

7969-310

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

FEB 26 2013

Khalid H. Akkari, Ph.D.
BASF Corporation
26 Davis Drive
P.O. Box 13528
Research Triangle Park, NC 27709-3528

Subject: Label Amendment: Pre-Harvest Interval for Fruiting Vegetables

EPA Registration No.: 7969-310
Merivon® Xemium® Brand Fungicide
D#: 465949
Your submission dated June 4, 2012

Dear Dr. Akkari:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable.

At your next label printing, or within eighteen (18) months, whichever comes first, you must incorporate this supplemental labeling into the main product labeling. A stamped copy of the label is enclosed for your records. Two (2) copies of the final printed label must be submitted prior to releasing the product for shipment.

If you have questions regarding this action, please contact Olga Odiott at (703) 308-9369.

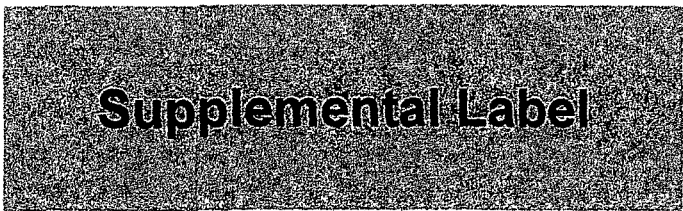
Sincerely,

A handwritten signature in black ink, appearing to read "Mark Suarez".

Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7505P)

Enclosure

Group 7 11 Fungicide



merivon[®]
XEMIMUM[®] BRAND FUNGICIDE

For disease control and plant health in fruiting vegetables (0-day PHI)

This supplemental label expires on September 30, 2016 and must not be used or distributed after this date.

Powered by Xemium[®] and F500[®] fungicides

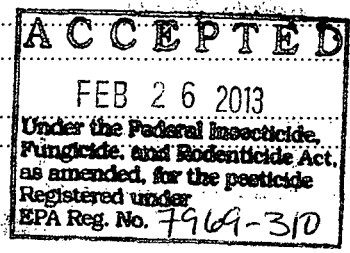
Active Ingredients:

fluxapyroxad*: 1H-Pyrazole-4-carboxamide, 3-(difluoromethyl)-1-methyl-N-(3',4',5'-trifluoro[1,1'-biphenyl]-2-yl)-
pyraclostrobin**: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester)

Other Ingredients:

Total:

* Equivalent to 2.09 pounds of fluxapyroxad per gallon
** Equivalent to 2.09 pounds of pyraclostrobin per gallon



21.26%
21.26%
57.48%
100.00%

EPA Reg. No. 7969-310

Environmental Hazards

This pesticide is toxic to fish and aquatic invertebrates. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

DO NOT apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. **DO NOT** contaminate water when disposing of equipment washwaters or rinsate.

This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow groundwater.

Surface Water Advisory

This product is classified as having high potential for reaching aquatic sediment via runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of this active ingredient or its degradates from runoff water and sediment. Runoff of this product will be reduced by avoiding applications when rainfall is forecast to occur within 48 hours.

Sound erosion control practices will reduce this product's potential to reach aquatic sediment via runoff.

Groundwater Advisory

This chemical has properties and characteristics associated with chemicals detected in groundwater. This chemical may leach into groundwater if used in areas where soils are permeable, particularly where the water table is shallow.

Directions For Use

- It is a violation of federal law to use this product in a manner inconsistent with its labeling.
- The supplemental labeling and the entire Merivon[®] Xemium[®] brand fungicide container label, EPA Reg. No. 7969-310, must be in possession of the user at the time of application.
- Read the label affixed to the container for Merivon before applying.
- Use of Merivon according to this labeling is subject to the use precautions and limitations imposed by the label affixed to the container for Merivon.

BASF Corporation
26 Davis Drive, Research Triangle Park, NC 27709

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The Chemical Company

Application Instructions

Apply **Merivon® Xemium® brand fungicide** according to the rate, timing, and resistance management use instructions in the **Crop-specific Directions** in this label. Observe the additional instructions on application methods, additive use and mixing order on the **Merivon** main label.

Table 1. Merivon® Xemium® brand fungicide Restrictions and Limitations Overview*

Crop**	Minimum Time from Application to Harvest (PHI) (days)	Maximum Product Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Number of Sequential Applications	Maximum Product Rate per Season (fl ozs/A)
Fruiting vegetables group	0	5.5	3	2	16.5
<p>* See Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions for additional directions. **For a complete list of crops within a crop group, see Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions.</p>					

Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl oz/A)	Minimum Time from Application to Harvest (PHI) (days)
Fruiting vegetables group Eggplant Ground cherry Pepino Pepper (all varieties) Tomatillo Tomato	Anthracnose (<i>Colletotrichum coccodes</i>) Black mold (<i>Alternaria alternata</i>) Early blight (<i>Alternaria solani</i>) Powdery mildew (<i>Leveillula taurica</i>) Septoria leaf spot (<i>Septoria lycopersici</i>) Target spot (<i>Corynespora cassicola</i>)	4 to 5.5 or 4 to 5.5 fl ozs per 100 gallons of spray volume (dilute)*	3	16.5	0
	Suppression Only: Botrytis gray mold (<i>Botrytis cinerea</i>) Rhizoctonia stem rot (<i>Rhizoctonia solani</i>) Sclerotinia stem rot, White mold (<i>Sclerotinia sclerotiorum</i>) Southern blight (<i>Sclerotium rolfsii</i>)	4 to 5.5 or 4 to 5.5 fl ozs per 100 gallons of spray volume (dilute)*			
	Suppression Only: Late blight (<i>Phytophthora infestans</i>)	5.5			

Application Directions. For optimal disease control, begin applications of **Merivon** prior to disease development and continue on a 7 to 14 day interval if conditions are conducive for disease development. Use the higher rate and shorter interval when disease pressure is high.

Applications using drip irrigation systems may provide disease suppression: The level and consistency of suppression from drip line applications varies with the soil type, level of inoculum, irrigation volumes, environment and other factors. See your local BASF representative for details on drip irrigation use in your area.

*For applications based on dilute volume, plants should be sprayed to runoff. Apply a minimum of 20 gallons of spray volume per acre, and increase the spray volume as the plants grow during the season. Spray volume should be proportional to the amount of plant tissue to be covered such that 100 gallons of spray per acre is used on mature plants.

(continued)

Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Use of Adjuvants and Other Products as Mixes with Merivon.

Merivon can be used with nonionic surfactants at their lowest label rate up to 0.125%. When **Merivon** is mixed with buffering agents and foliar nutrients, the pH of the final spray solution must be greater than 5.5.

DO NOT mix **Merivon** with the following products:

- Emulsifiable concentrate (EC) formulation or solvent-based formulation products.
- Crop oil concentrate (COC), methylated seed oil (MSO), organosilicone (OS) or MSO/OS blended adjuvant products.

For **Merivon** applications to **fresh market tomatoes** at less than 20 gallons per acre, **DO NOT** mix **Merivon** with any other products, adjuvants, additives, nutrients or anything other than water.

BASF has not tested all varieties and cultivars with all possible tank mix combinations and rates of additives or adjuvants. Local environmental conditions also influence crop tolerance and may not match those under which BASF has conducted testing. Physical incompatibility, reduced disease control, crop injury, or incompatibility due to additives, adjuvants or other products used in combination with **Merivon** may result from mixing **Merivon** with other products. Refer also to the **Conditions of Sale and Warranty** section of this label.

To minimize the likelihood of crop injury, BASF recommends testing **Merivon** in combination with other products for crop safety on a small portion of the crop. However, environmental variability precludes direct and consistent projection of small area test results to future use.

Consult a BASF representative for more information concerning additives or adjuvants.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 16.5 fl ozs of **Merivon** per acre per season. **DO NOT** make more than two (2) sequential applications of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide.

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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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