
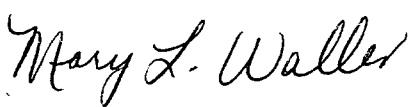


67760-75

04/29/2010

1/8

	<p align="center">U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505P) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460</p> <p align="center">NOTICE OF PESTICIDE: <u> X </u> Registration <u> </u> Reregistration (under FIFRA, as amended)</p>		EPA Reg. Number: 67760-75	Date of Issuance: APR 29 2010		
			Term of Issuance: Conditional			
			Name of Pesticide Product: TOPGUARD Fungicide			
<table border="0"> <tr> <td data-bbox="180 604 917 814"> Name and Address of Registrant (include ZIP Code): Cheminova, Inc., P.O. Box 110566, Suite 150 One Park Drive Research Triangle Park, NC 27709 </td> <td data-bbox="917 604 1430 814"> Mail To: <u>Authorized Agent</u> Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209 </td> </tr> </table>					Name and Address of Registrant (include ZIP Code): Cheminova, Inc., P.O. Box 110566, Suite 150 One Park Drive Research Triangle Park, NC 27709	Mail To: <u>Authorized Agent</u> Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209
Name and Address of Registrant (include ZIP Code): Cheminova, Inc., P.O. Box 110566, Suite 150 One Park Drive Research Triangle Park, NC 27709	Mail To: <u>Authorized Agent</u> Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209					
<p><small>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.</small></p>						
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered 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.</p> <p>This product is conditionally registered in accordance with FIFRA section 3(c)(7)(c) provided that you:</p> <ol style="list-style-type: none"> 1. Make the following change to the label: <ol style="list-style-type: none"> a. Change the product registration number to "EPA Reg. No. 67760-75" 						
Signature of Approving Official:  Mary L. Waller, PM 21 Fungicide Branch, Registration Division (7504P)			Date: 4/29/2010			

- b. Either remove the company website from the label or be advised that should you wish to retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

As an alternative, you may refer consumers to the company's phone number or email address.

- c. Under the "Limitation of Remedies" section add the word, "shall not" prior to the word "liable" so that the sentence reads, "To the extent consistent with applicable law, Cheminova shall be liable for consequential, incidental, or special damages or losses."
2. Submit one copy of the revised final printed label for the record 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 copy of the label stamped "Accepted with Comments" is enclosed for your records.



Mary L. Waller
Product Manager (21)
Fungicide Branch
Registration Division (7504P)

Enclosure:

Label stamped "Accepted with Comments"

TOPGUARD™
fungicide
For Use on Soybeans and Apples

ACTIVE INGREDIENT:

*Flutriafol

11.8%

OTHER INGREDIENTS:

88.2%

TOTAL:

100.0%

*Contains 1.04 pounds per gallon of the active ingredient flutriafol.

KEEP OUT OF REACH OF CHILDREN
CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

FIRST AID

If on skin:

- 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.

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 by a poison control center or doctor.
- Do not give anything to an unconscious person.

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.
- Call a poison control center or doctor for 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 1-866-303-6950 for emergency medical treatment information.

Note to Physician: No specific antidote. Treat symptomatically.

IN CASE OF A MEDICAL EMERGENCY INVOLVING THIS PRODUCT, CALL TOLL FREE, DAY OR NIGHT, 1-866-303-6950

See additional precautionary statements and directions for use in booklet.

Notice: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

EPA Reg. No. 67760-~~74~~ 75

EPA Est. No.

Net weight: ___ gal.

Manufactured For:

CHEMINOVA INC.

One Park Drive

Suite 150

RTP, NC 27709

www.cheminova.us.com

ACCEPTED
with COMMENTS
In EPA Letter Dated:

4/29/2010

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 67760-75

™TOPGUARD is a trademark of Cheminova

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION. Harmful if absorbed through skin. Harmful if swallowed. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Prolonged or frequently skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and all other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves, and 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.

ENGINEERING CONTROLS STATEMENT

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.

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

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.

Ground Water Advisory: Flutriafol has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow.

Surface Water Advisory: 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 ground water. This product is classified as having a high potential for reaching surface water via runoff for several months or more after application.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any 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.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Workers 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.

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, and shoes plus socks.

CHEMIGATION: Do not apply this product through any type of irrigation system.

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

STORAGE AND DISPOSAL

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

Pesticide Storage: Store unused product in original container in a cool, dry area.

Pesticide Disposal: Pesticide waste may be hazardous. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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 ¼ 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 2 more times.

CROP USE DIRECTIONS

Use Directions for Apples

Diseases	TOPGUARD ¹		Application Directions	Minimum Retreatment Interval
	Use Rate Per Acre (fl oz)	Use Rate Per 100 Gallons of Water Dilute ² (fl oz)		
Scab (<i>Venturia inaequalis</i>) (Green tip- cover sprays) TOPGUARD & protectant ³	13	3.2	Initiate applications at green tip or when environmental conditions are favorable for primary scab development. Continue applications through the duration of primary scab.	14 days through petal fall 14 days after petal fall
Powdery Mildew (<i>Podosphaera leucotricha</i>) Quince Rust (<i>Gymnosporangium-clavipes</i>) Cedar Apple Rust (<i>Gymnosporangium juniperi-virginianae</i>)	8 to 12	2 to 3	Initiate applications at green tip and continue through cover sprays.	14 days
Restriction: Apply in a minimum spray volume of >20 gallons/acre. Do not apply more than 52 fluid ounces per acre per season. Do not apply more than 4 applications of TOPGUARD per growing season. No single application may exceed 13 fl. oz/A. DO NOT add adjuvants to spray solution. Preharvest Interval: Do not apply within 14 days of harvest.				

¹ TOPGUARD is a systemic fungicide and does not redistribute with rainfall. Adjust application equipment to apply a uniform spray to the entire tree canopy.

² Based on dilute sprays with a 400-gallon per acres basis. Dilute sprays are applied until the point of runoff. Gallonage of dilute sprays will vary depending on tree size, density of canopy and stage of growth of the trees and the tree spacing in the orchard. Regardless of the spray volume applied, always apply the labeled rate of TOPGUARD Fungicide per acre.

³ It is recommended that TOPGUARD fungicide be tank-mixed with a protectant fungicide at labeled rates for apple scab resistant management. If compatibility is in question, use the compatibility jar test before mixing a whole tank. Because of the wide variety of possible combinations which can be encountered, observe all cautions and any more restrictive limitations on the label of all products used in mixtures. Do not tank mix with any product that contains a prohibition on tank mixing.

Use Directions for Soybeans

Diseases	TOPGUARD	Application Directions	Minimum Retreatment Interval
	Use Rate Per Acre (fl oz)		
Soybean Rust (<i>Phakospora pachyrizi</i>)	7 – 14	<p>Apply TOPGUARD fungicide as a broadcast foliar spray when conditions are favorable for development of soybean rust. Repeat after first application if environmental conditions are favorable for continued disease development.</p> <p>Apply in a minimum of 10 gallons of spray solution per acre by ground sprayer or in a minimum of 5 gallons per acre by aircraft spray equipment.</p> <p>TOPGUARD fungicide may be tank mixed with other approved fungicides, herbicides, or insecticides unless prohibited on the label of the tank mix partner. Follow more restrictive labeling of any tank mix partner. If compatibility is in question, use the compatibility jar test before mixing the entire tank as described below.</p>	21 – 35 days
Frogeye Leaf Spot (<i>Cercospora sojina</i>) Cercospora Blight and Leaf Spot (<i>Cercospora kikuchii</i>) Brown Spot (<i>Septoria glycines</i>) Powdery Mildew (<i>Microspheara diffusa</i>)	7 - 14	<p>Apply TOPGUARD fungicide as a broadcast foliar spray to soybean plants in R3 growth stage (early pod fill) or when environmental conditions are favorable for disease development. Apply second application if conditions are conducive for heavy disease development.</p> <p>Use the higher rate and shorter spray interval under severe sustained disease pressure.</p> <p>Apply in a minimum of 10 gallons of spray solution per acre by ground sprayer or in a minimum of 5 gallons per acre by aircraft spray equipment.</p>	14 – 21 days
<p>Restrictions: Do not apply more than 28 fluid ounces per acre per season. Do not apply more than 3 applications of TOPGUARD per growing season. No single application may exceed 14 fl. oz/A; only one application at 14 fl. oz/A may be made to any one field during a single growing season.</p> <p>Apply only to soybeans harvested for dry seed. DO NOT add adjuvants to the spray solution. DO NOT rotate to any other crop. Only soybeans may be rotated to treated fields.</p> <p>Preharvest Interval: Do not apply within 21 days of harvest.</p>			

Compatibility Jar Test: Using a quart jar, add the proportionate amounts of the products to approximately one quarter of water with agitation. Add wettable powders and water dispersible granular products first, next liquid flowables, then emulsifiable concentrates, and last liquid soluble products. After thorough mixing, allow this mixture to stand for 5 minutes. If the combination remains mixed or can be readily remixed, it is physically compatible. Once compatibility has been proven, use the same procedure for adding products to the spray tank. Use tank-mix combinations on a small number of plants before treating larger areas.

Rainfastness: TOPGUARD fungicide is rainfast 2 hours after application. Disease control will be reduced if rainfall occurs within 2 hours of application.

RESTRICTIONS: Do not feed forage or hay to animals or permit animals to graze.

For product information, call toll free, 1-800-548-6113.

WARRANTY DISCLAIMER

Cheminova 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CHEMINOVA 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. Crop 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 temperatures, 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 Cheminova or the Seller. All such risks shall be assumed by Buyer and User. Buyer and User agree to hold Cheminova and the Seller harmless for any claims related to such factors.

LIMITATION OF REMEDIES

To the extent consistent with applicable law, 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 one of the following, at Cheminova's election,:

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

To the extent consistent with applicable law, Cheminova be liable for consequential, incidental, or special damages or losses.

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

TMTOPGUARD is a trademark of Cheminova A/S.