

62719-461

10/24/2006

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ENVIRONMENTAL PROTECTION AGENCY

OCT 24 2006

Raymond S. Brinkmeyer, Ph.D.
Regulatory Leader
Dow AgroSciences, LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

Dear Dr. Brinkmeyer:

SUBJECT: Eagle 0.39G Specialty Fungicide
EPA Registration Number 62719-461
Your submission of August 16, 2006 lowering application rates for turf

The label referred to above, submitted in connection with registration under section (3) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is acceptable provided you make the following changes:

Page 1 – Optional Statements:

Change "Rainproof" to "Rainproof - once absorbed, can't wash off."

Page 4 – Storage and Disposal:

Change the bolded heading "Storage" to "Pesticide Storage."

Page 8 – Inherent Risks of Use:

Change the sentence "All such risks shall be assumed by the buyer." to "To the extent allowed by law, all such risks shall be assumed by the buyer."

Pages 8 and 9 – Limitation of Remedies:

Change the sentence "The exclusive remedy for losses or damages resulting from this product . . ." to "To the extent allowed by law, the exclusive remedy for losses or damages resulting from this product . . ."

Change the sentence "Seller shall not be liable for losses or damages resulting from handling or use . . ." to "To the extent allowed by law, Seller shall not be liable for losses or damages resulting from handling or use . . ."

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If you have any questions, please contact Lisa Jones of my staff by phone at (703) 308-9424 or by e-mail at jones.lisa@epa.gov.

Sincerely yours,



Mary L. Waller
Product Manager (21)
Fungicide Branch
Registration Division (7505C)

Enclosure: Stamped label

CONCURRENCES							
SYMBOL <	7505C						
SURNAME <	Lisa Jones						
DATE <	Sep 14, 2006						

EPA Form 1320-1 (12-70)

OFFICIAL FILE COPY

Eagle[®] 0.39G

EPA Reg. No. 62719-461

Registration Notes:

Source label text based on EPA-accepted copy dated May 17, 2002 and notifications coded "A7A / Eagle 0.39G / Notif / 09-15-03" and "A7A / Eagle 0.39G / Notif / 03-05-04."

Proposed changes by amendment:

1. Updated trademark symbols throughout.

The EPA requested revised application rates (maximum use rate of 0.67 lb ai per acre) for residential turf as a result of the Revised Human Health Risk Assessment dated July 12, 2006. The following changes have been made in response to this request:

2. Revised sale copy to read "A granular product containing a systemic protectant and curative fungicide for the control of diseases in established turfgrass."
3. General Information: (1) Revised first statement in paragraph to read "Eagle 0.39G specialty fungicide is a systemic, protectant and curative fungicide recommended for the control of listed diseases in established turfgrass."; (2) added new second sentence in paragraph "Examples of such sites include, but are not limited to: residential and commercial lawns, ornamental turf, grounds or lawns around business and office complexes, golf courses (fairways, roughs, tees, greens), and sod farms."
4. Use Directions for Turfgrass: (1) Revised second bullet point to read "In non-residential turfgrass, . . . application rates for various diseases."; (2) added new third bullet point "In residential turfgrass, optimum. . . application rates for various diseases."
5. Non-Residential Turfgrass: (1) Added heading "Non-Residential Turfgrass" before rate table and footnote underneath table; (2) deleted "/Timing" from column heading "Application Interval/Timing."
6. Added heading "Residential Turfgrass" and rate table underneath.

®Trademark of Dow AgroSciences LLC

ACCEPTED
with COMMENTS
In EPA Letter Dated
OCT 24 2006

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[Front Panel of Bag]

(Logo) Dow AgroSciences

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

62719-461

Eagle® 0.39G

Specialty Fungicide

A granular [fertilizer] product containing a systemic protectant and curative fungicide for the control of diseases in established turfgrass

[Editor's note: One or more of the following statements may be included on the label.]

Provides systemic prevention and control of turfgrass diseases including benzimidazole tolerant dollar spot

and/or

Provides controlled release nitrogen feeding

and/or

For control of turf diseases on lawns, landscapes, sod and golf course greens, tees and fairways

and/or

Systemic [action] [formula] [protectant]

and/or

Cures up to _____ square feet [Editor's note: Amount of square feet may be changed according to package size chosen by supplemental distributor.]

and/or

Treats up to _____ square feet [Editor's note: Amount of square feet may be changed according to package size chosen by supplemental distributor.]

and/or

Cures and prevents all major lawn diseases [including brown patch, dollar spot, and other listed lawn diseases]

and/or

Prevents over 10 major lawn diseases

and/or

[One application] Protects for up to 4 weeks

and/or

Use throughout the entire year to prevent [and control] disease

and/or

Rainproof

and/or

Can't wash off once absorbed

and/or

Controls [anthracnose], [brown spot], [copper spot], [dollar spot], [fusarium blight], [fusarium patch], [crown rot], [leaf smuts], [necrotic ring spot], [powdery mildew], [summer patch] and more

and/or

Do-it-yourself disease control

and/or

For use anytime [during the year] to prevent and control lawn disease[s]

and/or

Use anytime to prevent and control lawn disease[s]

and/or

For use on all types of lawns [and grasses]

and/or

Easy [spreader] application

and/or

Can be used on all turfgrass species

and/or

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Ready-to-spread granules

and/or

Up to six applications can be made per year

Active Ingredient

myclobutanil: a-butyl-a-(4-chlorophenyl)- 1-H-1,2,4 triazole-propanenitrile.....	0.39%
Inert Ingredients	99.61%
Total	100.00%

This product contains 0.195 lb of the active ingredient myclobutanil per 50 lb bag.

[Editor's note: Guaranteed Fertilizer Analysis section required if product is formulated with fertilizer.]

Guaranteed Fertilizer Analysis: XX-XX-XX

Total Nitrogen (N).....	XX.XX%
Ammoniacal Nitrogen.....	1.15%
Urea Nitrogen.....	17.85%
Available Phosphate [†] (P ₂ O ₅).....	X.XX%
Soluble Potash (K ₂ O).....	X.XX%
Sulfur (S).....	X.XX%
Free Sulfur ^{††} (S).....	1.95%
Chlorine (Cl) Max.....	X.XX%

[†] Phosphate, Muriate of Potash.

^{††} Derived from poly coated sulfur coated urea, urea, ammonium phosphate, muriate of potash.

Keep Out of Reach of Children

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes Moderate Eye Irritation • Harmful If Absorbed Through The Skin

Avoid contact with skin, eyes or clothing.

Personal Protective Equipment (PPE)

User must wear

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks

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

[Editor's note: Required text if label includes WPS in-scope use on sod farms.]

Engineering Controls

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

First Aid

If in eyes: 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.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

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 1-800-992-5994 day or night, for emergency treatment information.

Environmental Hazards

This pesticide is toxic to fish. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not apply directly to water, 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 wash-waters or disposing of wastes.

Refer to back/side panel of bag for Directions for Use including Storage and Disposal.

Notice: Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of Directions for Use. If terms are unacceptable, return at once unopened.**

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

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

EPA Reg. No. 62719-461

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Dow AgroSciences LLC • Indianapolis, IN 46268 U.S.A.

Net Weight __ lb

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[Back Panel of Bag]

Directions for Use

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

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 agency responsible for pesticide regulation.

[Editor's note: Required text if label includes WPS in-scope use on sod farms.]

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 24 hours.

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:

- Coveralls
- Chemical-resistant gloves made from any waterproof material
- Shoes plus socks

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses. Seed treatments and professional applications to lawn grasses, golf courses, industrial (office park), municipal and residential lawns are not within the scope of the Worker Protection Standard.

Keep unprotected persons out of treated area until dusts have settled.

Storage and Disposal

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

Storage: Keep away from fire and sparks. Store in a cool, dry, well-ventilated area. In case of spill, sweep up material and dispose of material according to "Pesticide Disposal" instructions.

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

Container Disposal: Do not reuse empty containers. Completely empty bag into application equipment. Dispose of emptied bag(s) in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

General Information

Eagle® 0.39G specialty fungicide is a systemic, protectant and curative fungicide recommended for the control of listed diseases in established turfgrass. Examples of such sites include, but are not limited to: residential and commercial lawns, ornamental turf, grounds or lawns around business and office complexes, golf courses (fairways, roughs, tees, greens), and sod farms. Optimum disease control is

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achieved when this product is applied to established turfgrasses in a regularly scheduled preventative program.

Use Directions for Turfgrass

- Eagle 0.39G should be used in conjunction with turf management practices that promote good plant health and optimum disease control. The key to selecting a fungicide is the proper diagnosis of the organism causing the disease. Diagnostic kits, extension experts, or other identification methods should be used when developing disease control strategies.
 - In non-residential turfgrass, optimum disease control is achieved when Eagle 0.39G is applied in a preventative disease control program at a rate of 4 to 8 lb per 1000 sq ft. See the following table for specific application rates for various diseases.
 - In residential turfgrass, optimum disease control is achieved when Eagle 0.39G is applied in a preventative disease control program at a rate of 4 lb per 1000 sq ft. See the following table for specific application rates for various diseases.
 - For the control of root and crown rot, this product must be watered-in using a minimum of 3 to 4 gallons of water per 1000 square feet.
 - Under conditions that are favorable for disease development, the interval between applications of Eagle 0.39G should be reduced.
 - Unless otherwise specified, when disease pressure is high or when used as a curative, use higher rates of Eagle 0.39G and shorter application interval. Under light to moderate disease pressure, apply Eagle 0.39G at the low use rate and/or longer application intervals.
 - Apply Eagle 0.39G uniformly using an appropriate fertilizer spreader. Calibrate the spreader before application as calibration may change with spreader age and use, walking speed and evenness of terrain. To calibrate the spreader, weigh out the amount of product necessary to treat an area of 800 square feet. Using the suggested spreader setting provided by the manufacturer or from the table below, apply to a pre-measured area of 500 square feet (5 x 100 square feet) area. Weigh back product remaining in application equipment and adjust the spreader as necessary to give the correct rate of delivery for the measured area.
 - To avoid pick-up, lightly irrigate treated areas soon after application.
 - On short cut bentgrass (1/2" or less) when temperatures are above 80°F; apply only to dry foliage.
- [Supplemental distributor should include the following if product is formulated on fertilizer.]**
- Do not adjust application rates to meet fertilizer requirements.

[Supplemental distributor may include appropriate spreader equipment, suggested calibration settings and/or pictures showing proper application techniques.]

Suggested Spreader Settings

Brand of Spreader	Recommended Rate (Eagle 0.39G per 1000 sq ft)		
	4 lb	6 lb	8 lb
	Spreader Setting		
LESCO Calibration Gauge Setting Number	X	X	X
Cyclone or Spyker	X	X	X
Vicon	X	X	X
Lely	X	X	X

Apply Eagle 0.39G with drop or rotary spreaders designed to apply granules. Avoid the use of spreaders that would apply this product in narrow rows or concentrated bands. Before each application, calibrate the spreader according to the equipment manufacturer's directions such that the spreader delivers the recommended application rate. Apply this product uniformly over the lawn or ornamental turf area. A more uniform application can be made by spreading half of the required amount over the area in a given direction and then applying the remaining half at a right angle to the previous direction. Avoid streaking,

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skips or overlaps during application. Check equipment frequently to ensure equipment is functioning properly and applying uniform distribution of granules.

Coverage: Eagle 0.39G covers approximately 9,500 sq ft at the application rate of one pound of nitrogen (5.3 lb of fertilizer) per 1000 sq ft. **[Editor's note: Assumes 50 lb bag]**

Non-Residential Turfgrass[†]

Disease	Eagle 0.39G (lb/1000 sq ft)	Application Interval	Instructions	Restrictions
anthracnose red thread septoria leaf spot	4	14 - 21 days	Apply when conditions are favorable for disease development.	Do not apply more than 46 lb product per 1000 sq ft per year. For Nassau and Suffolk Counties in New York State, use of this product is limited to 11.5 lb per 1000 sq ft per year (1.95 lb active ingredient per acre).
brown patch	4 - 8	14 days	Begin applications when conditions are favorable for disease development and before disease symptoms are apparent.	
copper spot zonate leaf spot	4	14 days	Apply when conditions are favorable for disease development.	
crown rot leaf spot melting-out	4	14 days	Apply when conditions are favorable for disease development. For crown rot, water in with 3 to 4 gallons of water per 1000 sq ft to increase penetration to crown and roots.	
dollar spot	3 - 8	14 - 28 days	Apply when conditions are favorable for disease development. Make no more than 3 consecutive applications for dollar spot control before rotating to a registered fungicide with a different mode of action.	
fusarium blight	4 - 8	14 - 21 days	Apply when conditions are favorable for disease development.	
fusarium patch (pink snow mold)	4 - 8	fall-winter	Apply prior to snow cover.	
leaf smuts	4	14 days	Apply in the fall after grass enters dormancy and/or in the spring prior to the initiation of growth.	
necrotic ring spot	4 - 8	spring: 28 days	Make applications on a preventative basis in early to mid-spring.	
		fall: 28 days	Make 2 applications beginning in August before the turf goes dormant. Apply 8 lb/1000 sq ft followed by a second application one month later.	
powdery mildew rusts	4	14 - 28 days	Apply when conditions are favorable for disease development.	

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summer patch	4 - 8	14 - 28 days	Begin applications in the spring when conditions are favorable for disease development. Make 2 to 4 applications depending on recommendations from local turfgrass extension experts. Water in with at least 3 to 4 gallons of water per 1000 sq ft to increase spray penetration to crown and roots.
take-all patch	8	spring/fall: 28 days	To reduce the severity of take-all patch, make 1 to 2 fall applications in September and October or when night temperatures drop to 55°F and 1 to 2 spring applications in April and May depending on local recommendations.
zoysia large patch	8	fall: 28 days	Make applications in fall before turf becomes dormant. Water in with at least 3 to 4 gallons of water per 1000 sq ft to increase penetration to crown and roots.

[†]Including, but not limited to: commercial lawns, ornamental turf, grounds or lawns around business and office complexes, golf courses (fairways, roughs, tees, greens), and sod farms.

Residential Turfgrass

Disease	Eagle 0.39G (lb/1000 sq ft)	Application Interval	Instructions	Restrictions
anthracnose red thread septoria leaf spot brown patch	4	14 - 21 days	Apply when conditions are favorable for disease development.	Do not apply more than 46 lb product per 1000 sq ft per year. For Nassau and Suffolk Counties in New York State, use of this product is limited to 11.5 lb per 1000 sq ft per year (1.95 lb active ingredient per acre).
		14 days	Begin applications when conditions are favorable for disease development and before disease symptoms are apparent.	
copper spot zonate leaf spot		14 days	Apply when conditions are favorable for disease development.	
crown rot leaf spot melting-out		14 days	Apply when conditions are favorable for disease development. For crown rot, water in with 3 to 4 gallons of water per 1000 sq ft to increase penetration to crown and roots.	
dollar spot		14 - 21 days	Apply when conditions are favorable for disease development. Make no more than 3 consecutive applications for dollar spot control before rotating to a registered fungicide with a different mode of action.	

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fusarium blight		14 - 21 days	Apply when conditions are favorable for disease development.
fusarium patch (pink snow mold)		fall-winter	Apply prior to snow cover.
leaf smuts		14 days	Apply in the fall after grass enters dormancy and/or in the spring prior to the initiation of growth.
necrotic ring spot		spring: 28 days	Make applications on a preventative basis in early to mid-spring.
		fall: 28 days	Make 2 applications beginning in August before the turf goes dormant.
powdery mildew rusts		14 - 28 days	Apply when conditions are favorable for disease development.
summer patch		14 - 28 days	Begin applications in the spring when conditions are favorable for disease development. Make 2 to 4 applications depending on recommendations from local turfgrass extension experts. Water in with at least 3 to 4 gallons of water per 1000 sq ft to increase spray penetration to crown and roots.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty Disclaimer

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. Seller MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of the Seller. All such risks shall be assumed by buyer.

Limitation of Remedies

The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Seller's election, one of

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the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used

Seller shall not be liable for losses or damages resulting from handling or use of this product unless Seller is promptly notified of such loss or damage in writing. In no case shall Seller be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use, and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Seller or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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