS-MZ-GAUCHO is not efficacious against systemic seed-piece infections or airborne (secondary) inoculum.

### RESISTANCE MANAGEMENT

**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 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.

Some insects are known to develop resistance to insecticides after repeated use. As with any insecticide, the use of this product should conform to resistance management strategies established for the use area. Consult your agricultural advisor for resistance management strategies and recommended pest management practices for your area.

### RESTRICTIONS

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

Regardless of the type of application (seed-piece treatment, soil or foliar) do not apply more than 0.25 pounds a.i. (imidacloprid) per acre per year.

Apply only on 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.

### RECOMMENDED APPLICATION

Apply at 0.75 pound 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. Avoid prolonged exposure of treated seed-pieces to sunlight.

The length of control will vary depending on the rate used. Consult your local Bayer CropScience representative or dealer for information relevant to your area.

### ROTATIONAL CROPS

Treated areas may be replanted with any crop specified on an imidacloprid label, or any crop for which a tolerance exists for the active ingredient, as soon as practical following the last application.

For crops not listed on an imidacloprid label, or for crops for which no tolerances for the active ingredient have been established, a 12-month plant-back interval should be observed

ROTATIONAL PLANT-BACK INTERVALS <sup>1</sup>		
Immediate Plant-Back		
Artichoke	Ground cherry	Popcorn
Barley	Leaf Petiole Veg.	Potato
Brassica (cole) leafy veg	Leafy Veg.	Rapeseed
Canola	Legume Veg.	Sorghum
Cilantro	(succulent or dried, except soybean)	Strawberry
Corn, Field	Lettuce	Sugar beet
Corn, Sweet	Mustard seed	Tomatillo
Cotton	Okra	Tomato
Cranberry	Pepino	Turnip greens
Cucurbit	Pepper	Watercress
Eggplant		Wheat
		Veg. root & tuber
30-Day Plant-Back		
Cereals (Including buckwheat, millet, oats, popcorn, rice, rye, and triticale)		
Legumes (Including soybeans, beans and peas)		
Safflower		
12-Month Plant-Back		
All Other Crops		
<sup>1</sup> Cover crops for soil building or erosion control may be planted any time, but do not graze or harvest for food or feed		

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Notification of the crop rotational restrictions must be conveyed to the grower through the distribution of this label on all commercially treated seed.

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.

**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. 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:**

GAUCHO and TOPS are registered trademarks of Bayer

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)

TOPS-MZ-GAUCHO Potato Seed-Piece Treatment (MASTER) Approved 07/07/05. Notification 09/12/05

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Bayer CropScience



November 1, 2005

Joyce Edwards, Notifications  
Office of Pesticide Programs  
Document Processing Desk (NOTIF)  
Room 266A, Crystal Mall 2  
1801 S. Bell St.  
Arlington, VA 22202

Subject: TOPS-MZ-GAUCHO Potato Seed Piece Treatment, 264-997

Dear Ms. Edwards,

Bayer CropScience  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709  
Phone: 919.548-2000

**This is a corrected notification per your letter dated 10/25/05. The label notification dated 6/15/05 changing from Gustafson to Bayer CropScience inadvertently had a sentence that is not required on the label, "Not for sale, sale into, distribution or use in Nassau and Suffolk counties of New York" in the DIRECTIONS FOR USE. This new notification label has the sentence removed.**

Sincerely,

Dennis McFadden

Reg. Mgr.-Seed Treatment Products

