


2935-427

12/07/2006

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 <p style="text-align: center;">U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505C) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460</p> <p style="text-align: center;">NOTICE OF PESTICIDE: <input type="checkbox"/> Registration <input checked="" type="checkbox"/> Reregistration (under FIFRA, as amended)</p>	EPA Reg Number 2935-427	Date of Issuance: DEC 7 2006
	Terms of Issuance: Conditional	
	Name of Pesticide Product: Apron Flowable	
Name and Address of Registrant (include ZIP Code): Wilbur-Ellis Co. P.O. Box 1286 Fresno, CA 93715		
<p>Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.</p> <p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>Based on your response to the Reregistration Eligibility Document(s), EPA has reregistered the product listed above provided that the following change is made to the label:</p> <ol style="list-style-type: none"> 1. Add the word, ONLY the the end of the phrase, "For use by commercial seed treaters." (page 1) 2. Delete comma (,) from chemical name in the ingredient statement (page 1) 3. Delete the phrase beginning, "Prolonged or frequently repeated skin contact..." from the precautionary statements and add the following, "Remove contaminated clothing and wash before reuse." <p style="text-align: right;">Continued on page 2</p>		
Signature of Approving Official: <i>Mary L. Waller</i> Mary L. Waller, Product Manager (21) Fungicide Branch, Registration Division	Date: 12/7/2006	

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4. Delete the following sentence from the resistance NOTE (page 1), "Therefore, Wilber-Ellis cannot assume liability for crop damage resulting from resistant strains of fungi."
5. Add the following Groundwater Advisory statement below Environmental Hazards statement:
This chemical is known to leach through the 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 groundwater contamination.
6. Revise the NOTE on page 2 to read:
Label treated spinach seed with the additional statement: "Do not use seed for spinach destined to be grown in the greenhouse."
7. In the Storage and Disposal section (page 4), add the word *Pesticide* after 2. before "Storage."
8. Delete #5 and associated sentence within the storage and disposal section (page 4).
9. Conditions of Sale and Limitation of Warranty and Liability section (page 4):
 - Change the word *should* to **must** in the second paragraph
 - Add the phrase, "**To the extent consistent with applicable law,**" to precede the following statements beginning, "All such risks...", "Except for this warranty...", "Buyer and User accept all risks...", and "The exclusive remedy of the buyer or user..."

This action is taken under the authority of section 4(g)(2)(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. EPA may require submission of data at any time to maintain the registration of your product.

A copy of your label stamped "Accepted with Comments" is enclosed for your records.

Submit one copy of the final printed label before releasing the product for shipment.

Sincerely,



Mary L. Waller
Product Manager (21)
Fungicide Branch
Registration Division (7505P)

Enclosure

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APRON® FLOWABLE

SEED TREATMENT FUNGICIDE

A seed treatment chemical for control of seed rot and damping-off diseases of certain crops.

FOR USE BY COMMERCIAL SEED TREATERS

ACTIVE INGREDIENT:	
Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-alanine, methyl ester	28.35%
OTHER INGREDIENTS	71.65%
TOTAL 100.00%	
Contains 2.65 pounds Metalaxyl per gallon.	

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No. 2935-427

ACCEPTED
 with COMMENTS
 In EPA Letter Dated
 DEC 7 2006

EPA Reg No. 2935-427

EPA Est. No. 2935-CA-1

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

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 ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> -Take off contaminated clothing. -Rinse skin immediately with plenty of water for 15-20 minutes. -Call a poison control center or doctor for treatment advice.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if Swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

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 contaminate water when disposing of equipment washwater. This chemical is known to leach through soil into ground-water 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 contaminations.

NOTE: WILBUR-ELLIS APRON FLOWABLE is a systemic fungicide having a specific mode of action. WILBUR-ELLIS APRON FLOWABLE could be subject to development of resistant strains of fungi. Development of resistance cannot be predicted. Therefore, WILBUR-ELLIS 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 WILBUR-ELLIS APRON FLOWABLE resistant strains of fungi which may occur.

In Case of Emergency, Call CHEMTREC: (800) 424-9300

NET CONTENTS: _____

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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 application at or immediately before planting.

ALWAYS READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS.

IMPORTANT: READ THE ENTIRE DIRECTIONS FOR USE AND THE CONDITIONS OF SALE AND WARRANTY BEFORE USING THIS PRODUCT.

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

Do not apply this product through any type of irrigation system.

WILBUR-ELLIS APRON FLOWABLE 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.

WILBUR-ELLIS APRON FLOWABLE is a systemic fungicide seed dressing specifically for control of Pythium and Phytophthora spp.

Federal law requires that bags containing treated seed shall be labeled with the following information: "This seed has been treated with metalaxyl fungicide. Do not use for feed, food or oil purposes. Store away from feed and foodstuffs."

Note: Do not use seed for spinach destined to be grown in the greenhouse.

Always use WILBUR-ELLIS APRON FLOWABLE with an EPA-approved dye or colorant that imparts an unnatural color to the seed.

SEED TREATMENT – DOMESTIC USE

CARROTS: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz per 100 pounds of seed.

COTTON: For Pythium seed rot and damping-off, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment to machine-delinted or acid-delinted cottonseed at the rate of 0.75-1.50 fl. oz. per 100 pounds of seed.

FORAGE GRASSES (All except scarified Bermuda): Grasses grown for hay, grazing or silage, corn (fodder or silage) and small grains grown for hay, grazing or silage.

For Pythium damping-off control apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

FORAGE LEGUMES: Alfalfa, clover, lespedeza, beans (for forage), soybeans (for forage), soybean hay, peas (for forage), pea vine hay, cowpeas (for forage), cowpea hay, trefoil, vetch and velvet beans (for forage).

For Pythium damping-off apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 to 1.50 fl. oz. per 100 pounds of seed.

For early season Phytophthora apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.50 fl. oz. per 100 pounds of seed.

GARDEN BEETS: For control of Pythium damping-off, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

GRAIN CROPS: Wheat, barley, rye, oats, millet, rice, corn (field corn, sweet corn, and popcorn), buckwheat and triticale. For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

For control of systemic downy mildew of sweet corn, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.50 fl. oz. per 100 pounds of seed.

PEANUTS: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

SEED AND POD VEGETABLES: Black-eyed peas, cowpeas, dill, edible soybeans, field beans, chick peas (garbanzo beans), field peas, garden peas, green beans, kidney beans, lima beans, navy beans, okra, peas, pole beans, snap beans, string beans, wax beans, lentils and lupines.

For Pythium damping-off and early season Phytophthora control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

For control of Pythium damping-off and systemic downy mildew of peas, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.50 fl. oz. per 100 pounds of seed.

SORGHUM: For control of Pythium damping-off on disease resistant sorghum cultivars, use 0.75 fl. oz. per 100 pounds of seed applied as a seed treatment.

For control of Pythium damping-off on non-disease resistant sorghum cultivars, use 1.5 fl. oz. per 100 pounds of seed applied as a seed treatment.

For Pythium damping-off control when less disease pressure is expected, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.11-0.41 fl. oz. per 100 pounds of seed in combination with WILBUR-ELLIS Captan products at labeled rates.

For control of systemic downy mildew, apply 0.75 fl. oz. of WILBUR-ELLIS APRON FLOWABLE per 100 pounds 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 1.50 fl. oz. of WILBUR-ELLIS APRON FLOWABLE per 100 pounds of seed as a seed treatment.

Only high quality sorghum seed (90% germ and above) should be treated with WILBUR-ELLIS APRON FLOWABLE.

SOYBEANS: For Pythium damping-off and early season Phytophthora control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75-1.50 fl. oz. per 100 pounds of seed.

For Pythium damping-off control when less disease is expected, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.11-0.41 fl. oz. per 100 pounds of seed in combination with WILBUR-ELLIS Captan or another registered seed treatment product.

SPINACH: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

Do not apply to spinach which is to be grown in greenhouses. Containers or bags containing Apron treated seed must be labeled with the restriction, "Do not use spinach seed for greenhouse planting".

SUGAR BEETS: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

SUNFLOWER: For control of systemic downy mildew, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 3.00 fl. oz. per 100 pounds of seed.

TURF GRASSES (All except scarified Bermuda): For Pythium damping-off control on golf courses, home lawns, reclamation and erosion control projects, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.50 fl. oz. per 100 pounds of seed.

SEED TREATMENT -- EXPORT USE

Seed treated in accordance with the export use pattern must be labeled as follows: For Export Only, Not for Domestic Sale or Use.

NOTE: Federal law requires that bags containing treated seeds shall be labeled with the following information: "This seed has been treated with metalaxyl fungicide. Do not use for feed, food, or oil purposes. Store away from feeds and foodstuffs." Use with an EPA-approved dye or colorant that imparts an unnatural color to the seed.

BRASSICA (COLE) LEAFY VEGETABLES: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed.

CORN: For control of Pythium damping-off of corn, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed. For control of systemic downy mildew apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 3.00 fl. oz. per 100 pounds of seed.

CUCURBITS: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 0.75 fl. oz. per 100 pounds of seed.

FRUITING VEGETABLES: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed.

LEAFY VEGETABLES: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed.

NOTE: Do not apply to spinach to be grown in greenhouses. Containers or bags of spinach seed must be labeled with the restriction "Do not use spinach seed for greenhouse planting."

MILLET: For control of Pythium damping-off apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed. For control of systemic downy mildew apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 2.52 fl. oz. per 100 pounds of seed.

ONIONS: For Pythium damping-off control apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed.

per 100 pounds of seed.

ROOT AND TUBER VEGETABLES: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.47 fl. oz. per 100 pounds of seed.

NOTE: Do not apply WILBUR-ELLIS APRON FLOWABLE to potatoes.

SORGHUM: For Pythium damping-off control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 1.50 fl. oz. per 100 pounds of seed.

For systemic downy mildew control, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 4.50 fl. oz. per 100 pounds of seed.

SUNFLOWER: For control of systemic downy mildew, apply WILBUR-ELLIS APRON FLOWABLE as a seed treatment at the rate of 6.00 - 9.00 fl. oz. per 100 pounds of seed.

STORAGE AND DISPOSAL

1. **Prohibitions:** Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.
2. **Storage:** Do not use or store near heat or open flame.
3. **Pesticide Disposal:** Pesticide, spray mixture or rinse water that cannot be used according to label instructions must be disposed of according to applicable Federal, State or local authorities.
4. **Container Disposal:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or dispose of in a sanitary landfill, or by incinerating if allowed by State and local authorities.
5. **General:** Consult Federal, State, or local disposal authorities for approved alternative procedures such as limited open burning.

Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using the product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of the product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of many different factors including, without limitation, manner of use or application, weather, combination with other products, or crop conditions. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Manufacturer and Seller harmless from any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label. EXCEPT FOR THIS WARRANTY, THE PRODUCT IS FURNISHED "AS-IS". AND NEITHER SELLER NOR MANUFACTURER MAKES ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE SELECTION, PURCHASE OR USE OF THIS PRODUCT; SELLER AND MANUFACTURER SPECIFICALLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Buyer and User accept all risks arising from any use of this product, including without limitation uses contrary to label instructions, under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) Seller or Manufacturer.

To the extent permitted by law, neither Manufacturer nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE BUYER OR USER, AND THE EXCLUSIVE LIABILITY OF MANUFACTURER AND SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT, OR, AT THE ELECTION OF MANUFACTURER OR SELLER, THE REPLACEMENT OF THE PRODUCT.

These Conditions of Sale and Limitation of Warranty and Liability shall be interpreted in accordance with the laws of the State of California, excluding its conflicts of laws or rules, and may not be amended by any oral or written agreement.

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F-82605

Manufactured in U.S.A. by:

WILBUR-ELLIS COMPANY

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