

264-990

01-29-2010

1/5



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Larry R. Hodges  
Bayer CropScience LP  
P.O. Box 12014  
2 T. W. Alexander Drive  
Research Triangle Park, NC 27709

JAN 29 2010

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

Dear Mr. Hodges:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated November 25, 2009 for:

**EPA Registration 264-1016**  
**EPA Registration 264-990**

**Stiletto Pak**  
**Tops 30 Flowable Fungicide**

The Registration Division (RD) has conducted a review of this request for applicability under PR Notice 2007-4 and finds that the label changes requested falls within the scope of PR Notice 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 Nicole Williams of my staff at 703-308-5551.

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

Registration  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 264-990	2. EPA Product Manager NOTIF	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Tops 30 Flowable Fungicide	PM# 20	
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)(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 _____	<b>NOTIFICATION</b>  JAN 29 2010
<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 checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 2.5 and 5 gal		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph Paper glued 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 November 25, 2009	

NOTIFICATION

JAN 29 2010

# TOPS<sup>®</sup> 30 FLOWABLE Fungicide

**ACTIVE INGREDIENT:**

Thiophanate-methyl .....30%

**OTHER INGREDIENTS:** .....70%

(CAS# 23546-05-8) **TOTAL** 100%

Contains 2.82 pounds thiophanate-methyl per U. S. gallon

EPA Reg. No. 264-990

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 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>
<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 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>
<p><b>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.</b></p>	

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

##### CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

#### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber thicker than 14 mils, nitrile rubber thicker than 14 mils, neoprene rubber thicker than 14 mils, PVC thicker than 14 mils, and Viton thicker than 14 mils. If you want more options, follow the instructions for category C, on an EPA chemical-resistance category selection chart.

**Mixer, Loaders and Applicators must wear:** Long-sleeved shirt and long pants, socks plus shoes, chemical-resistant gloves for all mixers and loaders and for applicators using hand held equipment, and chemical-resistant apron for mixers, loaders and other handlers exposed to the concentrate.

**User Safety 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.

**Engineering Controls:** 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.

5/15

### USER SAFETY RECOMMENDATIONS

**Users should:** Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. User should removed 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 mammals, fish and aquatic invertebrates. 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 or rinsate. Cover or incorporate spilled treated seeds.

### DIRECTIONS FOR USE

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

### STORAGE AND DISPOSAL

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

#### PESTICIDE STORAGE

Store in a cool dry secure location.

#### 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 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. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Then puncture and dispose of in a sanitary landfill.

### LABELING OF TREATED SEED

Seed commercially treated with TOPS 30 Flowable must be labeled in accordance with all applicable requirements of the Federal Seed Act. All bags containing treated seed must be labeled or tagged as follows:

- This seed has been treated with the pesticide thiophanate-methyl.
- Do not use for food, feed or oil processing.
- Store away from feeds and other foodstuffs.

### GENERAL INFORMATION

Apply as a seed treatment using standard slurry or mist-type seed treatment equipment. Uniform application of seed is necessary to ensure seed safety and best disease protection. Seed should be sound and well cured prior to treatment. Product should be diluted with sufficient water to ensure complete seed coverage. Consult a seed treatment specialist regarding slurry rates recommended for the crop to be treated with TOPS 30 Flowable.

### USE RESTRICTION

Do not use treated seed for food, feed, or oil processing.

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

### USE PRECAUTION

When using formulations that do not contain dye, to comply with 40 CFR 153.155, all seed treated with a pesticide must be colored with an EPA-approved dye or colorant that imparts an unnatural color to the seed to distinguish and prevent subsequent inadvertent use as a food for man or feed for animals.

**Peanuts:** For protection against seed rot organisms including *Aspergillus spp.* that attack germinating seeds and seedlings inciting seed decay and for suppressing *Fusarium spp.* and *Rhizoctonia spp.* causing seedling blight, apply TOPS 30 Flowable at a rate of 0.23 – 0.45 fl.oz. per 100 lbs. of seed.

To provide seed protection against seedborne *Sclerotinia*, apply TOPS 30 Flowable at a rate of 1.5 – 1.78 fl.oz. per 100 lbs. of seed.

**Soybeans, Snap Beans, Dry Beans and Wheat:** For protection against seedborne fungi inciting seed decay (i.e. *Phytophthora spp.*, *Fusarium spp.*) and for early stand protection to seedlings against soilborne *Fusarium spp.* and *Rhizoctonia spp.* causing seedling blight, apply TOPS 30 Flowable at a rate of 0.23 – 0.45 fl. oz. per 100 lbs. of seed.

5

**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 OTHER 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:**

TOPS is a registered 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)**

TOPS 30 FLOWABLE Fungicide (MASTER) Approved 07/21/06, Notification 11/23/09

Page 3 of 3