

264-1015

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

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

JUL 27 2011

Subject: Prevail® Allegiance™ Terraclor® Vitavax® Fungicide  
EPA Reg. No. 264-1015  
Carboxin data submitted in response to the Carboxin RED  
EPA Decision Number: 373959

Dear Mr. Hodges:

The labeling referred to above, submitted in connection with the Carboxin RED, is acceptable.

EPA determined that you fulfilled the requirements of the Carboxin RED for the subject product. However, we are unable to reregister the product under FIFRA 4(g)(2)(c) at this time, since it also contains the active ingredient pentachloronitrobenzene (PCNB), for which a reregistration eligibility decision was recently issued. This product will be reregistered once the data requirements have been satisfied for this product under the PCNB RED.

A stamped copy of the label "Accepted" is enclosed for your records. This label supersedes all other previously accepted labels. Please submit one copy of the final printed label before the product is released for shipment. If you have any questions please contact Heather Garvie by phone at: 703-308-0034 or via email at: [garvie.heather@epa.gov](mailto:garvie.heather@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Mary L. Waller".

Mary Waller  
Product Manager (21)  
Fungicide Branch (7504P)  
Registration Division

Enclosed: Stamped "Accepted" label

# PREVAIL<sup>®</sup>

## ALLEGIANCE<sup>™</sup> - TERRACLOR<sup>®</sup> - VITAVAX<sup>®</sup> Fungicide

### ACTIVE INGREDIENTS:

Carboxin (5,6-Dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide).....	15.00%
Pentachloronitrobenzene(PCNB).....	15.00%
Metalaxyl.....	3.12%
<b>OTHER INGREDIENTS:</b> .....	<b>66.88%</b>

**TOTAL:**.....100.0%

**EPA Reg. No. 264- 1015**

**EPA Est.**

## KEEP OUT OF REACH OF CHILDREN CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

### FIRST AID

<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 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>
<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

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

#### PERSONAL PROTECTIVE EQUIPMENT(PPE):

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

All mixers, loaders, applicators and other handlers must wear:

- long-sleeved shirt and long pants,
- shoes plus socks,
- chemical-resistant gloves, except when bagging or sewing bags of treated seeds,
- chemical resistant aprons when loading.

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.

#### 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.

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**

Do not apply to water, 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 washwater or rinsate or by disposal of wastes. Treated seed exposed on soil surface may be hazardous to birds. Cover or incorporate treated seeds.

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.

**Endangered Species**

This bag contains seed treated with carboxin. This product may have effects on federally listed threatened or endangered species or their critical habitat in some counties. It is a violation of federal law to kill, harm or harass listed animal species without authorization. To limit the potential for such impacts when using this product, consult and follow the instructions provided in the EPA Endangered Species Bulletin for the County or Parish in which you are applying the seed. To determine whether your County or Parish has a Bulletin consult <http://www.epa.gov/espp> before each season's use of this product.

**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.

**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: Once the seeds are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be no worker contact with the soil/media subsurface. 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, or treated seed, is: coveralls, shoes plus socks, chemical resistant gloves made of any waterproof material.

**NOTE:** Metalaxyl is a systemic fungicide having a specific mode of action. Metalaxyl could be subject to development of resistant strains of fungi. Development of resistance cannot be predicted. Consult your State Agricultural Experiment Station or Extension Service Specialist for guidance and ways to control any possible Metalaxyl resistant strains of fungi which may occur.

**LABELING OF TREATED SEED**

Seed that has been treated with this product that is then packaged or bagged for future use must contain the following labeling on the outside of the seed package or bag.

- This seed has been treated with carboxin, pentachloronitrobenzene, and metalaxyl.
- Treated Seed- Do Not Use for Food, Feed, or Oil Purposes.
- Dispose of seed packaging in accordance with local requirements.
- This bag contains seed treated with carboxin. This product may have effects on federally listed threatened or endangered species or their critical habitat in some counties. It is a violation of federal law to kill, harm or harass listed animal species with out authorization. To limit the potential for such impacts when using this product, consult and follow the instructions provided in the EPA Endangered Species Bulletin for the County or Parish in which you are applying the seed. To determine whether your County or Parish has a Bulletin consult <http://www.epa.gov/espp> before each season's use of this product.
- Treated seed exposed on soil surface may be hazardous to birds. Cover or collect spilled seeds.
- When opening this bag or loading/pouring the treated seed, wear long-sleeved shirt, long pants, shoes, socks, and chemical resistant gloves.

- After seeds have been planted, do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours. Exception: Once the seeds are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be no worker contact with the soil/media subsurface.
- For corn, barley, oats and wheat, do not graze or feed livestock on treated areas for six weeks after planting. For cotton, peanuts, beans and soybeans, do not graze or feed livestock on hay grown from treated seed. Do not hog down peanuts grown from treated seed.

**PRODUCT APPLICATIONS**

PREVAIL ALLEGIANCE-TERRACLOR-VITAVAX Vitavax Fungicide will protect against damping off, seed and seedling rot diseases caused by *Pythium* spp. and *Rhizoctonia solani*.

**PLANTER BOX TREATMENT**

Apply at the specified rate and premix with the seed directly in the planter box at planting. A non-oil lubricant has also been added to help seeds flow more easily and evenly from the planter box. Use the higher rate of application in fields with a history of severe disease pressure.

**SEED TREATER APPLICATION**

PREVAIL may be applied at planting time, utilizing an on-farm mechanical treater\* to maximize seed coverage. (\*Calibrate as per the manufacturer's instructions.) On peanuts, use only mechanical treaters that will not physically damage peanut seed.

CROPS	RATE	DISEASE
Cotton	8 to 16 oz./cwt.	For protection against <i>Pythium</i> and <i>Rhizoctonia</i> Seedling Disease Complex, Loose Smut and Common Burnt or Stinking Smut (wheat), Loose and Covered Smut (Barley), Oat Smut
Peanuts	4 to 8 oz./cwt.	
Barley, Oats, Rice	1 to 2 oz./bu.	
Beans	3 to 4 oz./cwt.	
Corn, Wheat	1.5 to 3 oz./bu.	
Soybeans	2 to 4 oz./bu.	For protection against <i>Pythium</i> and <i>Rhizoctonia</i> Seedling Disease Complex.

**USE RESTRICTIONS**

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

For corn, barley, oats and wheat, do not graze or feed livestock on treated areas for six weeks after planting. For cotton, peanuts, beans and soybeans, do not graze or feed livestock on hay grown from treated seed. Do not hog down peanuts grown from treated seed.

All seed treated with this product except by the planter box method) must be colored with an EPA approved dye (e.g., those listed in 40 CFR 180.900) which imparts an unnatural color to the seed.

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Store in a cool, dry place. Do not store in direct sunlight. Protect from extreme temperatures.

**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-** Non-refillable container: Do not reuse or refill this container. Completely empty container into application equipment. Then offer for recycling, if available.

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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 must 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:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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. TO THE EXTENT CONSISTENT WITH APPLICABLE 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:** TO THE EXTENT CONSISTENT WITH APPLICABLE 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.

PREVAIL and ALLEGIANCE are registered trademarks of Bayer.  
TERRACLOR and VITAVAX are registered trademarks of Chemtura

**ACCEPTED**

7/27/2011

**Under the Federal Insecticide, Fungicide,  
and Rodenticide Act, as amended, for the  
pesticide registered under:**

EPA. Reg. No: 264-1015

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)

PREVAIL (PENDING) SUBMITTED TO EPA 09/24/07, Resubmitted 05/17/10, Resubmitted 07/25/2011