

264-1034

09/11/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 11 2009

Jamin Huang, Ph.D.
Bayer CropScience
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Amendment of Container Disposal Statement
Gaucho 480 Flowable EPA Reg. No. 264-957
Gaucho 600 Flowable EPA Reg. No. 264-968
Raxil MD-W Seed EPA Reg. No. 264-996
Treatment
Prosper ® T400 Insecticide
And Fungicide Seed EPA Reg. No. 264-1034 ✓
Three Way VAP EPA Reg. No. 264-1079
Your Submission date, June 30 & July 6, 2009

Dear Dr. Huang:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable. A stamped copy is enclosed for your records. Submit two (2) copies of your final printed labeling before you release the product for shipment. If there are questions call me at 703 305-5409.

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Insecticide-Rodenticide Branch
Registration Division 7505P

Enclosure:

2/5

ACCEPTED
SEP 11 2009
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
Registered under
EPA-Reg. No. 264-1034

PROSPER® T400 Insecticide and Fungicide Seed Treatment

PROSPER T400 contains the following amount of active ingredient per gallon:
2.38 lb. clothianidin; 0.06 lb. trifloxystrobin; 0.42 lb. carboxin; 0.045 lb. metalaxyl.

ACTIVE INGREDIENTS:

| | |
|---|--------|
| Clothianidin: [(C(E))-N-(2-chloro-5-thiazolyl)methyl]-N'-methyl-N"-nitroguanidine | 21.75% |
| Trifloxystrobin | 0.544% |
| Carboxin: 5,6-dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide | 3.81% |
| Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester | 0.408% |

OTHER INGREDIENTS: 73.488%
TOTAL 100.00%

EPA Reg. No. 264-1034

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. |
|--------------------|---|

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 or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

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

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

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

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

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.

ENGINEERING CONTROLS

When handlers use closed systems designed by the manufacturer to enclose the pesticide to prevent it from contacting handlers or other people and the system is functioning properly and is used and maintained in accordance with the manufacturer's written operating instructions, the handlers need not wear the chemical-resistant apron. However, the chemical-resistant gloves must be immediately available for use in an emergency, such as a spill or equipment breakdown.

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

This product contains metalaxyl that is known to leach through soil into groundwater under certain condition as result of agricultural use. Use of this product in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Treated seed exposed on soil surface may be hazardous to birds. Cover or collect spilled seeds.

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.

For use by commercial treaters only. Not for use on agricultural establishments in hopper-box, slurry-box, or other seed treatment applications at, or immediately before, planting. Do not apply this product in a way that will contact workers or other persons. Only protected handlers may be in the area during application.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

Storage at low temperatures is not recommended. Do not store above 95°F. Do not store in direct sunlight.

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL

Rigid Non-refillable containers that are too large to shake (i.e., with capacities greater than 5 gallons).

(30 gal)

Non-refillable container. Do not reuse or refill this container. After emptying product from container, contact Bayer CropScience Customer Service Center (1-800-527-4781) with return authorization for container return instructions. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Once container is rinsed, offer for recycling if available 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.

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 clothianidin, trifloxystrobin, carboxin, and metalaxyl.
- 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.
- This product contains metalaxyl that is known to leach through soil into groundwater under certain condition as result of agricultural use. Use of this product in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.
- 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.
- Treated Seed- Do Not Use for Food, Feed, or Oil Purposes.
- 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.
- Rapeseed greens and seed grown or harvested from PROSPER T400-treated seed must not be used for feed or human consumption. Rapeseed grown and harvested from PROSPER T400-treated seed is only for industrial uses and cannot be used for edible oil or any other human/feed consumption.
- Areas planted with treated seed may be replanted immediately with canola, rapeseed and corn. These areas may also be replanted after 30 days with cereal grains, grasses, non-grass animal feeds, soybeans, and dried beans. Do not plant any other crop in the treated area for at least four months after treated seeds are planted.

GENERAL INFORMATION

PROSPER T400 is a systemic insecticide and fungicide seed treatment for use on canola and rapeseed for control of certain insect pests and for control of seed rot, damping off, seedling blight and early season root rot caused by *Pythium*, *Rhizoctonia*, *Fusarium* and *Alternaria*. Also controls seedborne Blackleg. For protection of seeds and emerging seedlings only.

For use in commercially available equipment designed for seed treatment only. Not for use in hopper-box, slurry-box, or similar seed treatment applications used at planting. This product is to be used in liquid or slurry treaters. Mix thoroughly before use or use entire container at one time. Pre-test all tank mixes to determine physical compatibility between formulations. Observe all cautions and limitations on labeling of all products used in mixtures.

All seed treated with this product must be conspicuously colored at the time of treatment. If this product contains no colorant, an appropriate colorant must be added to distinguish seed and to prevent subsequent inadvertent use as a food for man or a feed for animals. Regulations pertaining to coloration of treated seed enforced by 40 CFR 153.155 must be strictly adhered to when using this product.

DIRECTIONS FOR USE

Prior to and during application, PROSPER T400 must be thoroughly agitated to ensure uniform mixing.

Canola and Rapeseed: Apply 21.5 fl. oz. of PROSPER T400 to 100 lbs. of seed using commercial seed treatment equipment.

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. To the extent consistent with applicable law, 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 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.

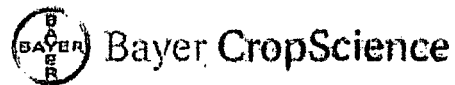
NOTICE TO BUYER

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:

PROSPER is a registered trademark of Bayer

PRODUCED FOR



Bayer CropScience LP
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PROSPER T400 (PENDING) 07/01/09, resubmitted 09/09/09