



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 Soybeans to the Label
Imidacloprid - Vitavax-Metalaxyl
EPA Reg. No. 264-1017
Your Submission date, August 7, 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:

IMIDACLOPRID-VITAVAX®-METALAXYL

Seed Treatment

For the protection of Seeds and Seedlings of Field Corn, Sweet Corn and Popcorn against Seed and Seedling Diseases caused by *Pythium* and *Rhizoctonia*; also against Seed Corn Beetle, Seed Corn Maggots, and Wireworms. For the protection of Seeds and Seedlings of Sorghum against Seed and Seedling Diseases caused by *Pythium* and *Rhizoctonia*, also for suppression against Wireworm, Seed Corn Maggot, and White Grub, and protection of seed against Flea Beetle (up to first true leaf), Seed Corn Beetle, and Imported Fire Ants.

For the protection of Seeds and Seedlings of Soybeans against Seed and Seedling diseases caused by *Rhizoctonia* and *Pythium*; also suppression of Seed Corn Maggots and early season control of over-wintering Bean Leaf Beetles.

ACTIVE INGREDIENTS:	with COMMENTS In EPA Letter Dated:	
Imidacloprid	2007-2-2-078	25.00%
Carboxin		14.00%
Metalaxyl		1.00%
INERT INGREDIENTS	Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No.	60.00%
TOTAL	264-1017	100.00%
EPA Reg. No. 264-1017		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:	<ul style="list-style-type: none"> • 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.
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.

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

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

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves made of any waterproof material, and shoes plus socks.

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

Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

ENVIRONMENTAL HAZARDS

This product is highly toxic to birds and aquatic invertebrates and toxic to fish. 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. 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.

PRODUCT INFORMATION

Imidacloprid-VITAVAX®-Metalaxyl may be used on seed previously treated with a full dosage of protective fungicide to give added protection against seedling blight, damping-off or seed decay.

Note: Adjust the seed drill or planter to give the required rate of seed delivery with treated seed. Regularly inspect planter plates and clean as required. At the end of each day, clean the electric-eye monitors as directed by the manufacturer.

Important: Treated seed must not be used for or mixed with food or animal feed, or processed for oil. Treat only those seeds needed for immediate use, minimizing the interval between treatment and planting. Do not store excess treated seed beyond planting time.

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: 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, protective eyewear

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.

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 Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Completely empty canister into application equipment. Then dispose of empty canister in a sanitary landfill, or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Field Corn, Sweet Corn, Popcorn: Use at a rate of 1.5 ounces per 42 pounds of seed.

Sorghum: Use at a rate of 5.0 ounces per 100 pounds of seed.

Soybeans: Use at a rate of 4.0 oz. per 100 pounds of seed.

Mixing Instructions (1.5 oz canister)

Use as a dry mixture in the planter box as a seed treatment prior to planting. Apply Imidacloprid-VITAVAX[®]-Metalaxyl to seed at planting time with the canister applicator tube system.

Field corn, Sweet Corn, Popcorn: Apply at a rate of 1.5 oz. canister per 42 pounds of seed.

Sorghum: Apply at a rate of 1.5 oz. canister per 30.0 pounds of seed.

Soybeans: Apply at a rate of 1.5 oz. canister per 37 pounds of seed.

For best results, fill planter box with seed, add Imidacloprid-VITAVAX[®]-Metalaxyl through applicator tube and mix so that all seeds are covered. **DO NOT MIX WITH BARE HANDS.** Use only at the recommended rate. Lower amounts may not give desired control. Excessive amounts may cause seed injury.

Mixing Instructions (4-pound pail)

Use as a dry mixture in the planter box as a seed treatment prior to planting.

Field Corn, Sweet Corn, Popcorn: Use two scoops full (1.5 oz.) per 42 pounds of seed.

Sorghum: Use two scoops full (1.5oz.) per 30 pounds of seed.

Soybeans: Use two scoops full (1.5 oz.) per 37 pounds of seed.

For best results, fill planter box half full of seed, add half the required amount of Imidacloprid-VITAVAX[®]-Metalaxyl and mix thoroughly with a stick or paddle. Add remainder of the seed and Imidacloprid-VITAVAX[®]-Metalaxyl and mix again so that all seeds are covered. **DO NOT MIX WITH BARE HANDS.** Use only at the recommended rate. Lower amounts may not give desired control. Excessive amounts may cause injury.

NOTE: Do not graze or feed livestock on forage and hay on treated areas for six weeks after planting soybeans. Do not graze or feed livestock on vines grown from treated soybean seed.

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

ROTATIONAL CROPS

Treated areas may be replanted with any crop specified on the Imidacloprid-Vitavax[®]-Metalaxyl label, or for any crop for 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	Cucurbits	Oats	Soybean	Cereals, including: buckwheat rice Safflower
Barley	Eggplant	Okra	Strawberry	
Brassica (cole) leafy veg.	Ground cherry	Pepinos	Sugarbeet	
Canola	Leaf petiole veg.	Pepper	Tomatillo	
Cilantro	Leafy veg.	Popcorn	Tomato	
Corn, Field	Legume veg. (succulent	Potato	Triticale	
Corn, Sweet	or dried, including soybean)	Rapeseed	Veg. Root and Tuber	
Cotton	Millet	Rye	Watercress	
Cranberry	Mustard Seed	Sorghum	Wheat	

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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.

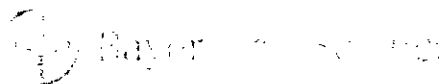
NOTICE TO BUYER

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:

VITAVAX® is a registered trademark of Crompton Manufacturing Company, Inc.

PRODUCED FOR



Bayer CropScience LP
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1-866-99BAYER (1-866-992-2937)

IMIDACLOPRID-VITAVAX®-METALAXYL Seed Treatment (PENDING) Submitted 07/27/06, Resubmitted 08/07/06