

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Washington, D.C. 20460 August 29, 2008

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Gregory C. Mattern Regulatory Product Manager Bayer Crop Science LP P.O. Box 12014, 2 T.W. Alexander Dr. Research Triangle Park, NC 27709

> RE: Product Name: FOLI-R-FOS 400 Fungicide

> > EPA Reg. No: 264-1054

Application for Label Notification dated July 10, 2008 to Revise Storage and Disposal

Statement per PR Notice 2007-4

Dear Mr. Mattern:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PR Notice 98-10 and it has been determined that the action(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

Questions concerning this action should be directed to Ms. Diana Hudson at (703) 308-8713 or email at hudson.diana@epa.gov.

Sincerely,

Linda Hollis

Linda Hollis, Chief Biochemical Pesticides Branch Biopesticides and Pollution Prevention Division (7511P)

('Se™_ #.			2/8
Environmenta	Inited States I Protection Ager ngton, DC 20460	·	Registration Amendme Other	ł
	Application for P	esticide - Sect	ion I	
I. Company/Product Number 264-1054		EPA Product Mena Janet Andersen	oger	3. Proposed Classification None Restricted
4. Company/Product (Name) Foli-R-Fos 400 Fungicide		PM# 90		
5. Name and Address of Applicant <i>(Include ZIP Ca</i> Bayer CropScience LP P.O. Box 12014, 2 T.W. Alexander Dri Research Triangle Park, NC 27709 Check if this is a new address	·	•	s similar or identical	e with FIFRA Section 3(c)(3) I in composition and labeling
	Sect	ion - II		
Amendment - Explain below. Resubmission in response to Agency letter Notification - Explain below. Explanation: Use additional page(s) if necessar Notification of label change per PR Notice 2007-4. T regulations at 40CFR part 156.10, 156.140, 156.144 Formula for this product. I understand that it is a vice amended label is not consistent with the requirement FIFRA and I may be subject to enforcement action a Contact info.: gregory.mattern@bayercropscience.com	y. (For section I and Sec his notification is consister I, 156.146, and 156.156. No lation of 18 U.S.C. Sec. 10 its of 40CFR part 156.10, and penalties under section	Other - Explaition II.) It with the guidance in Foother changes have the foother changes have th	PR Notice 2007-4 and been made to the label y false statement to EP	the requirements of EPA's ing or the Confidential Statement of PA. I further understand that if the
	Secti	on - III		
1. Material This Product Will Be Packaged In:				
Child-Resistant Packaging Yes ✓ No * Certification must be submitted Unit Packaging ✓ No If "Yes" Unit Packaging wgt.	No. per If "Yes"	No. per	- P G P	ntainer fetal lastic lass aper ther (Specify)
3. Location of Net Contents Information Label ✓ Container	4. Size(s) Retail Contain 1 gal or 2		5. Location of Label (Directions
6. Manner in Which Label is Affixed to Product	Lithograph Paper glued Stanciled	Other		

Section - IV

Regulatory Product Manager

Regulatory Product Manager

July 10, 2008

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) Title

5. Date

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete, I acknowledge that any knowlingly false or misleading statement may be punishable by fine or imprisonment or

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

Gregory C. Mattern

2. Signature

4. Typed Name

Gregory C. Mattern

both under applicable law.

White - EPA File Copy (original)

Yellow - Applicant Copy

Telephone No. (Include Area Code)

Keceived

6. Date Application

(Stamped)

(919) 549-2630

Date Reviewed: 8-29-08 Reviewed By: D. Hudson

FOLI-R-FOS® 400 Fungicide

A SYSTEMIC FUNGICIDE FOR THE SUPPRESSION OF PHYTOPHTHORA AND PYTHIUM IN ORNAMENTALS AND BEDDING PLANTS. PHYTOPHTHORA IN CONIFERS AND PYTHIUM IN TURF.

INERT INGREDIENTS:

* Contains 5.14 lbs/gallon of the active ingredients, mono- and di-potassium salts of Phosphorous Acid. Equivalent to 3.33 lbs. Phosphorous Acid/gallon

EPA Reg. No. 264-1054

EPA Est. No.

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 1-866-992-2937

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.		
IF ON SKIN OR	Take off contaminated clothing.		
CLOTHING:	Rinse skin immediately with plenty of water for 15-20 minutes.		
	Call a poison control center or doctor for treatment advice.		
IF SWALLOWED:	Immediately call a poison control center or doctor for treatment advice.		
	Do not induce vomiting unless told to do so by a poison control center or doctor.		
	Have person sip a glass of water if able to swallow.		
	Do not give anything by mouth to an unconscious person.		
IF INHALED:	Move person to fresh air.		
	If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.		
	Call a poison control center or doctor for further treatment advice.		
For MEDICAL Emergencies Call 24 Hours A Day 1-800-334-7577.			
Ha Ha	ve the 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, inhaled or absorbed through the skin. Avoid breathing vapors or spray mist. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear long-sleeved shirt and long pants, waterproof gloves, shees plus socks, and protective eyewear.

Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- · Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove PPE clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply directly 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 rinsate or equipment washwaters.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Read entire label before using this product.

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 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 of 4 hours.

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, waterproof gloves, shoes plus socks, and protective eyewear.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not enter treated areas without protective clothing until sprays have dried.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE:

Keep this product in containers stored upright and secured with the original closure. Do not store this product near heat sources. Do not store near strong oxidants. If transfer to another container becomes necessary, ensure that the container is clearly labeled, the container is a type suitable for the product, and is clean and free of other materials.

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 the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL:

Non-refillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling, if available. or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

APPLICATIONS THROUGH SPRINKLER IRRIGATION SYSTEMS

Use of FOLI-R-FOS® 400 Fungicide through chemigation is not allowed in California.

Apply this product through microjet, drip, solid set and center pivot sprinkler irrigation systems. Do not apply this product through any other type of irrigation system.

PREPARATION OF INJECTION EQUIPMENT: Remove scale, pesticide residues, and other foreign matter from the themical tank and entire injector system. Flush with clean water.

APPLICATION INSTRUCTIONS: Fill tank with 1/2 to 3/4 the desired amount of water. Start mechanical or hydraulic agitation. Add the required amount of FOLI-R-FOS® 400, and then the remaining volume of water. Set sprinkler to deliver 0.1 to 0.3 inch of water per acre. Start sprinkler and uniformly inject the solution of FOLI-R-FOS® 400 into the irrigation water line so as to deliver the desired rate per acre. Inject the FOLI-R-FOS® 400 solution with a positive displacement pump into the main line ahead of a right angle turn to insure adequate mixing. If you have any other questions about calibration, contact State Extension Service specialists, equipment manufacturers or other experts.

NOTE: For Microjet and Drip Irrigation Systems: After treatment with FOLI-R-FOS® 400 has been completed, avoid further field irrigation over the treated area for 24 to 48 hours.

For Solid Set and Center Pivot Irrigation Systems: After treatment with FOLI-R-FOS® 400 has been completed, avoid further field irrigation over the treated area until foliage is dry to prevent washing the chemical off the crop.

GENERAL PRECAUTIONS FOR APPLICATIONS THROUGH SPRINKLER IRRIGATION SYSTEMS

Maintain continuous agitation in mix tank during mixing and application to assure a uniform solution.

The system must contain a functional check valve, vacuum relief valve, and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump. The pesticide injection pipeline must also contain a functional, normally closed solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shutdown. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops. The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where pesticide distribution is adversely affected. Systems must use a metering pump, such as a positive displacement injection pump (e. g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.

Do not apply when wind speed favors drift, when system connection or fittings leak, when nozzles do not provide uniform distribution or when lines containing the product must be dismantled and drained.

Crop injury, lack of effectiveness, or illegal pesticide residues in the crop may result from non uniform distribution of treated water.

Allow sufficient time for pesticide to be flushed through all lines and all nozzles before turning off irrigation water. A person knowledgeable of the chemigation system and responsible for its operation shall shut the system down and make necessary adjustments should the need arise. Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the label-prescribed safety devices for public water supplies are in place.

GENERAL APPLICATION INSTRUCTIONS

FOLI-R-FOS® 400 can be applied as a foliar spray, soil drench, soil incorporation, or bare root drench. For foliar sprays, apply FOLI-R-FOS® 400 with sufficient water volumes for adequate coverage of foliage, according to crop and growth stage. To insure good coverage, spray to wet.

MIXING INSTRUCTIONS

- 1. Fill the spray tank with 1/4 1/2 of the required volume of water before adding FOLI-R-FOS® 400.
- 2. Add FOLI-R-FOS® 400 slowly to the tank and agitate by hydraulic or mechanical means.
- 3. Continue to fill the tank with water to the desired volume while agitating.
- 4. Continue agitation when applying.

COMPATIBILITY:

FOLI-R-FOS® 400 Fungicide is compatible with most products used in agriculture; however, crop sensitivity to these mixtures varies. In particular, foliar fertilizers and copper products may not be compatible with FOLI-R-FOS® 400 Fungicide and the combined use may cause phytotoxicity to certain plants. If these combinations or others have not been used before, do not tank mix without first testing the mixture's compatibility nor apply it without assessing its safety to the crop (phytotoxicity).

Do not use spray adjuvants (e.g., stickers, spreaders, wetting agents) with FOLI-R-FOS® 400 Fungicide. Due to FOLI-R-FOS® 400 Fungicide's acidic nature, do not use acidifying type compatibility agents.

To determine the compatibility of FOLI-R-FOS® 400 with other products, use a jar compatibility test. Add the correct proportions of each product and the appropriate quantity of water to clean container, thoroughly mix, then let stand for 3 – 5 minutes. If the mixture remains in solution or can be remixed readily, the products are considered compatible.

To determine if a combination is phytotoxic to a specific crop, spray a few plants/trees and then evaluate 3-7 days later for visual effects.

ORNAMENTALS *

FOLI-R-FOS® 400 Fungicide may be used for suppression of Pythium and Phytophthora diseases of ornamentals grown in commercial nurseries and greenhouses, golf courses, parks and commercial landscapes. FOLI-R-FOS® 400 Fungicide may be applied to plants including Aglaonema, Aphelandra, Arborvitae, Azaleas, Bougainvillea, Boxwood, *Cattelya skinneri*, Ceanothus, Cotoneaster, Cissus, Diffenbachia, Dogwood, Ficus, Hibiscus, Japanese Holly, Juniper, Leather-leaf fern, Monterey Pine, Peperomia, Photinia, Pittosporum, Philodendron, Pieris, Pothos, Rhododendron, Roses, Schefflera, Sedum, Sempervivum, Spathiphyllum, Taxus media, White Cedar, White Pine, Zygocactus, etc.

Applications should be made prior to disease development in conjunction with good cultural management practices. Use the higher rate when disease pressure is severe. Do not exceed recommended rates or apply more frequently than the specified intervals or plant injury may occur. Do not apply to plants that are dormant or heat or moisture stressed.

DISEASE	APPLICATION METHOD	RATE	APPLICATION PROGRAM
Phytophthora and Pythium	Foliar	1 to 2 qts/100 gallons (1/3 fl. oz. to 2/3 fl. oz. per gallon)	Apply spray to thoroughly wet foliage. Apply at 2 – 3 week intervals and repeat as needed.
	Soil drench	1 to 2 qts/100 gallons (1/3 fl. oz. to 2/3 fl. oz. per gallon)	Apply 1 gallon of solution per square yard and irrigate. Apply at 2 – 3 week intervals and repeat as needed.
Soil incorporation Bare root dip at transplant	1 to 2 pts./cubic yd.	Mix 1 to 2 pints of product per cubic yard of soil immediately before potting. If conditions are favorable for disease development, applications as a foliar spray or soil drench may also be needed.	
		1 qt./100 gal. (1/3 fl. oz./gal.)	Dip transplants into a solution of 1 quart of product per 100 gallons of water to thoroughly wet plant root mass immediately before transplanting. Keep roots submerged for 1 to 2 minutes.

^{*} Not for use in California.

BEDDING PLANTS*

FOLI-R-FOS® 400 Fungicide may be used for suppression of Pythium and Phytophthora diseases of bedding plants grown in commercial nurseries and greenhouses, golf courses, parks and commercial landscapes. FOLI-R-FOS® 400 Fungicide may be applied to plants including Ageratum, Algerian Ivy, Anthurium, Artemisia, Aster, Baby's Breath, Begonia, Caladium, Carnation, Chrysanthemum, Coleus, Columbine, Daisy, Delphinium, Easter Lily, English Ivy, Foxglove, Gaillardia, Geranium, Gloxinia, Impatiens, Marigold, Pansy, Petunia, Phlox, Pinks, Poinsettia, Primrose, Prostrate Rosemary, Salvia, Snapdragon, Verbena, Vinca, Zinnia, etc.

Applications should be made prior to disease development in conjunction with good cultural management practices. Use the higher rate when disease pressure is severe. Do not exceed recommended rates or apply more frequently than the specified intervals or plant injury may occur. Do not apply to plants that are heat or moisture stressed.

DISEASE	APPLICATION METHOD	RATE	APPLICATION PROGRAM
Phytophthora and Pythium	Foliar	1 to 2 qts/100 gallons (1/3 fl. oz. to 2/3 fl. oz. per gallon)	Apply spray to thoroughly wet foliage. Apply at 2 – 3 week intervals and repeat as needed.
	Soil drench	1 to 2 qts/100 gallons (1/3 fl. oz. to 2/3 fl. oz. per gallon)	Apply 1 gallon of solution per square yard and irrigate. Apply at 2 – 3 week intervals and repeat as needed.

^{*} Not for use in California.

CONIFERS IN COMMERCIAL NURSERIES, PLANTATIONS AND FORESTS * (INCLUDING CHRISTMAS TREES)

FOLI-R-FOS® 400 Fungicide applied in conjunction with good cultural management practices will suppress Phytophthora root rot of conifers including (but not limited to) Douglas Fir, spruce and pines. Use the higher rates when disease pressure is severe. Do not apply to conifers that are heat or moisture stressed.

DISEASE	APPLICATION METHOD	RATE	APPLICATION PROGRAM
Phytophthora	Foliar	1 to 2 qts/100 gallons (1/3 fl. oz. to 2/3 fl. oz. per gallon)	Apply spray to thoroughly wet foliage. Apply at 2 – 3 week intervals and repeat as needed.
	Soil drench	1 to 2 qts/100 gallons (1/3 fl. oz. to 2/3 fl. oz. per gallon)	Apply 1 gallon of solution per square yard and irrigate. Apply at 2 – 3 week intervals and repeat as needed.
	Bare root dip at transplant	1 qt./100 gal. (1/3 fl. oz./gal.)	Dip transplants into a solution of 1 quart of product per 100 gallons of water to thoroughly wet plant root mass immediately before transplanting. Keep roots submerged for 1 to 2 minutes.

Do not graze livestock in treated conifer nurseries and/or plantations.

Do not feed forage from treated nurseries and/or plantations.

TURF *

FOLI-R-FOS® 400 Fungicide is a systemic fungicide which may be used for the suppression of Pythium blight and damping-off diseases of turfgrasses on sod farms, commercial turf production, golf courses, parks and commercial landscapes. Begin preventative applications when conditions first favor disease and repeat at recommended intervals. Use higher rates under severe disease conditions.

DISEASE	APPLICATION METHOD	RATE	APPLICATION PROGRAM
Pythium	Foliar Spary	5 to 10 fl. oz./1,000 sq. ft.	Apply recommended amount in 1 to 5 gallons of water per 1,000 square feet. Thoroughly wet the foliage. Apply at 7 to 14 day intervals as needed. Do not mow or irrigate treated area until sprays have completely dried.

^{*} Not for use in California.

TURF TANK MIXTURES *

For suppression of summer stress complex caused by a complex of Pythium and Rhizoctonia diseases, FOLI-R-FOS® 400 Fungicide may be tank mixed with Fore® WP Fungicide and applied to turfgrasses on sod farms, commercial turf production, golf courses, parks and commercial landscapes.

PRODUCT	DISEASE	RATE/1000 SQ. FT.	APPLICATION PROGRAM
FOLI-R-FOS® 400	Summer Stress Complex	5 to 10 fl. oz. FOLI-R-FOS® 400	Apply as a foliar spray using 1 to 5 gallons of water per 1,000 sq. ft.
Fore® WP	(<i>Pythium</i> and <i>Rhizoctonia</i> spp.)	+ 4 to 8 fl. oz. Fore® WP	Begin as a preventive spray and repeat every 14 days as needed. Do not mow or irrigate treated areas until sprays have completely dried.

Do not graze animals on treated turf.

Do not feed clippings from treated turf to livestock and poultry.

^{*} Not for use in California.

^{*} Not for use in California.

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.

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 U.I.M Agrochemicals. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: U.I.M AGROCHEMICALS 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 U.I.M Agrochemicals is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. U.I.M AGROCHEMICALS 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 U.I.M AGROCHEMICAL'S ELECTION, THE REPLACEMENT OF PRODUCT.

MANUFACTURED BY:

U.I.M. AGROCHEMICALS (AUST.) Pty. Ltd. A.C.N. 010 642 896 30-42 Railway Terrace, Rocklea Qld. 4106 AUSTRALIA

FOLI-R-FOS 400 ® Fungicide (MASTER) Approved 07/28/04, Notification 07/10/08.