

59639-171

04-27-2011

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505C)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

EPA Reg. Number:

59639-171

Date of Issuance:

APR 27 2011

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

V10116 3.7 FS Fungicide

Name and Address of Registrant (include ZIP Code):

Valent U.S.A. Corporation
1600 Riviera Ave., Suite 200
Walnut Creek, CA 94596-8025

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(B) provided that you:

- 1) Submit and/or cite all data required for registration of your product under FIFRA sec 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
- 2) Make the following label change:
 - a) Revise the product registration number to read "EPA Registration Number "59639-171".

(continued on page 2)

Signature of Approving Official:

Mary J. Waller

Mary Waller (21)
Fungicide Branch, Registration Division (7505P)

Date:

4/27/2011

b) On page 1, revise “SEE NEXT PAGE FOR PRECAUTIONARY STATEMENTS” to read “SEE NEXT PAGE FOR PRECAUTIONARY STATEMENTS and FIRST AID”.

c) On page 2, move the heading “PRECAUTIONARY STATEMENTS” so that it appears directly above the “HAZARDS TO HUMANS AND DOMESTIC ANIMALS” heading.

d) Revise the “Environmental Hazards” statement so that it reads as follows:

Environmental Hazards

“This pesticide is toxic to birds, mammals, fish, and aquatic invertebrates. 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 washwater or rinsate.

This chemical has properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.”

Metconazole may impact surface water quality through runoff of rain water. This product has a high potential for 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 for contamination of water from rainfall-runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.”

e) On page 3, under “Directions for Use”, move the statement “READ ENTIRE LABEL...AND FEDERAL REGULATIONS” so that it appears directly above “Restrictions” on page 6.

f) On page 4 in the second paragraph, revise “If the buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED” to read “If the buyer chooses not to accept these risks, then do not apply product”.

g) On page 5, under “Prompt Notice Of Claim”, revise the first sentence to read “To the extent consistent with applicable law, Valent must be provided notice ...”

h) On page 6, change the heading “DIRECTIONS FOR USE” to “APPLICATION INSTRUCTIONS”.

i) On page 7 under “Note”, delete “recommended” from the sentence “Measure recommended label use rate...”

j) On page 7 under “Application Directions”, revise the bolded sentences as follows: Pre-test tank mixtures with other seed treatment products to evaluate formulation compatibility and to ensure proper physical compatibility of products. Follow more restrictive limitations or cautions on labels of all products used in a seed treatment mixture. Do not tank mix with any products which contain a prohibition on tank mixing.

k) On page 9 under "Pesticide Storage", move "Do not contaminate water, food or feed by storage and disposal" so that it appears directly under the heading "STORAGE AND DISPOSAL". Additionally, under "Container Handling", delete "Use the following statement for containers equal to or less than 5 gallons".

3) Data for storage stability (830.6317) and corrosion characteristics (830.6320) must be submitted by October 2012. It is required that the observations be made at 0, 3, 6, 9 and 12 month intervals. Please submit the results in electronic and hard copy format.

Submit one copy of the final printed labeling before the product is released for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. If you have any further questions, please contact Tracy Keigwin of my team at (703) 305-6605 or via e-mail at keigwin.tracy@epa.gov.

Sincerely,



Mary Waller
Product Manager (21)
Fungicide Branch
Registration Division (7505P)

Enclosure: Label stamped "Accepted, with comments"

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GROUP 3 FUNGICIDE

V-10116 3.7 FS Fungicide

A FUNGICIDE SEED TREATMENT PRODUCT PROVIDING SYSTEMIC SEED AND SEEDLING PROTECTION

Active Ingredient	By Wt.
Metconazole*	40%
Other Ingredients	60%
Total	100%

*5-[(4-chlorophenyl)methyl]-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol

V-10116 3.7 FS Fungicide contains 3.7 lbs metconazole per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE NEXT PAGE FOR PRECAUTIONARY STATEMENTS

NET CONTENTS

EPA Reg. No. 59639-XXX
EPA Est. No.

**ACCEPTED
with COMMENTS
In EPA Letter Dated:
4/27/2011**

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.**

59639-171

PRECAUTIONARY STATEMENTS

FIRST AID	
If swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have a 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 to an unconscious person.
If in eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
NOTE TO PHYSICIAN	
Treatment is supportive and symptomatic.	
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 800-892-0099 for emergency medical treatment information.	

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Causes mild eye irritation. Avoid contact with eyes. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear: Long-sleeved shirt and long pants, chemical resistant gloves made of any waterproof material, socks and shoes.

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

USER SAFETY RECOMMENDATIONS
<p>Users should:</p> <ul style="list-style-type: none"> • Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. • Remove clothing/PPE 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 pesticide is toxic to shrimp. 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 by disposing of equipment washwaters or rinsate. Drift and runoff from treated areas may be hazardous to aquatic organisms in water adjacent to treated areas.

DIRECTIONS FOR USE

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

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

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 State or Tribal agency responsible for pesticide regulation.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the **restricted entry interval (REI) of 12 hours.**

Exception: Once the seeds are planted in soil, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area without restriction if there will be no worker contact with the soil subsurface or treated seed. PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: long-sleeved shirt and long pants; chemical-resistant gloves such as barrier laminate, butyl rubber, nitrile rubber, or Viton; shoes plus socks.

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**DISCLAIMER, RISKS OF USING THIS PRODUCT,
LIMITED WARRANTY
AND LIMITATION OF LIABILITY**

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THE PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND AGREES THAT TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

To the extent consistent with applicable law, Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. To the extent consistent with applicable law, Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

To the extent consistent with applicable law, Valent or Seller shall not be liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. TO THE FULLEST EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

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PROMPT NOTICE OF CLAIM

Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

To the extent consistent with applicable law, if Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be modified by any oral or written agreement.

DIRECTIONS FOR USE

RESTRICTIONS

V-10116 3.7 FS Fungicide must be used only in accordance with use instructions on this label utilizing mechanical, slurry, or mist-type seed treating equipment, provided that the equipment can be calibrated to accurately and uniformly apply the product to seed. This product is for both commercial and on-farm application. Do not apply this product in hopper-box or planter-box at planting time. Always mix product thoroughly before use.

As stated by regulations specified in 40 CFR 153.155, all seed treated with *V-10116 3.7 FS Fungicide* must be colored with an EPA-approved dye or colorant to visually distinguish seed is treated with a pesticide. It is mandatory that such dye or colorant be added into the slurry mixture containing *V-10116 3.7 FS Fungicide*, prior to application. This regulation is necessary to prevent treated seed from accidental use as a food for man or feed for animals.

Seed Quality and Storage of Treated Seed

Seed treatments applied to low vigor or poor quality seed or to mechanically damaged seed may result in loss of seed germination or reduced seedling vigor. To verify seed safety, treat a small portion of seed with the desired slurry mixture (*V-10116 3.7 FS Fungicide* alone or in combination with other commercial seed treatment products) prior to treatment of an entire seed lot. Utilize standard seed germination methodologies to determine and verify seed safety. Proper storage conditions of treated seed are recommended. Due to seed quality and seed storage conditions beyond the control of Valent U.S.A. Corporation, no claims are made to guarantee the germination of carry-over treated seed.

Seed Bag Label Requirement of Treated Seed

The Federal Seed Act requires that bags containing treated seed be labeled or tagged with the following information:

- This seed has been treated with *V-10116 3.7 FS Fungicide* containing metconazole.
- Do not use for feed, food or oil processing.
- Store away from feeds and other foodstuffs.
- Wear long sleeved shirt, long pants and waterproof gloves when handling treated seed.
- Dispose of all excess treated seed. Left over treated seed may be double-sown around the headland or buried away from water sources in accordance with local requirements. Do not contaminate water bodies when disposing of planting equipment washwaters.
- Dispose of seed packaging in accordance with local requirements.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading.
- No plant back restriction for Barley, Canola, Corn (including field, sweet and pop) Oat, Peanut, Rye, Soybean, Sugar Beet, Triticale and Wheat. A 30-day plant back interval for brassica leafy vegetables and leafy vegetables. A 120-day plant back interval for all other crops.

USE INFORMATION

V10116 3.7 FS Fungicide is a systemic fungicide formulated for seed treatment use to provide protection against seed-borne and soil-borne diseases, enhancing plant health and plant stand establishment of seed/seedlings. The active ingredient in V10116 3.7 FS Fungicide is metconazole, a broad-spectrum triazole fungicide that works by inhibiting demethylation and other processes in fungal sterol biosynthesis. This mode of action inhibits spore formation and mycelial growth in fungi. V10116 3.7 FS Fungicide is active against *Rhizoctonia solani*, *Fusarium* spp., and other Deuteromycete and Basidiomycete (smut and bunt) fungi.

Note

1. Metconazole does not provide activity against *Pythium* spp. To provide protection against Pythium seed and seedling disease, add a Pythium-active fungicide to the seed treatment slurry prior to treating seed with V-10116 3.7 FS Fungicide.
2. Use rate of this product is extremely low. Measure recommended label use rate accurately and add to water in a commercial slurry pre-mix tank. Always mix product thoroughly before applying to seed.

MODE OF ACTION

The active ingredient in V-10116 3.7 FS Fungicide, metconazole, belongs to the sterol biosynthesis inhibitor group of fungicides as classified by the U.S. EPA and Canada PMRA as a target site of action Group 3 fungicide.

APPLICATION DIRECTIONS

Accurate application of V-10116 3.7 FS Fungicide to seed is required for best performance. Thoroughly mix V-10116 3.7 FS Fungicide in the desired seed slurry mixture, prior to application to seed. **Pre-test tank mixtures with other seed treatment products to evaluate formulation compatibility and to ensure proper physical compatibility of products. Be aware of limitations or cautions documented on labels of all products used in a seed treatment mixture.**

ROTATIONAL RESTRICTIONS

- No plant back interval for Barley, Canola, Corn (including field, sweet and pop) Oat, Peanut, Rye, Soybean, Sugar Beet, Triticale and Wheat.
- A 30-day plant back interval for brassica leafy vegetables and leafy vegetables.
- A 120-day plant back interval for all other crops.

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The following tables provide use rates of V10116 3.7 FS Fungicide by labeled crop, with disease protection guidelines:

Table 1.

Crops	Disease Protection For:	V-10116 3.7 FS Fungicide Use Rates
		fl oz/100 lbs seed
Barley	Covered Smut Loose Smut Seed Decay Fungi Fusarium Seed Scab Early Season Fusarium Seedling Dieback Early Season Rhizoctonia Root Rot Early Season Common Root Rot	0.045 – 0.09
Canola*	Rhizoctonia Damping-off Fusarium Seed/Seedling Dieback Seed Decay Fungi	0.045 - 0.09
Cotton	Rhizoctonia Damping-off Fusarium Seed/Seedling Dieback Thielaviopsis Black Root Rot Seed Decay Fungi	0.36
Oats Triticale	Loose Smut Seed Decay Fungi Fusarium Seed Scab Early Season Fusarium Seedling Dieback Early Season Rhizoctonia Root Rot Early Season Common Root Rot	0.045 - 0.09
Wheat	Common Bunt Flag Smut Loose Smut Seed Decay Fungi Fusarium Seed Scab Early Season Fusarium Seedling Dieback Early Season Rhizoctonia Root Rot Early Season Common Root Rot	0.045 - 0.09
*Not for use in California		

Table 2.

Crop	Disease Protection For:	V10116 FS Fungicide Use Rates		
		fl oz/100 lbs seed	fl oz/80,000 kernel count*	mg active ingredient per kernel*
Corn (Field, Sweet, and Popcorn)	Rhizoctonia Damping-off Fusarium Seed/Seedling Dieback Seed Decay Fungi	0.045 - 0.09	0.022 - 0.044	0.0036 - 0.0072
	Head Smut	0.18 - 0.52	0.088 - 0.255	0.0145 - 0.0418

*Application rates based upon 1,630 seeds per pound in field corn.

Table 3.

Crop	Disease Protection For:	V-10116 3.7 FS Fungicide Use Rates	
		fl oz/seed unit**	fl oz/100 lbs seed**
*Sugar Beet	Rhizoctonia Damping-off Fusarium Seed/Seedling Dieback Seed Decay Fungi	0.008 - 0.023	0.364 - 1.046

*Incorporate V-10116 3.7 FS Fungicide into pelleting process for application to sugar beet seed.
 **A seed unit is 100,000 seeds. The rate of application expressed in fl oz/100lbs seed is based on the assumption that 1 unit of raw sugar beets equal approximately 1 KG (2.2 lbs) seed.

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STORAGE AND DISPOSAL

PESTICIDE STORAGE

Do not contaminate water, food or feed by storage and disposal.
Store in a dry place away from excessive heat.
Do not store near food or feed.
Store in original container only.
To close package, replace and tighten cap to form an airtight seal.

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING

[Use the following statement for containers equal to or less than 5 gallons]

Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse 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. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

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Manufactured For:

Valent U.S.A. Corporation

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(800)-682-5368

www.valent.com

Made in U.S.A.

EPA Reg. No. 59639-XXX

EPA Est. No.

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