

7969-187

03/12/2009

1/6



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

MAR 12 2009

Mrs. Charlotte A. Sanson  
Product Registration Manager  
BASF Corporation, Agricultural Products  
P.O. Box 13528,  
Research Triangle Park, NC 27709

RE: Notification of Subset Label for use in Apples, per PRN 98-10  
EPA Registration Number: 7969-187  
Date of Submission: January 26, 2009

Dear Dr. Sanson:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated January 26, 2009, for the product Cabrio EG Fungicide. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions 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 Joyce Edwards of my staff at 703-308-5479.

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

	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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**Application for Pesticide - Section I**

<b>1. Company/Product Number</b> EPA Reg. No. 7969-187	<b>2. EPA Product Manager</b> Tony Kish	<b>3. Proposed Classification</b> <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
<b>4. Company/Product (Name)</b> Cabrio EG Fungicide	<b>PM#</b> 22	
<b>5. Name and Address of Applicant (Include ZIP Code)</b> BASF Corporation, Agricultural Products P.O. Box 13528 Research Triangle Park, NC 27709  <input type="checkbox"/> Check if this is a new address	<b>6. Expedited Review.</b> In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in formulation and labeling to: <div style="text-align: right; font-weight: bold; font-size: 1.2em;">NOTIFICATION</div> EPA Reg. No. _____ <span style="float: right; font-weight: bold; font-size: 1.2em;">MAR 12 2009</span>  Product Name _____	

**Section - II**

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

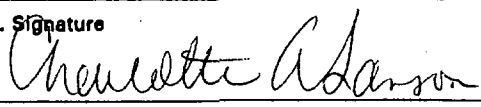
**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Notification of adding use in cotton as approved for 7969-266 (alternate brand name), per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CF% 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.

**Section - III**

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

**Section - IV**

<b>1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)</b>		
<b>Name</b> Charlotte A. Sanson	<b>Title</b> Product Registration Manager	<b>Telephone No. (Include Area Code)</b> (919) 547-2663
<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 or both under applicable law.		<b>6. Date Application Received (Stamped)</b>    
<b>2. Signature</b> 	<b>3. Title</b> Product Registration Manager	
<b>4. Typed Name</b> Charlotte A. Sanson	<b>5. Date</b> January 26, 2009	



The Chemical Company

3/6

January 26, 2009

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

**Subject: Notification – Cabrio® EG Fungicide  
EPA Registration No. 7969-187**

Dear Sir/Madam:

On December 1, 2004, EPA approved the addition of pome fruit to the master label for **Cabrio® EG Fungicide** (EPA Registration No. 7969-187). Crops included in the pome fruit crop group are: apple, pear, oriental pear, quince, crabapple, loquat and mayhaw. BASF has not yet included the pome fruit crop group in the directions for use on the Cabrio container label in channels of trade. BASF is hereby notifying EPA of supplemental labeling containing the directions for use of Cabrio in apples only, as per PR Notice 98-10. Enclosed are one copy of the supplemental label, consistent with the most recent EPA-approved master label for Cabrio dated November 5, 2007, and a completed EPA 8570-1 Registration Application form. No other additions or changes have been included in the supplemental label.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling 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 section 12 and 14 of FIFRA.

Thank you for your attention to this matter. If you have any questions or need further information, please contact me directly at (919) 547-2983, or by e-mail at [charlotte.sanson@basf.com](mailto:charlotte.sanson@basf.com).

Regards,  
BASF Corporation

Charlotte A. Sanson  
Product Registration Manager

cc: Tony Kish, EPA PM 22

BASF Corporation  
26 Davis Drive  
Research Triangle Park, NC 27709  
Tel: (919) 547-2000

NVA 2009-04-089.0008



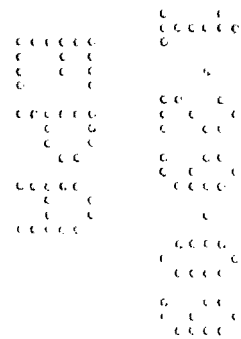
**Cabrio® EG fungicide Crop-specific Instructions**

Crop	Target Disease	Product Use Rate per Application	Maximum Number of Sequential Applications	Maximum Product Rate per Season	Minimum Time from Application to Harvest (PHI)
Apple	Apple scab <i>(Venturia inaequalis)</i>  Powdery mildew <i>(Podosphaera leucotricha)</i>	12 ozs per acre	2	48 ozs per acre (0.6 lb ai/acre)  <b>DO NOT</b> make more than 4 applications per season.	0 days

Begin applications of **Cabrio** prior to disease development and continue on a 7- to 10-day interval. Use the shorter interval when disease pressure is high.

**NO** restriction on livestock grazing or feeding.

**Resistance Management:** To limit the potential for development of resistance, **DO NOT** apply more than 0.6 lb ai pyraclostrobin (= 48 oz **Cabrio**) per acre per season. **DO NOT** make more than four (4) applications of **Cabrio** or other **Group 11** fungicides per season. **DO NOT** make more than two (2) sequential applications of **Cabrio** before alternating to a labeled non-**Group 11** fungicide with a different mode of action for at least one (1) application.



6/6

**Conditions of Sale and Warranty**

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, 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 such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.**

**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.**

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF. 1108

**NOTIFICATION**

**MAR 12 2009**

*Cabrio* is a registered trademark of BASF.

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BASF Corporation  
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Research Triangle Park, NC 27709

