

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

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Ms Linda Obrestad Valent USA Corporation 1600 Riviera Ave. Suite 200 Walnut Creek, CA 94596-8025

JUL 0'2 2014

Subject:

Notification for Label Change per PRN 98-10: In the Use Information section,

change the classification for Oomycetes(1st paragraph) and add mefenoxam as an

active isomer of metalaxyl (2nd paragraph)

Application Date: 6/3/2014 Product name: AP2 Fungicide EPA Reg. No. 59639-186 Decision Number 492203

Dear Ms Obrestad:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 6/3/2014 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 questions concerning this letter, please call Banza Djapao at 703-305-7269 or via email at djapao.banza@epa.gov, or you may call me at 703-308-9443.

Sincerely

Tony Kish

Product Manager 22

Fungicide Branch

Registration Division (7504P)

Plassa raad instructions on m	verse before complé	form		Form Ap	nroved	MR No. 2	070 <u>-004</u>	30. Approval ex	2/ niree 2-29-95
United States Environmental Protection Washington, DC 204			ion Agency			Registra Amendn Other	tion	OPP Identified	
		Application	on for Pestic	ide - Sec	tion	l			
1. Company/Product Number 59639-186			2. EPA Product Manager Mr. Tony Kish				3. Proposed Classification None Restricted		
4. Company/Product (Name) AP2 Fungicide			PM# 22						
5. Name and Address of Appl Valent U.S.A. Corpora 1600 Riviera Ave., Sui Walnut Creek,CA 945	6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. Product Name								
			Section -						
Amendment - Explain Resubmission in responsion - Explain by Notification - Explain by Explanation: Use additional NOTIFICATION: On page Oomycetes. In the second	nse to Agency letter relow. Il page(s) if necessar 6 in the Use Informa	y. (For section	in the first paragr	Agency let "Me Too" Other - Exp aph this char	Application be	olow.		e classification	for
1 Material This Product Will	Re Packaged in:		Section -	111					
. Material This Product Will Be Packaged In: Child-Resistant Packaging Yes ✓ No Certification must If "Yes" Unit Packaging wgt. No. per Unit Packaging wgt.		Water Soluble Packaging Yes ✓ No If "Yes" No. per Package wgt container		2. Type of Container Metal Plastic Glass Paper Other (Specify)					
Label Container 6. Manner in Which Label is Affixed to Product Lithough						On Labeli	0000 0000 0 0 0		
			Section -	IV	·····		······································	0 0 0	000000
1. Contact Point (Complete it	ems directly below f	or identification			if nece	essary, to pro	cess this	application.)	ccccc
Name Linda Obrestad			Title Regulatory Analyst				Telephone No.: ((include Area Code) 925-256-2791°		
Certification of the control of the			d all attachments thereto are true, accurate and complete.				6: Date Application 6: Received 5: (Stamped)		
L. Signature Linda Olivestad			3. Title Regulatory Analyst						
Linda Obrestad		5. Date June 3, 2014							

Valent U.S.A. Corporation Registrations & Regulatory Affairs 1600 Riviera Ave., Suite 200 Walnut Creek; CA 94596



June 3, 2014

AP2™ FUNGICIDE EPA Reg. No. 59639-186 NOTIFICATION

Mr. Tony Kish, Product Manager (Team 22)
Document Processing Desk (NOTIF)
Office of Pesticide Programs
U.S. Environmental Protection Agency (7504P)
Room S4900 - One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202

Dear Mr. Kish:

Valent U.S.A. Corporation is respectfully submitting this notification for our product label AP2 Fungicide (EPA Reg. No. 59639-186) with the following changes

On page 6 in the Use Information in the first paragraph this change is due to a change in the classification for Oomycetes. In the second paragraph this addition of mefenoxam which is the active isomer of metalaxyl.

To support this Notification submission the following documents are included: Pesticide Application (8570-1)

The purposed label including a redline copy showing addition/strike through and a clean copy.

Certification Statement consistent with the provisions of PR-Notice 98-40.

If you should have any questions please contact me at (925) 256-2791) or email: ເlinda.obrestad@valent.com or Ms. Robin Charlton at (925) 256-2820 or email: ເrobin.charlton@valent.com.

Sincerely,

Linda Obrestad

Regulatory Analyst

Registration and Regulatory Affairs

Enclosures



GROUP 22 FUNGICIDE

[Bracketed text is optional]
[Bracketed Italicized text is information for the reviewer]

AP2™ Fungicide

A FUNGICIDE SEED TREATMENT PRODUCT PROVIDING SYSTEMIC FUNGICIDE PROTECTION AGAINST SEED AND SEEDLING DISEASES CAUSED BY *PYTHIUM*, *PHYTOPHTHORA*, AND *APHANOMYCES* SPECIES

Active Ingredient	By Wt
Ethaboxam*	34.2%
Other Ingredients	<u>65.8%</u>
Total	100.0%

*N-(cyano-2-thienylmethyl)-4-ethyl-2-(ethylamino)-5-thiazolecarboxamide

AP2™ Fungicide contains 3.2 lb ethaboxam per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

SEE NEXT PAGE FOR PRECAUTIONARY STATEMENTS

NET CONTENTS

PRECAUTIONARY STATEMENTS CAUTION

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.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Workers loading product, treating seed and conducting maintenance and calibration of the treater must wear: long-sleeved shirt, long pants, socks and shoes, and chemical-resistant gloves made of any waterproof material.

Workers involved with handling treated seed (such as baggers, sewers and bag stackers) must wear: long-sleeved shirt, long pants, socks and shoes.

Workers who load and plant treated seed must wear: long-sleeved shirt, long pants, socks and shoes and chemical-resistant gloves made of any waterproof material when handling treated seed.

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, 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/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 aquatic invertebrates, oysters, and shrimp. 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 into sewer systems without previously notifying the local sewage treatment plant authority. For quidance contact your State Water Board or Regional Office of the EPA.

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 (WPS).

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 WPS, 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 WPS and that involves contact with anything that has been treated, such as plants, soil, or water, is: long-sleeved shirt and long pants, socks and shoes, and chemical-resistant gloves made of any waterproof material.

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 EXTENT CONSISTENT WITH APPLICABLE 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.

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.

COMMERCIAL TANK MIXES

NOTICE: Commercial tank mixing or use of this product with any other product which is not specifically and expressly authorized by the label shall be the exclusive risk of user, applicator and/or application advisor.

Read and follow the entire label of each product to be used in the commercial tank mix with this product.

. . . .

APPLICATION INSTRUCTIONS

RESTRICTIONS

AP2 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 a 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 *AP2* 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 *AP2* Fungicide, prior to application. This regulation is necessary to prevent treated seed from accidental use as a food for man or feed for animals.

MODE OF ACTION

AP2 Fungicide contains ethaboxam, which is a Group 22 fungicide as classified by the Fungicide Resistance Action Committee (FRAC). Its mode of action is the inhibition of cell division.

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 (*AP2* 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. Use proper storage conditions for treated seed. 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 TAG

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

- This seed has been treated with AP2 Fungicide containing ethaboxam.
- Do not use for feed, food or oil processing.
- Excess seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues of pesticide remain in ethanol by-products that are used in agronomic practices.

In addition, the U.S. Environmental Protection Agency requires the following statements on the container of seed treated with AP2 Fungicide:

- Store away from feeds and other foodstuffs.
- Wear long-sleeved shirt, long pants, shoes and socks, and chemical-resistant gloves made of any waterproof material 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.
- Do not graze or feed soybean forage and hay to livestock.

USE INFORMATION

AP2 Fungicide is a systemic fungicide seed protection product for use on a wide range of crops. The active ingredient, ethaboxam, provides protection against the Oomycetes elass of fungi including Pythium spp., Phytophthora spp. and Aphanomyces spp. causing seed decay, seedling dieback and root rot.

For best results, use *AP2* Fungicide combined with other Oomycete-active seed treatment fungicides, such as metalaxyl or mefenoxam, to broaden the spectrum of activity. In addition, use with a broad-spectrum seed treatment fungicide(s) having activity against *Rhizoctonia solani* and other fungal pathogens inciting seed and seedling disease.

APPLICATION DIRECTIONS

Accurate application of *AP2* Fungicide to seed is required for best performance. Thoroughly mix *AP2* 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. Follow the most restrictive limitations and precautions 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.

The following table provides use rates of *AP2* Fungicide by labeled crop, with disease protection guidelines.

· · · · · · · · · · · · · · · · · · ·	cept rice and wild rice) Group 15]				
Barley; buckwheat; millet, pearl; millet, proso; oats; rye; teosinte; triticale; wheat					
Disease Protection Claims	Application Rate of <i>AP2</i> Fungicide (fl oz/100 lb seed)				
Pythium Seed Decay and Seedling Dieback	0.2 to 0.26 (5 to 6.5 g ai/100 kg seed)				
	To deliver 5 g ai/100 kg seed, apply 0.015 fl oz per 100,000 seed (equals 0.0017 mg ai/seed) based on 13,000 seed/lb count				
Corn (sweet and field); p	opcorn; sorghum, grain (milo)				
Disease Protection Claims	Application Rate of <i>AP2</i> Fungicide (fl oz/100 lb seed)				
Pythium Seed Decay and Seedling Dieback	0.2 to 0.3 (5 to 7.5 g ai/100 kg seed)				
	Field Corn: To deliver 5 g ai/100 kg seed, apply 0.1 fl oz per 80,000 seed (equals 0.0141 mg ai/seed) based on 1600 seed/lb count				
	Sweet Corn: To deliver 5 g ai/100 kg seed, apply 0.064 fl oz per 100,000 seed (equals 0.0072 mg ai/seed) based on 3150 seed/lb count				
	Popcorn: To deliver 5 g ai/100 kg seed, apply 0.066 fl oz per 100,000 seed (equals 0.0074 mg ai/seed) based on 3061 seed/lb count				
	Sorghum: To deliver 5 g ai/100 kg seed, apply 0.011 fl oz per 100,000 seed (equals 0.0012 mg ai/seed) based on 18,000 seed/lb count				

Legume Vegetables, Succulent or Dried (except cowpea and field pea)* [Crop Group 6]

Bean (*Lupinus*) (includes grain lupin, sweet lupin, white lupin, and white sweet lupin); bean (*Phaseolus*) (includes field bean, kidney bean, lima bean, navy bean, pinto bean, runner bean, snap bean, tepary bean, wax bean); bean (*Vigna*) (includes adzuki bean, asparagus bean, blackeyed pea, catjang, Chinese longbean, crowder pea, moth bean, mung bean, rice bean, southern pea, urd bean, yardlong bean); broad bean (fava); chickpea (garbanzo); guar; jackbean; lablab bean; lentil; pea (*Pisum*) (includes dwarf pea, edible-podded pea, English pea, garden pea, green pea, snowpea, sugar snap pea); pigeon pea; soybean; soybean (immature seed); sword bean

Disease Protection Claims	Application Rate of <i>AP2</i> Fungicide (fl oz/100 lb seed)				
Pythium Seed Decay and Seedling Dieback	0.3 to 0.6 (7.5 to 15 g ai/100 kg seed)				
Early Season Phytophthora root rot					
Early Season Aphanomyces root rot	Soybean: To deliver 7.5 g ai/100 kg seed, apply 0.15 fl oz per 140,000 seed (equals 0.0121 mg ai/seed) based on 2800 seed/lb count				
	Bean: To deliver 7.5 g ai/100 kg seed, apply 0.187 fl oz per 100,000 seed (equals 0.0212 mg ai/seed) based on 1600 seed/lb count				
	Pea: To deliver 7.5 g ai/100 kg seed, apply 0.094 fl oz per 100,000 seed (equals 0.0106 mg ai/seed) based on 3181 seed/lb count				

^{*}Do not graze or feed soybean forage and hay to livestock.

CANOLA [Rapeseed Subgroup 20A]

Borage; crambe; cuphea; echium; flax seed; gold of pleasure; hare's ear mustard; lesquerella; lunaria; meadowfoam; milkweed; mustard seed; oil radish; poppy seed; rapeseed (including canola); sesame; sweet rocket; cultivars, varieties, and/or hybrids of these

Application Rate of AP2 Fungicide (fl oz/100 lb seed)				
0.2 to 0.3 (5 to 7.5 g ai/100 kg seed)				

STORAGE AND DISPOSAL

PESTICIDE STORAGE

Keep pesticide in original container.

Store in a dry place away from excessive heat.

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment.

Do not store near food or feed.

Do not put pesticide into food or drink containers.

Not for use or storage around the home.

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 by incineration.]

[Use the following statement for rigid nonrefillable containers greater than 5 gal or 50 lb] [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. 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. Turn the container over onto its other 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. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or by incineration.]

[Use the following statement for all refillable container types]

[Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this crinsing procedure two more times. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or by incineration.]

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AP2 is a trademark of Valent U.S.A. Corporation

Manufactured For: **Valent U.S.A. Corporation** P. O. Box 8025 Walnut Creek CA 94596-8025 (800)-682-5368

Made in U.S.A.

EPA Reg. No. 59639-186 EPA Est. No.

059639-00186.20140603.AP2Fungicide.NOTIF.r