264-999

14-24-2009



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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES OFFICE OF PESTICIDE PROGRAMS REGISTRATION DIVISION (7505C)

> Lois Rossi, Director (703) 305-5447

April 24, 2009

Mr. Melvin K. Tolliver Bayer CropScience 2 T.W. Alexander Drive P.O. Box 12014 Research Triangle Park, NC 27709

Subject: Notification for Minor Label Changes per PR Notice 2007-4 Three Way Peanut Seed Treatment Fungicide EPA Registration Number 264-999 Your Application Dated April 24, 2009

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated April 24, 2009 for the abovementioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 2007-4 and finds that the action(s) requested fall within the scope of PRN 2007-4. The label submitted with the application has been stamped "Acceptable Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249.

Sincerely,

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

Please read instructions on r	everse before complet	ting form.	Form	Approved	. OMB No. 2	070-006	0. Approval expires 2-28-95
United States Environmental Protecti Washington, DC 20			ion Agency		Registra Amendr Other		OPP Identifier Number
Application for Pesticide - Section I							
Company/Product Number 264-999			2. EPA Product Manager 3. Proposed Classification Tony Kish Image: Classification				posed Classification
4. Company/Product (Name) Three Way Peanut Seed Treatment Fungicide			PM# Team 22				
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience LP P.O. Box 12014, 2 T.W. Alexander Drive Research Triangle Park, NC 27709 Check if this is a new address			6. Expedited Reveiw. 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				
Amendment - Explain below. Final printed labels in repsonse to Agency letter dated Resubmission in response to Agency letter dated "Me Too" Application. ✓ Notification - Explain below. Other - Explain below. Explanation: Use additional page(s) if necessary. (For section I and Section II.)							
Section - III 1. Material This Product Will Be Packaged In:							
Child-Resistant Packaging	Unit Packaging	•	Water Soluble Packaging		2. Type of	Container	
Yes ✓ No	Yes ✓ No	No. per	· Yes ✓ No If "Yes" No. p			Metal Plastic Glass Paper	
* Certification must be submitted	Unit Packaging wgt.		Package wgt conta			Other (S	pecify)
3. Location of Net Contents Information 4. Size(s) Retail Container 5. Location of Label Directions Image: V Lebel Container 50 lbs							ins
6. Manner in Which Label is Affixed to Product Lithograph Paper glued Stenciled Other							
			Section - IV				
1. Contact Point (Complete	items directly below f	or identificati	on of individual to be contact	ed, if nec	essary, to pro	ocess this	application.)
Name Melvin K. Tolliver			Title Telephor Registration Product Manager, Fungicides (919) 54				e No. (Include Area Code) -2631
l certify that the stater I acknowledge that any both under applicable I	y knowlinglly false or a	Certific this form an misleading st	ation J all attachments thereto are atement may be punishable b	true, acc y fine or	urate and con imprisonment	nplête: (' t or; ·	6. Date Application C Received C C C (Stamped)
2. Signature Melin K. Tolliver			3. Title				
4. Typed Name Melvin K. Tolliver			5. Date د د د د د د د د د د د د د د د د د د د				

EPA Form 8570-1 (Rev. 3-94) Previous editions are obsolete.

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Bayer CropScience



Document Processing Desk (NOTIF) Office of Pesticide Programs (7504P) U.S. Environmental Protection Agency Room S4900 One Potomac Yard 2777 S. Crystal Drive Arlington, VA 22202

February 9, 2009

Bayer CropScience 2 T.W. Alexander Drive P. O. Box 12014 RTP, NC 27709 Phone: (919) 549-2000

Subject: Three Way Peanut Seed Treatment Fungicide, EPA Reg. No. 264-999 Notification per PR Notice 2007-4

Dear Sir/Madam:

Three Way Peanut Seed Treatment Fungicide is currently registered with the Agency as a seed treatment product for control of fungi infecting peanuts. With this application form, we are notifying the Agency of label changes per PR Notice 2007-4.

Since this is a notification, no fee under PRIA is required.

If you have any questions or need additional information, please contact me by phone at (919) 549-2631 or by e-mail at mel.tolliver@bayercropscience.com.

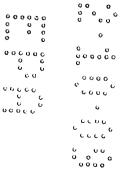
Sincerely,

Melin K. Tolliver

Melvin K. Tolliver Registration Product Manager, Fungicides

Enclosure:

- 1. EPA application form 8570-1
- 2. Draft labeling with changes highlighted in yellow
- 3. Final Printed labeling (two copies)



Three Way Peanut Seed Treatment Fungicide EPA Reg. No. 264-999

Section II - Continued

Three Way Peanut Seed Treatment Fungicide is currently registered with the Agency as a seed treatment product for control of fungi infecting peanuts. With this application form, we are notifying the Agency of label changes per PR Notice 2007-4. As required by PR Notice 2007-4 for a notification, we are using the exact wording contained the PR Notice. We are enclosing one copy of draft labeling, dated 02/04/09, in which the text of the PR Notice is highlighted in yellow. In addition, we are also enclosing two copies of final printed labeling. There are no changes in rates, timing of application, number of applications, or PHI from what is currently registered.

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."

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Three Way Peanut Seed Treatment Fungicide

ACTIVE INGREDIENTS

AOTTAL MOREDIENTO.	
Captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide)	
Related Derivatives	
Trifloxystrobin	
Metalaxyl	
OTHER INGREDIENTS:	
	TOTAL 100.00%

EPA Reg. No. 264-999

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:	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.			
In case of eme	ergency 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

Causes moderate eye irritation. Avoid contact with eyes or clothing. May cause allergic skin reactions. Wash thoroughly with soap and water after handling.

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 and shoes, chemical-resistant gloves made of any waterproof material such as nitrile rubber, butyl rubber, or Viton and protective evewear. 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 clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not contaminate water when disposing of equipment washwavers or rinsate. 000000 0 0 0 0 0 0 In the event that treated seeds are spilled and cannot be salvaged, completely cover them with soil. ò 00

DIRECTIONS FOR USE

0000000 It is a violation of Federal law to use this product in a manner inconsistent with its lebeling.

For use by commercial treaters only. Not for use on agricultural establishments in hopper-box, slurry-box, our other sced treatment applications at, or immediately before planting. 0000

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

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Store in cool, dry location.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. 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

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available or offer for reconditioning, if appropriate. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Do not reuse container. Dispose of liner in a sanitary landfill or by incineration if allowed by State and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

LABELING OF TREATED SEED

Seed commercially treated with Three Way Peanut seed Treatment Fungicide 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 pesticides, captan, trifloxystrobin and metalaxyl.
- Do not use for feed, food or oil processing.
- Store away from feeds and foodstuffs.

Seed that has been treated with this product must also contain the following labeling:

 "This bag contains seed treated with captan. Persons opening this bag or loading/pouring the treated seed must wear long-sleeved shirt, long pants, shoes, socks, and chemical-resistant gloves."

USE RESTRICTION

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

APPLICATION INFORMATION

Three Way Peanut Seed Treatment Fungicide is a special formulation developed for dry application to peanut seed. It is used for protection against seedborne and soilborne fungi causing seed rots and seedling blights including *Rhizoctonia solani*, *Pythium* spp., *Rhizopus* spp., *Fusarium* spp., and *Aspergillus* spp.

Peanuts:

Use 4-5 ounces per 100 pounds of seed. Apply with a standard commercial treating machine designed for dry formulations that provides uniform coverage to 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. To the extent allowed by law, 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. TO THE EXTENT ALLOWED BY 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: 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.

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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)

Three Way Peanut seed Treatment Fungicide (MASTER) Approved 07/01/05, Notification 02/06/06, Notification 02/04/09.