

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

11-10-2011

Warren Smith
BASF Corporation
26 Davis Drive; P.O. Box 13528
Research Triangle Park, NC 27709-3528

SUBJECT: Label Amendment – Supplemental Label
Apogee Plant Growth Regulator
EPA Reg. No. 7969-188; Decision # 437932; Petition 0F7765
Submission Dated July 23, 2010

Dear Mr. Smith:

The Supplemental label referred to above, submitted in connection with registration under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), as amended to add sweet cherries, is acceptable provided you submit within 30 days a final printed label with the following changes, and satisfy the conditional data.

1. The new use for sweet cherries must be added to the master label within 18 months from the date of this letter.

2. Add the following three-year expiration sentence to the top of the supplemental label: "This Supplemental label expires on 11-10-2014 and must not be used or distributed after this date."

3. As per the HED review, change the sweet cherry PHI from "14 days to "20 days".

The following conditional data is to be submitted to the Agency before 12-31-2013:

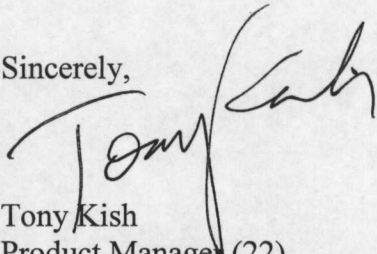
A. 40 CFR Part 158 Guideline Immunotoxicity study

Note that before starting the immunotoxicity study, BASF should check in with EPA because HED is currently doing a retrospective study across many chemicals of the value of this required study to risk assessments. Also note that this chemical will begin registration review during 2013 and that there could be a DCI coming out of that process.

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

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,



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

Enclosure

Supplemental Label



For use on sweet cherries

Active Ingredient:

Prohexadione calcium: [calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate]..... 27.5%

Other Ingredients:..... 72.5%

Total: 100.0%

EPA Reg. No. 7969-188

Directions For Use

Refer to the Apogee® plant growth regulator main label, EPA Reg. No. 7969-188, 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 Apogee container label in possession at the time of pesticide application.

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

General Information

Apogee is a unique production management tool for sweet cherry orchards that reduces vegetative growth and can reduce or delay the need for tree pruning.

Mode of Action

Apogee acts within sweet cherry trees to inhibit the biosynthesis of gibberellins, which is the natural plant hormone that regulates cell elongation. Inhibition of gibberellins results in reduced shoot growth.

General Restrictions and Limitations

- **Maximum seasonal use rate:** DO NOT apply more than a total of 40 ozs (2.5 lbs) of Apogee per acre, per season.
- **DO NOT** apply more than a total of 20 ozs (1.25 lbs) of Apogee in any 14-day interval.
- **Preharvest Interval (PHI):** DO NOT apply within 14 days before harvest.
- **Restricted Entry Interval (REI):** 12 hours
- **Rainfast period:** Apogee is rainfast 8 hours after application.

- **DO NOT** apply to crops that show injury (leaf phytotoxicity) produced by any other prior pesticide applications because this injury may be enhanced or prolonged.
- **DO NOT** apply this product through any type of irrigation system.
- **DO NOT** use Apogee on tart cherries.

Application Instructions

Follow section IV, **Mixing Order** on the Apogee main label and **Application Instructions, Additives, and General Tank Mixing Information** under the apple and pear sections on the main label.

Timing

For vegetative growth control, make the first application of Apogee in the spring at shuck fall (1 to 3 inches of new shoot growth). **Correct timing of application is critical to success.** An early first application (i.e., 1 to 2 inches of shoot growth) is more effective than a late application (i.e., 6 to 8 inches of shoot growth). Make a sequential application 2 to 4 weeks after the first application. Do this sequential application before or immediately after the shoots show signs of regrowth.

Sweet Cherries

Make the first application of Apogee when shoots have 1 to 3 inches of new shoot growth. Repeat applications as needed.

Dilute spray volumes are based on the amount of solution required to thoroughly wet the tree foliage to the point of runoff. Consult your local BASF representative or consultant for a recommendation to calculate the dilute coverage based on the tree row volume.

Application Rates for Vegetative Growth Control¹

Application Timing	Apogee [®] plant growth regulator rate per acre ² (ozs)	Restrictions
First application at shuck fall. Make subsequent applications at 2 to 3 week intervals as shoots show signs of regrowth.	8 to 20	DO NOT apply more than 20 ozs/A in any 14-day interval. DO NOT apply more than 40 ozs/A (2.5 lbs) of Apogee per season.
¹ Refer to Application Instructions under apples and pears on the Apogee main label for rate calculations. ² Based upon 200 gallons of dilute spray per acre.		

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 crop response to the product, 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

ACCEPTED
with COMMENTS
In EPA Letter Dated
NOV 10 2011
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
1969-188

Apogee is a registered trademark of BASF.

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007969-00188.20091210.NVA 2009-04-080-0225

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The Chemical Company