

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

NOV 21 2008

Dr. Raymond S. Brinkmeyer
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, Indiana 46268

Subject: RH-7592 Technical Fungicide
EPA Registration Number 62719-415
Your amended master label submission dated September
24, 2008

We have reviewed the subject amended labeling, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. The amended labeling is acceptable provided that:

1. You make the following change to the labeling.

In the second sentence in the second paragraph of the "Limitation of Remedies" section change "To the extent permitted by law" to "To the extent consistent with applicable law".

2. You submit to the Agency each of the following studies or materials by its stated due date.

- a. Submit additional acceptable studies to provide a complete set of 20 Fenbuconazole residue field trials on Wheat forage by December 31, 2009. These field trials must be conducted using the currently proposed use pattern, which reflects one application of Fenbuconazole on a Wheat forage crop at 0.063 lb active ingredient per acre. Despite Dow

AgroSciences' rebuttal of this requirement the Agency continues to feel that the additional studies are needed because: 1) considerably fewer trials were performed than are needed, 2) all of the forage trials were performed at 2x rates, and 3) the trials were not performed in major feedstuff-producing geographic regions.

b. Submit additional acceptable studies to provide a complete set of 12 Fenbuconazole residue field trials on Wheat hay by September 31, 2009. These field trials must be conducted using the currently proposed use pattern, which reflects up to two applications of Fenbuconazole on a Wheat hay crop at 0.063 lb active ingredient per acre per application. Despite Dow AgroSciences' rebuttal of this requirement the Agency continues to feel that the additional studies are needed because: 1) considerably fewer trials were performed than are needed and, 2) the trials were not performed in major feedstuff-producing geographic regions.

c. Submit an acceptable study(ies) of Fenbuconazole life cycle toxicity to estuarine/marine aquatic invertebrates (Guideline Requirement Number (GRN)) 72-4(b)) by December 31, 2009.

d. Submit an acceptable Tier II vegetative vigor (of onion, lettuce, corn, oat, and soybean) study(ies) (GRN 123-1(b) of Fenbuconazole by December 31, 2009.

e. Submit an acceptable Tier II *Lemna* aquatic plant growth study (GRN 123-2) of Fenbuconazole by December 31, 2009.

f. Submit an acceptable Tier II algae aquatic plant growth study(ies) (GRN 123-2) of Fenbuconazole mysid life cycle study by December 31, 2009. The species studied must be *Skeletonema costatum*, *Anabaena flos-aquae*, and *Navicula pelliculosa*.

g. Submit an acceptable Tier II seedling emergence (of oat, cabbage, cucumber, and turnip) and vegetative vigor (of onion, lettuce, corn, oat, and soybean) study (GRN 123-1(a) of Fenbuconazole by December 31, 2009.

h. Submit a Confidential Statement of Formula (or its equivalent) for the Fenbuconazole product Indar 5EC (which is not registered in the U.S.) by December 31, 2008.

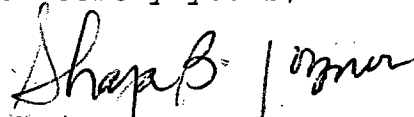
3. Submit one copy of your final printed master label before you release product bearing this amended labeling for shipment.

In the Agency's risk assessment for 1,2,4-triazole and its metabolites triazole alanine, and triazole acetic acid, dated

February 7, 2006 (see docket number 2005-0497 at <http://www.regulations.gov>), the Agency identified additional data that are needed for triazole-derivative active ingredients which have the 1,2,4,-triazole ring. The Agency plans to issue a Data Call-In for all triazole-derivative active ingredients which will identify all data needs for these active ingredients listed in the February 7, 2006 risk assessment. The Data Call-In will not address data needs that are related to parent-only data requirements.

If you have any questions about this letter, please contact John Bazuin at (703)305-7381 or bazuin.john@epa.gov.

Sincerely yours,



Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7505C)

Attachments: Master label stamped "ACCEPTED with COMMENTS"

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RH-7592 Technical

Fungicide

For Manufacturing Use Only

Active Ingredient

| | |
|---|------|
| fenbuconazole: α -[2-(4-chlorophenyl)ethyl]- α -phenyl-1H-1,2,4-triazole-1-propanenitrile ... | 99% |
| Other Ingredients | 1% |
| Total | 100% |

**ACCEPTED
with COMMENTS
In EPA Letter Dated**

NOV 21 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

62759-415

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful If Swallowed Or Inhaled

Avoid breathing dust. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

First Aid

If swallowed: 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 inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, ocean 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 sewage treatment plant authority. For guidance, 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.

Only for formulation into a fungicide for the following use(s): almond, apple, banana, blueberry, citrus fruits, cranberry, peanut, pecan, peppers, plum, prune, stone fruits, sugarbeets, wheat. This product may be used to formulate products for any additional use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).

(Storage and Disposal for rigid containers 5 gal or less)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

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Pesticide Storage: Store in a cool, dry, well-ventilated area but not below 32°F.

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

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

Triple rinse or pressure rinse container (or equivalent) 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. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a 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 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.

(Storage and Disposal for nonrigid containers any size)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool, dry, well-ventilated area but not below 32°F.

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

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

(Storage and Disposal for refillable rigid containers greater than 5 gal)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool, dry, well-ventilated area but not below 32°F.

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

Container Reuse: 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 a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

(Storage and Disposal for nonrefillable rigid containers greater than 5 gal)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool, dry, well-ventilated area but not below 32°F.

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

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

Triple rinse or pressure rinse container (or equivalent) 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

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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. **Pressure rinse** as follows: Empty the remaining contents into application equipment or a 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 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.

Warranty Limitations and Disclaimer

Dow AgroSciences warrants that at the time of delivery, the product will conform to its chemical description on the label, that it will pass without objection in the trade under the contract description, that seller will convey good title thereto, and that such product will be delivered free from any lawful security interest, lien or encumbrance.

This is the only warranty made on this product. TO THE EXTENT PERMITTED BY LAW, Dow AgroSciences EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND, EXCEPT AS SET FORTH IN THE ABOVE PARAGRAPH, ANY OTHER EXPRESS OR IMPLIED WARRANTIES. Buyer acknowledges the use of its own independent skill and expertise in the selection and use of the product and does not rely on any oral or written statements or representations.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

Manufacturing Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-415

EPA Est. _____

**Produced for
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268**

Net Weight _____

EPA accepted ___/___/___