

264-996

9/22/2006

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

SEP 22 2006

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Dennis McFadden
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: The Addition of Oats to the Label
Raxil MD-W Seed Treatment
EPA Reg. No. 264-996
Your Submission date, July 17, 2006

Dear Mr. McFadden:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is accept provide you make the following change to your label.

Conditions: Rewrite the first sentence changing the word "**should**" to "**must**". The sentence should now read: "**adequate and must be followed carefully**"

Disclaimer of Warranties: Add the following statement at the beginning of the first sentence: "**To the extent consistent with applicable law Bayer Cropscience makes no warranties...**"

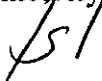
Limitations of Liability: Rewrite "**To the extent allowed by law**" to read "**To the extent consistent with applicable law...**"

A stamped copy is enclosed for your records. Submit two copies of your final printed label before you release the product for shipment.

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If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sect. 6(e). Your release for shipment of the product constitute acceptance of these conditions. If there are questions, call me at 703 305-5409.

Sincerely,



Dani Daniel
Insecticide-Rodenticide Branch
Registration Division 7505P

Enclosure:

RAXIL[®] MD-W Seed Treatment

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No.

ACTIVE INGREDIENTS:

Imidacloprid: 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-lidazolidinimine	1.538%
Tebuconazole: Alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethyl-ethyl)-1H-1,2,4-triazole-1-ethanol	0.461%
Metaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester	0.615%
INERT INGREDIENTS:	97.386%
	TOTAL 100.00%

EPA Reg. No. 264-996

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 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 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.

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

HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wear protective eye wear. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

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 C on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear: Long-sleeved shirt and long pants, shoes plus socks, chemical-resistant gloves (such as nitrile rubber >14 mils, butyl rubber >14 mils, neoprene rubber >14 mils, barrier laminate >14 mils, polyvinyl chloride (PVC) >14 mils and Viton >14 mils and protective eyewear.

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 hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should 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. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Exposed treated seeds may be hazardous to birds. In the event that treated seeds are spilled and cannot be salvaged, completely cover them with soil. Do not contaminate water when disposing of equipment washwaters or rinsate.

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Groundwater Advisory: Metalaxyl is known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

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.

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 containers.

PESTICIDE STORAGE

Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in a cool dry location. Protect from excessive heat.

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 your EPA regional office for guidance.

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.

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 agriculture 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 seed is treated with the product and the treated seed 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 entry 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, chemical-resistant gloves made of any waterproof material, shoes plus socks.

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

"This seed has been treated with RAXIL MD-W SEED TREATMENT INSECTICIDE/FUNGICIDE (Imidacloprid, tebuconazole, and metalaxyl). Do not use for feed, food, or oil purposes. Store away from feeds and foodstuffs."

PRODUCT INFORMATION

RAXIL® MD-W is a combination of the insecticide, Imidacloprid and the systemic fungicides, Tebuconazole and Metalaxyl that aid in the control or suppression of the following seed, seedling and soilborne diseases of wheat, barley, oats and triticale: stinking smut, flag smut, loose smut, early season *Septoria* disease complex, general seed rots, *Pythium* damping-off, early season *Rhizoctonia* root rot, early season common root rot, seedborne *Fusarium* scab, early season *Fusarium* foot rot, early season suppression of powdery mildew and rust. Imidacloprid offers suppression of wireworm activity on seed and young seedlings.

NOTE: Do not graze or feed livestock on treated areas for 45 days after planting.

APPLICATION DIRECTIONS

Wheat, Barley, Oats, Triticale:

Use 5 fluid ounces of RAXIL MD-W per 100 pounds of seed. Applications should be made using standard slurry or mist-type seed treatment equipment. In some cases, a water and chemical slurry dilution may enhance coverage. A 1 part RAXIL MD-W with 1 part water dilution may be used. This product is for commercial or on-farm application. This product is not intended for direct application into a planter box. Uniform application to seed is necessary to ensure seed safety and best pest control. Seed should be sound and well cured prior to treatment. Consult your area agronomist regarding planting depth recommendations for the particular variety to be planted.

ROTATIONAL CROPS

Treated areas may be replanted with any crop specified on the RAXIL MD-W label, or for any crop which a tolerance exists for Imidacloprid, as soon as practical following the last application. The following plant-back intervals should be observed for listed crops:

ROTATIONAL PLANT-BACK INTERVALS*				
IMMEDIATE PLANT-BACK				30-DAY PLANT-BACK
Artichoke	Cranberry	Mustard seed	Sugar beet	Cereals (Including buckwheat, millet, oats, popcorn, rice, and rye) Safflower
Barley	Cucurbits	Okra	Tomatillo	
Brassica (cole) leafy veg.	Eggplant	Pepinos	Tomato	
Canola	Ground cherry	Pepper	Triticale	
Cilantro	Leaf petiole veg.	Popcorn	Turnip greens	
Corn, Field	Leafy veg.	Potato	Veg. Root and Tuber	
Corn, Sweet	Legume veg. (succulent or dried, including Soybean)	Rapeseed	Watercress	
Cotton		Sorghum	Wheat	
		Strawberry		

*Cover crops for soil building or erosion control may be planted any time, but do not graze or harvest for food or feed.
 *All other crops not listed on an Imidacloprid label, or for crops for which no tolerance for the active ingredient have been established, a 12-month plant-back interval should be observed.

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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 EXENT 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.

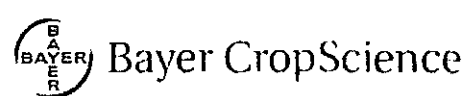
NOTICE TO BUYER

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: 5 GALLONS

RAXIL is a registered trademark 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)

RAXIL MD-W Seed Treatment (PENDING) Submitted 07/13/06