

7969-310

2/18/2014

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

FEB 18 2014

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

Subject: Label Amendment – Rotational Crops  
EPA Registration No.: 7969-310  
Merivon® Xemium® Brand Fungicide  
D#: 466651  
Your submission dated June 18, 2012

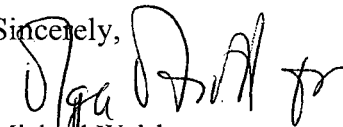
Dear Dr. Akkari:

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. Two (2) copies of the final printed label must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

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

Sincerely,

  
Michael Walsh  
Acting Product Manager 13  
Insecticide Branch  
Registration Division (7505P)

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# Supplemental Label

# merivon<sup>®</sup>

XEMIUM<sup>®</sup> BRAND FUNGICIDE

## Rotational Crops (alfalfa and mint)

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

Powered by Xemium<sup>®</sup> and F500<sup>®</sup> fungicides

### Active Ingredients:

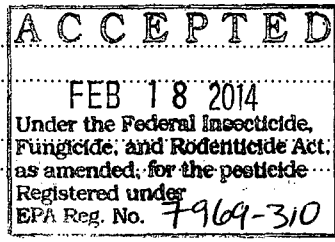
fluxapyroxad\*: 1*H*-Pyrazole-4-carboxamide, 3-(difluoromethyl)-1-methyl-N-(3',4',5'-trifluoro[1,1'-biphenyl]-2-yl)- .....

pyraclostrobin\*\*: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1*H*-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<sup>®</sup> Xemium<sup>®</sup> 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.

## Restrictions and Limitations

### Crop Rotation Restriction

Alfalfa, peppermint, and spearmint may be planted immediately following the last application.

### 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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**Merivon® Xemium®** brand fungicide is specially formulated and sold by BASF for the control of pests according to the directions on this label. The purchase price of **Merivon** includes a royalty whereby the purchaser acquires a prepaid license under U.S. Patent No. 5,438,070 and (pending No. 2008/0153707 A1) under which purchaser agrees to employ the purchased quantity of **Merivon** only for the above-specified uses under BASF's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of **Merivon** other than those specified on this label are not licensed through the purchase of this product and the use of this product for other purposes may violate this license and patent rights of BASF.

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BASF Corporation  
26 Davis Drive  
Research Triangle Park, NC 27709



The Chemical Company