

264-988

9-13-2006

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-



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 264-988	2. EPA Product Manager J. Edwards	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) VORTEX Flowable	PM# Notifications	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience, 2 T W Alexander Drive, RTP, 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 _____	NOTIFICATION SEP 13 2006
<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.)

Submission of notification to correct Container Disposal statement from "Gustafson" to "Bayer CropScience" as allowed per PR Notice 98-10. See cover letter.

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"/> Text <input type="checkbox"/> No	* Certification must be submitted		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
	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 <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product		
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 Dennis McFadden	Title Reg. Mgr. - Seed Treatment Products	Telephone No. (Include Area Code)
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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.		5. Date Application Received (Stamped)
2. Signature <i>Dennis McFadden</i>	3. Title Reg. Mgr. - Seed Treatment Products	
4. Typed Name Dennis McFadden	5. Date 8/25/2006	

SEP 13 2006

VORTEX[®] Seed Treatment Fungicide

ACTIVE INGREDIENT:

Ipconazole (CAS No. 125225-28-7)..... 40.7%

OTHER INGREDIENTS: 59.3%

TOTAL 100.0%

EPA Reg. No. 264-988

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 SWALLOWED:

- 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.

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.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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 must wear: Long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves, such as natural rubber. 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.

USER SAFETY RECOMMENDATIONS

Users should: Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

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 apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwater or rinsate. This fungicide may persist in soil, and long-term use in the same field may result in an accumulation of active ingredient.

DIRECTIONS FOR USE

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

Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.

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STORAGE AND DISPOSAL

PROHIBITIONS

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited. Do not reuse empty container.

STORAGE

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

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

Contact Bayer CropScience or your chemical supplier for container return instructions. If container is not returned in accordance with instructions, triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Federal law requires that bags containing treated seeds shall be labeled with the following information:

"This seed has been treated with Ipconazole. Do not use for feed, food or oil purposes. Store away from feeds and foodstuffs."

FAILURE TO FOLLOW DIRECTIONS ON THIS LABEL MAY RESULT IN CROP INJURY OR POOR DISEASE CONTROL.

VORTEX is a systemic broad-spectrum fungicide seed dressing specifically for protection against soilborne and seedborne disease of crop plants. VORTEX is active against *Rhizoctonia*, *Fusarium*, and *Phomopsis*. In addition, VORTEX provides activity against weakly pathogenic fungi such as *Mucor*, *Rhizopus*, *Aspergillus*, *Penicillium*, *Alternaria*, and *Cladosporium*. VORTEX does not provide activity against *Pythium* spp. or *Phytophthora* spp. To provide best seedling protection against a wide array of fungal pathogens, apply VORTEX as a tank mix with ALLEGIANCE-FL. Consult the ALLEGIANCE-FL label to assure registration on crop, or if not labeled, use another labeled seed treatment product that has activity against *Pythium* or *Phytophthora*. Consult the label for appropriate use rate and follow all use instructions for the products. Do not use with other seed treatment products unless previous experience assures compatibility.

NOTE: This product is undyed. The purchaser of this product is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, part 2.25. Any dye added to treated seed must be cleared for use under 40CFR, Part 153.155.

VORTEX may be applied as a water-based slurry with other registered seed treatment insecticides and fungicides through standard slurry or mist-type commercial seed treatment equipment.

ROOT VEGETABLES

Beet (garden), burdock (edible), carrot, celeriac, chervil (turnip-rooted), chicory (roots), chufa, dandelion (roots), ginseng, parsley (turnip-rooted), parsnip, radish, radish (oriental), rutabaga, salsify, salsify (black), salsify (Spanish), skirret, turnip and yam bean.

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.34 fl.oz. of VORTEX per 100 pounds of seed or propagating root or tuber material.

LEAFY VEGETABLES (Except Brassica Vegetables)

Amaranth (leafy, Chinese spinach, tampala), arugula, cardoon, celery (including Chinese), celtuce, chervil, chrysanthemum (edible-leaved and garland), corn salad, cress (garden and upland), dandelion, dock, endive, fennel (Florence, finocchio), lettuce (head and leaf), orach, parsley, purslane (garden and winter), radicchio, rhubarb, spinach, spinach (New Zealand), spinach (vine), and Swiss chard.

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.34 fl. oz. of VORTEX per 100 pounds of seed.

BRASSICA (COLE) LEAFY VEGETABLE GROUP

Broccoli, broccoli (Chinese), broccoli (raab), Brussels sprouts, cabbage (including Chinese bok choy, Chinese napa, and Chinese mustard), cauliflower, cavalo broccolo, collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens.

For protection against seedborne and soilborne fungi that cause seed decay, damping off, and seedling blight, apply 0.051 – 0.34 fl.oz. of VORTEX per 100 pounds of seed.

CUCURBIT VEGETABLES

Chayote, Chinese waxgourd, citron melon, cucumber, gherkin, gourd edible (includes hyotan, cucuzza, hechima, Chinese okra), *Momordica*, all muskmelon, pumpkin, squash and watermelon.

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.34 fl.oz. of VORTEX per 100 pounds of seed.

CEREAL GRAINS (Includes Forage And Silage)

Corn (field corn, popcorn, and sweet corn) and sorghum.

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Corn (Field Corn and Popcorn): For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.044 fl.oz. of VORTEX per 100 pounds of seed.

Sweet corn: For protection against seedborne and soilborne fungi which cause seed decay, damping-off and seedling blight, apply 0.085 fl.oz. of VORTEX per 100 pounds of seed.

Sorghum: For protection against seedborne and soilborne fungi which cause seed decay, damping-off and seedling blight, apply 0.051 – 0.17 fl.oz. of VORTEX per 100 pounds of seed.

COTTON, SUNFLOWER

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.085 fl.oz. of VORTEX per 100 pounds of seed.

MUSTARD, RAPE, CANOLA

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, as well as for protection against *Phoma lingam* causing blackleg, apply 0.051 – 0.34 fl.oz. of VORTEX per 100 pounds of seed.

ORNAMENTAL FLOWERS

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.34 fl.oz. of VORTEX per 100 pounds of seed.

CONIFERS

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.34 fl.oz. of VORTEX per 100 pounds of seed.

TURF GRASS

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.051 – 0.085 fl.oz. of VORTEX per 100 pounds of seed.

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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 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: TO THE EXTENT ALLOWED BY 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:

VORTEX and ALLEGIANCE are registered trademarks of Bayer

PRODUCED FOR

**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)**

VORTEX Seed Treatment Fungicide (MASTER) Approved 08/01/06, Notification 08/25/06

Bayer



August 25, 2006

Ms. J. Edwards
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Subject: VORTEX Flowable, 264-988

Dear Ms. Edwards,

We are submitting a notification to correct the Container Disposal statement from "Gustafson" to Bayer CropScience" as allowed per PR Notice 98-10.

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 section 12 and 14 of FIFRA.

Sincerely,

Dennis McFadden

Reg. Mgr. - Seed Treatment Products

Bayer CropScience
2 T.W. Alexander Drive
Research Triangle Park NC 27709
Phone 919 549-2000