

264-1076

02/10/2009

1/6



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

FEB 10 2009

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

SUBJECT: Revised Label Per Agency Reg Notice (November 14, 2008) and Phone
Conversation (November 20, 2008)
Vortex 2000
EPA Reg. No. 264-1076
Your Letter Dated November 21, 2008

Dear Mr. Hodges:

The amended labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended, to reinstate the use on corn, sweet corn, sorghum and cotton and to make the changes referenced in the Agency Registration Notice dated November 14, 2008 is acceptable provided the following changes are made:

1. On page 2 in the Storage and Disposal section, the subheading "Storage" must read "Pesticide Storage."

Submit one copy of your final printed labels before you release the product for shipment.

If you have any questions regarding this correspondence, contact Rose Kearns of my staff by phone at 703-305-5611 or via email at kearns.rosemary@epa.gov or myself at 703-308-9443 or via email at kish.tony@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Tony Kish".

Tony Kish
Product Manager (22)
Fungicide Branch
Registration Division (7505P)

Enclosure

2/6

Vortex[®] 2000

ACTIVE INGREDIENT:

Ipconazole: 2-[(4-chlorophenyl)methyl]-5-(1-methylethyl)-1-(1H-1,2,4-triazol-1-ylmethyl)	
cyclopentanol.....	14.0%
Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester	11.2%
OTHER INGREDIENTS:	74.8%
	TOTAL...100.0%

Contains 1.28 lbs ipconazole per gallon
 Contains 1.03 lbs metalaxyl per gallon

EPA Reg. No. 264-1076**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. • Call a poison control center or doctor for treatment advice.
<p>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.</p>	

PRECAUTIONARY STATEMENTS

CAUTION**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear: Long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves, such as natural rubber. 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 thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. **Users should:** Remove clothing 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.

ACCEPTED
 with **COMMENTS**
 In EPA Letter Dated
FEB 10 2009

Under the Federal Insecticide,
 Fungicide, and Rodenticide Act
 as amended, for the pesticide
 registered under EPA Reg. No.

264-1076

ENVIRONMENTAL HAZARDS

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. Do not apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwater or rinsate. This fungicide may persist in soil, and long-term use in the same field may result in an accumulation of active ingredient.

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 ground water contamination.

DIRECTIONS FOR USE

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

Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.

STORAGE AND DISPOSAL

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

STORAGE

Store in a cool dry location. Do not store in direct hot 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

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse container (or equivalent) promptly after emptying.

(Containers equal to or less than 5 gallons)

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 1/4 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.

(Containers greater than 5 gallons or 50 lbs)

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Then 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.

Federal law requires that bags containing treated seeds shall be labeled with the following information:

"This seed has been treated with Ipconazole and Metalaxyl. Do not use for feed, food or oil purposes. Store away from feeds and foodstuffs."

FAILURE TO FOLLOW DIRECTIONS ON THIS LABEL MAY RESULT IN CROP INJURY OR POOR DISEASE CONTROL.

Vortex[®] 2000 is a systemic broad-spectrum seed dressing containing two fungicides specifically for protection against soilborne and seedborne diseases of crop plants. Ipconazole is active against *Fusarium*, *Rhizoctonia*, *Rhizopus*, *Helminthosporium*, *Mucor*, *Alternaria*, *Cladosporium*, *Phoma*, *Phomopsis*, *Aspergillus* and *Penicillium*. Metalaxyl is active against *Pythium*, *Phytophthora* and systemic downy mildew.

On some crops, additional Allegiance FL (metalaxyl) will be required to control *Pythium*, *Phytophthora*, and systemic downy mildew. The amount of additional Allegiance FL needed will depend on the level of disease pressure. Follow all directions on the Allegiance FL label if mixed with other BCS seed treatments. Consult the label for appropriate use rate and follow all use instructions for the products. Do not use with other seed treatment products unless previous experience assures compatibility.

NOTE: This product is undyed. The purchaser of this product is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, part 2.25. Any dye added to treated seed must be cleared for use under 40CFR, Part 153.155.

Vortex[®] 2000 may be applied as a water-based slurry with other registered seed treatment insecticides and fungicides through standard slurry or mist-type commercial seed treatment equipment.

NOTE: Vortex[®] 2000 is a systemic fungicide having a specific mode of action. Vortex[®] 2000 could be subject to development of resistant strains of fungi. Development of resistance cannot be predicted. Therefore, Bayer CropScience cannot assume liability for crop damage resulting from resistant strains of fungi. Consult your State Agricultural Experiment Station or Extension Service Specialist for guidance and ways to control any possible Vortex[®] 2000 resistant strains of fungi which may occur. FAILURE TO FOLLOW DIRECTIONS ON THIS LABEL MAY RESULT IN CROP INJURY OR POOR DISEASE CONTROL.

CORN includes Field Corn and Popcorn (Forage and silage): For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.125 or 0.25 fl oz of Vortex[®] 2000 per 100 pounds of seed. Product can be applied on a per seed basis at a rate range of 0.06 - 0.0625 or 0.12 - 0.125 fl oz per 80,000 unit of corn seed.

SWEET CORN: For protection against seedborne and soilborne fungi which cause seed decay, damping-off and seedling blight, apply 0.25 fl oz of VORTEX[®] 2000 per 100 pounds of seed.

SORGHUM (Forage and silage): For protection against seedborne and soilborne fungi which cause seed decay, damping-off and seedling blight, apply 0.25 - 0.5 fl oz of Vortex[®] 2000 per 100 pounds of seed.

COTTON, SUNFLOWER

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.25 fl oz of Vortex[®] 2000 per 100 pounds of seed.

MUSTARD, RAPE, CANOLA

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, as well as for protection against *Phoma lingam* causing blackleg, apply 0.25 - 1 fl oz of Vortex[®] 2000 per 100 pounds of seed.

ROOT VEGETABLES

Beet (garden), burdock (edible), carrot, celeriac, chervil (turnip-rooted), chicory (roots), chufa, dandelion (roots), ginseng, parsley (turnip-rooted), parsnip, radish, radish (oriental), rutabaga, salsify, salsify (black), salsify (Spanish), skirret, turnip and yam bean.

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.25 fl oz of Vortex[®] 2000 per 100 pounds of seed or propagating root or tuber material.

LEAFY VEGETABLES (Except Brassica Vegetables)

Amaranth (leafy, Chinese spinach, tampala), arugula, cardoon, celery (including Chinese), celtuce, chervil, chrysanthemum (edible-leaved and garland), corn salad, cress (garden and upland), dandelion, dock, endive, fennel (Florence, finocchio), lettuce (head and leaf), orach, parsley, purslane (garden and winter), radicchio, rhubarb, spinach, spinach (New Zealand), spinach (vine), and Swiss chard.

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.25 fl oz of Vortex[®] 2000 per 100 pounds of seed.

BRASSICA (COLE) LEAFY VEGETABLE GROUP

Broccoli, broccoli (Chinese), broccoli (raab), Brussels sprouts, cabbage (including Chinese bok choy, Chinese napa, and Chinese mustard), cauliflower, cavalo broccolo, collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens.

For protection against seedborne and soilborne fungi that cause seed decay, damping off, and seedling blight , apply 0.25 - 1 fl oz of Vortex[®] 2000 per 100 pounds of seed.

CUCURBIT VEGETABLES

Chayote, Chinese waxgourd, citron melon, cucumber, gherkin, gourd edible (includes hyotan, cucuzza, hechima, Chinese okra), *Momordica*, all muskmelon, pumpkin, squash and watermelon.

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.25 fl oz of Vortex[®] 2000 per 100 pounds of seed.

TURF GRASS

For protection against seedborne and soilborne fungi that cause seed decay, damping-off, and seedling blight, apply 0.25 fl oz of Vortex[®] 2000 per 100 pounds of seed.

DIRECTIONS FOR ADDITIONAL ALLEGIANCE FL IN COMBINATION WITH Vortex® 2000 IN SEVERE DISEASE CONDITIONS

ALLEGIANCE-FL is a systemic fungicide seed dressing which may be applied in combination with Vortex® 2000 to aid in control of Pythium, Phytophthora and Downy Mildew. ALLEGIANCE-FL may be applied as a water-based slurry through standard slurry or mist-type commercial seed treatment equipment.

Canola* Mustard seed* Rapeseed*	Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off control: Apply ALLEGIANCE-FL as a seed treatment at 0.15-0.4 fl oz per 100 lbs of seed. *Not registered for use in California
Cotton	Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> seed rot and damping-off: Apply ALLEGIANCE-FL as a seed treatment at the rate of 0.65-1.4 fl oz per 100 lbs of seed.
Sunflowers	Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control to aid in the control of seed decay and damping-off caused by <i>Pythium</i> : Apply ALLEGIANCE-FL as a commercial seed treatment at the rate of 0.1 - 0.275 fl oz per 100 lbs. of seed. For control of systemic downy mildew: Apply ALLEGIANCE-FL as a seed treatment at the rate of 1.4 - 2.9 fl oz per 100 lbs of seed.
Sorghum	Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off apply 0.275-0.65 fl oz of ALLEGIANCE-FL per 100 lbs of seed applied as a seed treatment. For control of systemic downy mildew (races susceptible to chemical control), apply 0.65-1.4 fl oz ALLEGIANCE-FL per 100 lbs Of seed on cultivars which possess sorghum downy mildew resistance. To those cultivars which do not possess resistance to a particular race of sorghum downy mildew in heavily infected areas with recent severe history, apply 1.4-2.9 fl oz of ALLEGIANCE-FL per 100 lbs of seed as a seed treatment. Only high quality sorghum seed (90% germination and above) should be treated with ALLEGIANCE-FL.
Turf grasses	Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off control on golf courses, home lawns reclamation and erosion control projects: Apply ALLEGIANCE-FL as a seed treated at the rate of 1.4 fl oz per 100 lbs of seed.
Brassica (Cole) Leafy Vegetables	Broccoli (including Chinese and raab), Brussels sprouts, cabbage (including Chinese bok choy, Chinese napa and mustard), cauliflower, cavalo broccolo, collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off control: Apply ALLEGIANCE-FL as a seed treatment at the rate of 0.1-0.65 fl oz per 100 lbs of seed.
Cucurbit Vegetables	Chayote (fruit), Chinese waxgourd, citron melon, cucumber, gherkin, edible gourd (includes hyotan, cucuzza, Chinese okra, and hechima), Momordica spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber), muskmelon (includes true cantaloupe, cantaloupe, casaba, Crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon), pumpkin, summer squash (includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini), winter squash (includes butternut squash, calabaza, hubbard squash), Cucumis mixtar, Cucumis pepo (includes acorn squash, spaghetti squash), watermelon (includes hybrids and/or varieties of <i>Citrullus lanatus</i> .) Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off control: Apply ALLEGIANCE-FL as a seed treatment at 0.1-0.65 fl oz per 100 lbs of seed.
Leafy Vegetables	Amaranth (leafy, Chinese spinach, tampala), cardoon, celery (including Chinese), celtuce, chervil, chrysanthemum (edible-leaved and garland), corn salad, cress (garden and upland), dandelion, dock, endive, fennel (finocchio), lettuce (head and leaf), orach, parsley, purslane (garden and winter), radicchio, rhubarb, spinach* (including new Zealand and vine), and Swiss chard. *Not registered for use in California. NOTE: Do not apply Allegiance-FL to spinach which is destined to be grown in the greenhouse. Containers or bags containing ALLEGIANCE-FL –treated spinach seed must be labeled with this restriction. Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off control: Apply ALLEGIANCE-FL as a seed treatment at 0.1-0.65 fl oz per 100 lbs of seed.
Root and Tuber Vegetables (except potatoes)	Beet (garden and sugar), burdock (edible), carrot, celery root, chervil, chicory, chufa, ginseng, horseradish, parsley (turnip-rooted), parsnip, radish (includes oriental daikon), rutabaga, salsify (includes black and Spanish), skirret, turnip, and yam bean. Apply only in combination with Vortex® 2000 registered rates of Bayer CropScience broad-spectrum seed treatment fungicide. For additional control of <i>Pythium</i> damping-off control: Apply ALLEGIANCE-FL as a seed treatment at 0.1-0.65 fl oz/100 lbs of seed. NOTE: Do not apply ALLEGIANCE-FL to potatoes.

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 LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP 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 LP 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 LP 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 LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

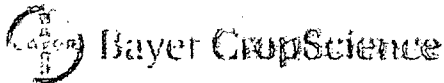
NOTICE TO BUYER

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:

VORTEX® and ALLEGIANCE® are registered trademarks of Bayer

PRODUCED FOR



**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)**

VORTEX® 2000 (PENDING) 11/21/08