

264-1072

09/25/2009

1/8



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Melvin K. Tolliver  
Product Registration  
Bayer Environmental Science  
2T.W Alexander Drive  
Research Triangle Park, NC 27709

SEP 25 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)  
Request Add Pest (Claim)  
EPA Reg. No. 264-1072  
Application Dated September 3, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 09/03/09 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

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

 <b>United States</b> <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> <b>Registration</b> <input type="checkbox"/> <b>Amendment</b> <input checked="" type="checkbox"/> <b>Other</b>	OPP Identifier Number _____
---	---	-----------------------------

**Application for Pesticide - Section I**

1. Company/Product Number 264-1072	2. EPA Product Manager Tony Kish	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Procéed MD 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 <input type="checkbox"/> Check if this is a new address		6. <b>Expedited Review.</b> 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**

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
--	---

**NOTIFICATION**

**SEP 25 2009**

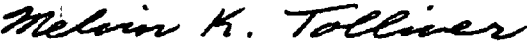
**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Notification to add a pest per PR Notice 98-10. See attached for explanation.

**Section - III**

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt.    No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt    No. per container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted			
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled	
5. Location of Label Directions <input type="checkbox"/> _____			
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Melvin K. Tolliver	Title Registration Product Manager, Fungicides	Telephone No. (Include Area Code) (919) 549-2631	
<b>Certification</b> I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment of both under applicable law.			6. Date Application Received (Stamped)
2. Signature 		3. Title Registration Product Manager, Fungicides	
4. Typed Name Melvin K. Tolliver		5. Date September 3, 2009	

Proceed MD Fungicide  
EPA Reg. No. 264-1072

## Section II - Continued

Proceed MD Fungicide is currently registered as a seed treatment for control of certain diseases infecting barley, triticale, and wheat. With this application form, we are notifying the Agency that we are adding claims for control of barley stripe.

As required by PR Notice 98-10 we are enclosing one copy of draft labeling, dated 09/02/09, in which the disease barley stripe is highlighted in yellow on page 3 of 4. In addition, we are also enclosing two copies of final printed labeling. There is no change in rates, timing of application, number of applications, or PHI from that which is currently registered.

This notification is consistent with the provision of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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.

# 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

September 3, 2009

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

Subject: Proceed MD Fungicide, EPA Reg. No. 264-1072  
Notification to Add a Disease to the Label

Dear Sir or Madam:

Proceed MD Fungicide is currently registered as a seed treatment for control of certain diseases infecting barley, triticale, and wheat. With this application form, we are notifying the Agency that we are adding claims for control of barley stripe as described under Section II of the enclosed EPA Form 8570-1.

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](mailto:mel.tolliver@bayercropscience.com).

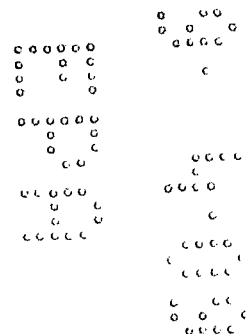
Sincerely,

*Melvin K. Tolliver*

Melvin K. Tolliver  
Registration Product Manager, Fungicides

Enclosures:

1. EPA application form 8570-1
2. Draft labeling, dated 09/02/09 with changes highlighted in yellow
3. Final Printed labeling (two copies)



SEP 25 2009

# PROCEED<sup>TM</sup> MD Fungicide

**ACTIVE INGREDIENTS:**

Prothioconazole: 2-[2-(1-Chlorocyclopropyl)-3-(2-chlorophenyl)-2-hydroxypropyl]-1,2-dihydro-3H-1,2,4-triazole-3-thione...1.47%

Tebuconazole: (Alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol) .....0.29%

Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester .....0.59%

**OTHER INGREDIENTS:** .....97.65%**TOTAL:**.....100.00%

Contains 0.128 pounds Prothioconazole, 0.025 pounds Tebuconazole and 0.052 pounds Metalaxyl per U.S. gallon.

**EPA Reg. No. 264-1072****EPA Est.**

## KEEP OUT OF REACH OF CHILDREN WARNING AVISO

See Additional Precautionary Statements

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.)

**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

<b>IF IN EYES:</b>	<ul style="list-style-type: none"><li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li><li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li><li>• Call a poison control center or doctor for treatment advice.</li></ul>
<b>IF SWALLOWED:</b>	<ul style="list-style-type: none"><li>• Immediately call a poison control center or doctor for treatment advice.</li><li>• Have person sip a glass of water if able to swallow.</li><li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li><li>• Do not give anything by mouth to an unconscious person.</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 an 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>
<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>For MEDICAL Emergencies Call 24 Hours A Day 1-800-334-7577.</b>	
<b>Have the product container or label with you when calling a poison control center or doctor or going for treatment.</b>	
<b>NOTE TO PHYSICIAN:</b> No specific antidote. Treat symptomatically.	

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### WARNING

Causes substantial but temporary eye injury. Harmful if swallowed, inhaled, or absorbed through skin. Do not get in eyes or on clothing. Wear protective eyewear (goggles, face shield or safety glasses). Avoid contact with skin and breathing vapor or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

## PERSONAL PROTECTIVE EQUIPMENT (PPE)

### Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical resistant gloves (such as Natural Rubber, selection Category A)
- Shoes plus socks
- Protective eyewear (goggles, face shield, or safety glasses)

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.

### Engineering Control Statements

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.

Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothes.

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

This pesticide is toxic to mammals, fish, aquatic invertebrates, and freshwater/estuarine/marine aquatic plants. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate.

Cover or incorporate spilled treated seed.

Groundwater Advisory: Prothioconazole-desmethio(a degradate of prothioconazole), metalaxyl and tebuconazole are known to leach through soil into ground water under certain conditions as a result of label use. Use of this product in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

## 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.

## STORAGE AND DISPOSAL

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

### PESTICIDE STORAGE

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat

### PESTICIDE DISPOSAL

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

Contact Bayer CropScience or your chemical supplier for container return instructions. If container is not returned in accordance with instructions, triple rinse (or equivalent). Then offer for recycling or reconditioning, 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.

## SEED LABELING

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

- **TREATED SEED.**
- **DO NOT USE FOR FOOD, FEED OR OIL PURPOSES.**
- Treated with prothioconazole, tebuconazole and metalaxyl.
- Barley, wheat and triticale green forage may be grazed or harvested for hay 31 days after seeding.
- Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours. Exception: Once the seeds are planted in soil or other planting media, workers may enter the treated area without restriction if there will be no 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 is: Coveralls, Shoes plus socks, Chemical-resistant gloves made of any waterproof material, and Protective eyewear.
- Cover or collect spilled treated seed.

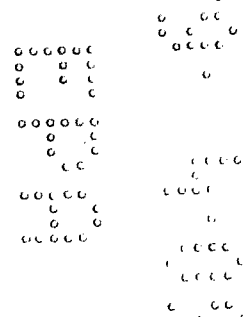
## PRODUCT INFORMATION

PROCEED MD Fungicide is a combination of the systemic fungicides, prothioconazole, tebuconazole and metalaxyl which aids in the control or suppression of the following seed, seedling and soilborne diseases of wheat, barley and triticale: stinking smut, flag smut, loose smut, early season *Septoria* disease complex, general seed rots, *Pythium* damping-off, early season *Rhizoctonia* root rot, early season common root rot, seedborne *Fusarium* scab, barley stripe, early season *Fusarium* foot rot, early season suppression of powdery mildew (7.5 fluid ounce rate only) and rust.

In California – Registered only for use in commercial seed treating establishments. Not allowed for "on-farm" use.

## APPLICATION DIRECTIONS

Apply this product only as specified on this label. Use 5.0 – 7.5 fluid ounces of PROCEED MD per 100 pounds of seed. Applications must be made using standard slurry or mist-type seed treatment equipment. In some instances, a chemical slurry dilution may enhance coverage. A 1 part PROCEED MD with 1 part water dilution may be used. This product is for commercial or on-farm application. Do not apply this product with a hopper box, planter box, slurry box, or any other at-plant methods. Uniform application to seed is necessary to ensure seed safety and best disease control. Only use seed that is sound and well cured prior to treatment. Consult your area agronomist regarding planting depth recommendations for the particular variety to be planted.



**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:**

PROCEED is a trademark of Bayer CropScience LP

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)

PROCEED MD Fungicide (MASTER) 04/09/09, Notification 09/02/09

