

7969-197

06/04/2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Khalid H. Akkari, Ph.D.  
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.7969-197  
Application Dated May 12, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 05/12/09 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

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number EPA Reg. No. 7969-197	2. EPA Product Manager Shaja Joyner	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Endura® fungicide (BAS 510 02/04F)	PM# 20	
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation, Agricultural Products P.O. Box 13528, 26 Davis Drive 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)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

NOTIFICATION

JUN 04 2009

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" 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 checked="" type="checkbox"/> Notification - Explain below.	<input checked="" type="checkbox"/> Other - Explain below.

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

Notification of Supplemental Labeling for Endura® fungicide (EPA Reg. No. 7969-197) use on Stone Fruits to control multiple diseases. 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 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 section 12 and 14 of FIFRA. This is not a PRIA action, therefore no PRIA code or fee are proposed. E-Mail: khalid.akkari@basf.com

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* 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 <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 6.5 Pounds		5. Location of Label Directions <input checked="" type="checkbox"/> on labeling adhered to jug	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Khalid H. Akkari	Title Product Registration Manager	Telephone No. (Include Area Code) (919) 547-2976
<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.		6. Date Application Received (Stamped)
2. Signature <i>K. H. Akkari</i>	3. Title Product Registration Manager	
4. Typed Name Khalid H. Akkari	5. Date May 12, 2009	



The Chemical Company

Helping Make  
Products Better™

May 12, 2009

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

**ATTENTION: Shaja Joyner – PM 20**

Dear Ms. Joyner:

**SUBJECT: Notification of Endura® fungicide Supplemental Labeling for Stone Fruits per PR Notice 98-10 and 40CFR 152.46.**

**References: Active Ingredient: Boscalid (7969-198): Endura® fungicide (7969-197)**

BASF Corporation is submitting this **Notification** to the EPA for preparation of Supplemental Labeling containing the approved use directions for use of **Endura® fungicide** (EPA Reg. No. 7969-197) on Stone Fruits to control multiple diseases. This notification is in accordance with the EPA regulations in 40CFR 152.46 and EPA PR Notice 98-10, Section II.B.4, "the dosage, frequency, concentration or method of application do not change". The supplemental labeling is extracted directly from the use directions approved for Stone Fruits in the **Endura** master label approved by the EPA on June 18, 2008.

The supplemental labeling will expire on December 31, 2009 and will provide growers of stone fruits on the east coast with access to **Endura** use directions for control of multiple diseases, especially for *Monilinia* spp., until the **Endura** master label approved on June 18, 2008 has also been accepted in California.

**"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 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 section 12 and 14 of FIFRA."**



The Chemical Company

The following documents are enclosed in support of the notification as per PR Notice 98-10.

- (1) EPA Form 8570-1 "Application for Pesticide Notification"
- (2) Three (3) copies of the **Endura® fungicide** Supplemental Labeling for Stonefruits
- (3) EPA stamped/approved **Endura® fungicide** master label

If you have any questions or need clarification or further information, I can be reached directly at (919)-547-2976, or via e-mail at [khalid.akkari@basf.com](mailto:khalid.akkari@basf.com).

Sincerely,

BASF Corporation

A handwritten signature in black ink that reads "K. H. Akkari".

Khalid H. Akkari, Ph.D.

Product Registration Manager

Regulatory Affairs

enclosures

GROUP 7 FUNGICIDE

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.

NOTIFICATION

Active Ingredient:	boscalid, 3-pyridinecarboxamide, 2-chloro-N-(4'-chloro(1,1'-biphenyl)-2-yl)-.....	JUN 04 2009	70.0%
Other Ingredients:	.....		30.0%
Total:	.....		100.0%

EPA Reg. No. 7969-197

Refer to the Endura® fungicide main label, EPA Reg. No. 7969-197, for complete Directions For Use and all applicable restrictions and precautions. This label and the entire Endura container label must be in the possession of the user at the time of pesticide application.

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.

General Information

Endura 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 Endura main label for general resistance management information and to the Crop-specific Use Directions found in this label.

Application Information

Apply Endura according to the rate, timing, and resistance management use recommendations in the Crop-specific Use Directions in this label. Observe the additional general recommendations on application instructions, additive use and mixing order on the Endura main label.

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

Restrictions and Limitations

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

Follow the use restrictions outlined in the Crop-specific Use Directions in this label for:

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

## Crop-specific Use Directions

Crop	Target Disease	Product Use Rate per Application (ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (ozs/A)	Minimum Time from Application to Harvest (PHI) days
<b>Stone Fruits Group</b> Apricot Cherry (sweet and tart) Nectarine Peach Plum (all varieties) Plumcot Prune	Alternaria leaf spot <i>(Alternaria spp.)</i>	5.3	5	26.5	0
	Brown rot <i>(Monilinia spp.)</i>				
	Monilinia blossom blight <i>(Monilinia spp.)</i>				
	Ripe fruit rot <i>(Botrytis cinerea, Monilinia fructicola, Monilinia laxa)</i>				
	Scab <i>(Cladosporium carpophilum)</i>				
	<b>Suppression Only</b>				
	Powdery mildew <i>(Sphaerotheca spp., Podosphaera spp.)</i>				

**Application Directions.** Begin applications of **Endura**<sup>®</sup> fungicide at pink bud or prior to the onset of disease 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** make more than five (5) applications of **Endura** per season.

**DO NOT** make more than two (2) sequential applications of **Endura** before alternating to a labeled fungicide with a different mode of action.

For aerial application to stone fruits trees, use no less than 10 gallons of spray solution 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 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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