

7969-187

06-04-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Charlotte A. Sanson
Product Registration
BASF Corporation, Agricultural Products
PO Box 13528
Research Triangle Park, NC 27709-3528

JUN 4 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Directions for Use
EPA Reg. No. 7969-187
Application Dated May 13, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 05/13/09 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 read "Linda Arrington".

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



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number EPA Reg. No. 7969-187	2. EPA Product Manager Tony Kish	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cabrio EG Fungicide	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation, Agricultural Products P.O. Box 13528 Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. 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 _____	

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Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____
 Resubmission in response to Agency letter dated _____ "Me Too" Application.
 Notification - Explain below. Other - Explain below.

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

Notification of supplemental label for use of Cabrio in stone fruits group, 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

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	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	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		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container

5. Location of Label Directions
 on label

6. Manner in Which Label is Affixed to Product
 Lithograph
 Paper glued
 Stenciled Other _____

Section - IV

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

Name Charlotte A. Sanson	Title Product Registration Manager	Telephone No. (Include Area Code) (919) 547-2983
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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 knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received (Stamped)

2. Signature <i>Charlotte A. Sanson</i>	3. Title Product Registration Manager
4. Typed Name Charlotte A. Sanson	5. Date May 13, 2009



The Chemical Company

May 13, 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, Supplemental Labeling for Stone Fruits
Per PR Notice 98-10 and 40 CFR 152.46

References: Active Ingredient: Pyraclostrobin (7969-185); Cabrio® EG fungicide (7969-187)

Dear Sir/Madam:

BASF is hereby notifying EPA of supplemental labeling containing the directions for use of **Cabrio** in the stone fruits group, as per PR Notice 98-10 and 40 CFR 152.46. On September 30, 2002, EPA established the tolerance for pyraclostrobin in the stone fruits group and approved use of the end-use product, **Cabrio® EG Fungicide** (EPA Registration No. 7969-187), in stone fruit. BASF has not yet included the stone fruit crop group in the directions for use on the **Cabrio** container label in channels of trade. The supplemental labeling will expire on December 31, 2009 and will provide growers of stone fruits on the east coast with access to **Cabrio** use directions for control of multiple diseases. No other additions or changes have been included in the supplemental label.

Enclosed are the following items in support of this notification as per PR Notice 98-10:

- 1.) Completed EPA form 8570-1, "Application for Pesticide Notification"
- 2.) One copy of the supplemental label containing the use directions for **Cabrio** in the stone fruits group as described above (extracted from the most recent EPA-approved master label for **Cabrio** dated November 5, 2007
- 3.) One copy of the EPA-stamped/accepted label of November 5, 2007, for reference

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.

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The Chemical Company

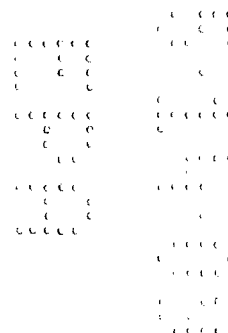
Thank you for your attention to this matter. If you have any questions or need further information, please contact me directly at (919) 547-2983, or by e-mail at charlotte.sanson@basf.com.

Regards,
BASF Corporation

Charlotte A. Sanson
Product Registration Manager

cc: Tony Kish, EPA PM 22

NVA 2009-04-089-0098



Supplemental Label



For use on stone fruits

For use in the states of Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

This supplemental label expires on December 31, 2009.

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Active Ingredient:	
pyraclostrobin: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester).....	20.0%
Other Ingredients:	80.0%
Total:	100.0%

EPA Reg. No. 7969-187

Refer to the Cabrio® fungicide main label, EPA Reg. No. 7969-187, for complete Directions For Use and all applicable restrictions and precautions. When following the instructions on this supplemental label, the user must have this label and the entire Cabrio container label in possession at the time of pesticide application.

information and to the Cabrio® EG fungicide Crop-specific Requirements found in this label.

Application Information

Apply Cabrio according to the rate, timing, and resistance management instructions in the Cabrio® EG fungicide Crop-specific Requirements in this label. Refer to the Cabrio main container label for specific instructions pertaining to application methods.

Cabrio may be applied by ground sprayer, aerial equipment or through sprinkler irrigation systems. Refer to the Cabrio main label for specific instructions on these methods.

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.

Restrictions and Limitations

Cabrio is not for use in greenhouse or transplant production systems.

Follow the use restrictions outlined in the Cabrio® EG fungicide Crop-specific Requirements in this label for:

General Information

Cabrio provides optimum disease control when applied in a regularly scheduled protective fungicide program and used in a spray program that rotates fungicides with different modes of action. Refer to the Cabrio main label for general resistance management

- Product use rate per acre
- Maximum number of sequential applications
- Maximum product rate per acre per season
- Minimum preharvest interval (PHI)

Cabrio® EG fungicide Crop-specific Requirements

Crop	Target Disease	Product Use Rate per Application (ozs/A)	Maximum Number of Sequential Applications	Maximum Product Rate per Season (ozs/A)	Minimum Time from Application to Harvest (PHI) days
Stone Fruits Group Apricot Cherry (sweet and tart) Nectarine Peach Plum (all varieties) Plumcot Prune	Alternaria leaf spot (<i>Alternaria</i> spp.) Anthracnose (<i>Colletotrichum</i> spp.) Monilinia blossom blight (<i>Monilinia</i> spp.) Powdery mildew (<i>Sphaerotheca</i> spp., <i>Podosphaera</i> spp.) Scab (<i>Cladosporium carpophilum</i>) Shot hole (<i>Wilsonomyces carpophilus</i>)	9.5	2	47.5 (0.6 lb ai/A)	0

Application Directions. Begin applications of **Cabrio** at pink bud or prior to disease development and continue on a 7- to 14-day interval.

Use the shorter interval when disease pressure is high.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 0.6 lb ai pyraclostrobin (= 47.5 ozs **Cabrio**) per acre 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 aerial application to stone fruit trees, use no less than 10 gallons of spray solution per acre.

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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.

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Cabrio is a registered trademark of BASF.

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The Chemical Company