

7969-266

03/12/2009

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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 Soybeans, per PRN 98-10
EPA Registration Number: 7969-266
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 Stamina Fungicide Seed Treatment. 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



The Chemical Company

2/a

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 – Diamir™ Fungicide Seed Treatment
EPA Registration No. 7969-266**

Dear Sir/Madam:

On December 16, 2008, EPA approved the addition of cotton to the master label for **Stamina™ Fungicide Seed Treatment** (EPA Registration No. 7969-266). The alternate brand name for this product is **Diamir™ Fungicide Seed Treatment** (BASF letter of notification submitted to EPA June 9, 2008), for use in soybeans. BASF is hereby notifying EPA that Diamir is also the alternate brand name for use in cotton, as per PR Notice 98-10. Enclosed are one copy of amended master labeling for Daimir, containing the updated directions for use in both cotton and soybeans as approved in the above-mentioned label for Stamina, and a completed EPA 8570-1 Registration Application form. A supplemental label containing the same use directions in cotton only is also provided. One additional change has been made to the label: in the "General Information" section, the sentence "Stamina is also active against seed-borne fungi causing seed decay including *Penicillium* spp., *Aspergillus* spp., *Altenaria* spp., *Fusarium* spp., and certain *Pythium* spp." has been modified to remove the phrase "including *Penicillium* spp.,... *Pythium* spp." as these diseases are not relevant to cotton and soybean. No other changes have been made to the product 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.

Regards,
BASF Corporation

Charlotte A. Sanson
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 2009-04-334-0014
NVA 2009-04-334-0015



NOTIFICATION

MAR 12 2009

DIAMIR™

FUNGICIDE SEED TREATMENT

Supplemental Label

For use in cotton

EPA Reg. No. 7969-266

Active Ingredient*:

pyraclostrobin: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl] methoxy-, methyl ester) 18.4%

Other Ingredients: 81.6%

Total: 100.0%

* Equivalent to 1.67 pounds of pyraclostrobin per gallon.

Refer to the Diamir™ fungicide seed treatment main label, EPA Reg. No. 7969-266, for complete Directions For Use and all applicable restrictions and precautions. This supplemental label and the full Diamir container label must be in the possession of the user at the time of pesticide application.

feedstuffs. Use with an EPA-approved dye that imparts an unnatural color to the seed."

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. Only protected handlers may be in the area during application.

Diamir Crop-specific Use Directions for Seed Treatment

Crop	Target Disease	Product use rate fl ozs/100 lbs seed (lb ai/100 lbs seed)
Cotton	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	1.5 to 3.0 (0.02 to 0.04)

General Information

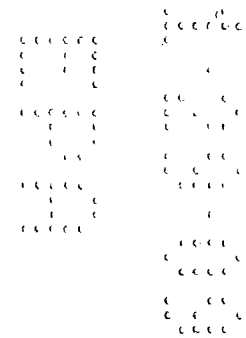
Diamir is a broad-spectrum fungicide that provides preventive seed and seedling protection from several seed and seed-borne diseases.

Due to the minimal amounts of Diamir applied to the seed that relocate to the upper parts of the plant, the potential for development of resistance is extremely low. Refer to the Diamir main label for general resistance management information.

Application Information

Refer to the Diamir main label for specific seed treatment instructions.

Note: Federal law requires that bags of treated seeds shall be labeled with the following: "This seed has been treated with pyraclostrobin fungicide. **DO NOT** use for food, feed or oil purposes. Store away from food and



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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 the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, 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.

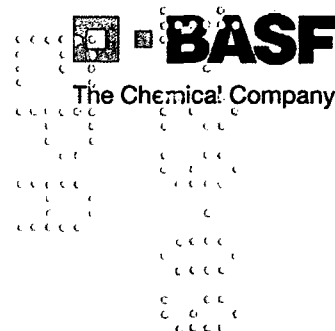
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Diamir is a trademark of BASF.

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007969-00266.20090119.NVA 2009-04-334-0015

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709





Group 11 Fungicide

DIAMIR™

FUNGICIDE SEED TREATMENT

For seed treatment use in cotton and soybean

Active Ingredient*:

pyraclostrobin: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy)methyl]phenyl]methoxy-, methyl ester) 18.4%

Other Ingredients: 81.6%

Total: 100.0%

*Equivalent to 1.67 pounds of pyraclostrobin per gallon.

EPA Reg. No. 7969-266

EPA Est. No.

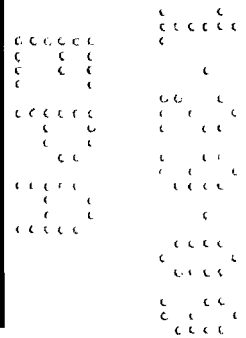
**KEEP OUT OF REACH OF CHILDREN
CAUTION/PRECAUCIÓN**

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

See inside for complete **First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty**, and state-specific crop and/or use site restrictions.

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents:



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FIRST AID	
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 to 20 minutes. • Call a poison control center or doctor for treatment advice.
If in eyes	<ul style="list-style-type: none"> • Hold eyes open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after first 5 minutes; then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance; then give artificial respiration, preferably by mouth to mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).	

Precautionary Statements

Hazards to Humans and Domestic Animals

Caution. Harmful if swallowed or absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing.

Personal Protective Equipment (PPE)

Some materials that are chemically resistant to this product are listed below. For more options, refer to **Category A** on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material (such as nitrile, butyl, neoprene and/or barrier laminate)
- Shoes plus socks

Follow the manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

This product is toxic to fish and aquatic invertebrates.

DO NOT discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters

unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. **DO NOT** discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or the regional office of the EPA. **DO NOT** contaminate water when disposing of equipment washwaters.

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. 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.

Storage and Disposal

DO NOT contaminate water, food, or feed by storage or disposal.

Pesticide Storage. Store in original containers only. Keep container closed when not in use. **DO NOT** store near food or feed. In case of spill on floor or paved surfaces, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to label.

Pesticide Disposal. Wastes resulting from using this product may be disposed of on-site or at an approved waste disposal facility. If these wastes cannot be disposed of according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

(continued)

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Storage and Disposal (continued)

CONTAINER DISPOSAL

Nonrefillable Container. DO NOT reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Triple rinse containers too large to shake (capacity > 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

In Case of Spill

In case of large-scale spillage regarding this product, call:
CHEMTREC 1-800-424-9300
BASF Corporation 1-800-832-HELP (4357)

Steps to be taken in case this material is released or spilled:

Dike and contain spill with inert material (sand, earth, etc.) and transfer liquid and solid diking material to separate containers for disposal. Remove contaminated clothing and wash affected skin areas with soap and water. Wash clothing before reuse. Keep spill out of all sewers and open bodies of water.

General Information

Diamir™ fungicide seed treatment is a broad-spectrum fungicide that provides preventive seed and seedling protection against the soilborne pathogen *Rhizoctonia solani* and seedborne fungi causing seed decay. Make all applications according to the use directions in this label. Use

the higher rates of **Diamir** when disease pressure is expected to be high.

Resistance Management

The active ingredient in **Diamir**, pyraclostrobin, belongs to the group of respiration inhibitors classified by the EPA as **Quinone Outside Inhibitors (QoI)** or **target site of action group 11** fungicides. Due to the minimal amounts of **Diamir** applied to the seed that relocate to the upper parts of the plant, the potential for development of resistance is extremely low. Seed treatments of **Diamir** can, therefore, be followed by foliar use and resistance management guidelines of foliar use fungicides containing pyraclostrobin (**Cabrio® EG fungicide**, **Headline® fungicide**, or **Pristine® fungicide**) as specified on the respective labels.

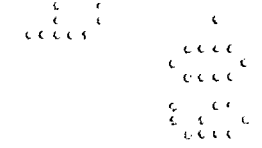
Application Instructions

For use at commercial treatment facilities. Not for use on farm.

Apply **Diamir** as a water-based mixture using standard slurry or mist-type seed treatment application equipment. The exact amount of water needed to provide the mixture or slurry rate (ml/100 kg or oz/cwt of seed) for optimum coverage is difficult to predict because weather conditions, hot or cold, seed type and surface, and equipment used all have a bearing on coverage. Consult a seed treatment specialist regarding slurry rates recommended for the crop seed to be treated with **Diamir**. The required amount of **Diamir** must then be diluted with the specified amount of water that will provide uniform and complete coverage on the seed surface. Uniform application on seed and complete seed coverage are necessary for seed safety and best disease protection.

Seed must be sound and well cleaned prior to treatment. The purchaser of **Diamir** is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, Part 2.25. Use an EPA-approved dye or colorant that imparts an unnatural color to the seed. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.900, "Exemptions from the requirement of a tolerance". Federal regulations have established official tolerances or exemptions from tolerances for residues on food and forage crops that must not be exceeded when the product (dye or colorant) is used at specified rates.

Consult the seed treatment specialist for calibration and operation procedures of the seed treatment equipment being used. Mechanical agitation is required for proper mixing of **Diamir**. Prepare no more mixture of **Diamir** than is needed for immediate treating. Add 3/4 of the required volume of water to the mix tank. With agitation running, add the required amount of **Diamir** in the tank along with other seed treatment components. Add the remaining 1/4 amount of the required volume of water. Follow the mixing sequence listed below. Agitate thoroughly before and during application.



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Diamir™ fungicide seed treatment with Tank Mix Partners

Diamir mixes easily with water and other water-based seed treatments manufactured by BASF Corporation. When using **Diamir** in a tank mixture with other seed treatment products, observe all directions for use, crops/sites, use rates, dilution ratios, precautions, and limitations that appear on the tank mix partner label. Label dosage or application rate must not be exceeded, and the most restrictive label precautions and limitations must be followed. **Diamir** must not be mixed with any product that prohibits such mixing. All applications must be made according to the use directions.

When mixing **Diamir** with products from other manufacturers, test the compatibility prior to use by conducting a jar test as follows:

1. Mix all intended seed treatments with the appropriate amount of water in a clear glass container.
2. Mix well and allow to sit for one hour.
3. Remix and observe for incompatibility.

Physical compatibility is only part of compatibility. Testing also needs to be done with the seed to make sure the combination of products does not have detrimental effects on the seed.

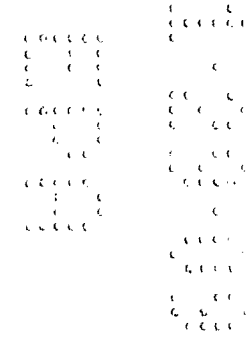
Tank Mixing Instructions

1. Add 3/4 of the required amount of water to the mix tank and turn on the agitation. Mechanical agitation is preferred.
2. Follow the following mixing sequence: dye or colorant, wettable powders, soluble powders, flowable formulations, emulsifiable concentrates, and remaining 1/4 of the required water. The 1/4 of the required water as the last item for addition to the premix tank can be used as rinsate for the chemical container or to adjust the total slurry to compensate for water displacement by powdered products.
3. Maintain agitation until the entire slurry mixture has been used.
4. Ensure that seed is dry prior to bagging.

NOTE: Federal law requires that bags of treated seeds shall be labeled with the following: "This seed has been treated with pyraclostrobin fungicide. **DO NOT** use for food, feed or oil purposes. Store away from food and feedstuffs. Use with an EPA-approved dye that imparts an unnatural color to the seed."

Diamir Crop-specific Use Directions for Seed Treatment

Crop	Target Disease	Product use rate in fl oz/100 lbs seed (lb ai/100 lbs seed)
Cotton	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	1.5 to 3.0 (0.02 to 0.04)
Soybean (Glycine spp.)	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , seedborne fungi causing seed decay, seedling damping-off	0.4 - 1.5 (0.005 - 0.02)



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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 the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, 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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NOTIFICATION

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Cabrio, Headline and Pristine are registered trademarks of BASF.

Diamir is a trademark of BASF.

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007969-00266.20090126.NVA 2009-04-334-0014

Based on: NVA 2008-04-306-0120

Supersedes: NVA 2008-04-334-0172

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709

