



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460-0001

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

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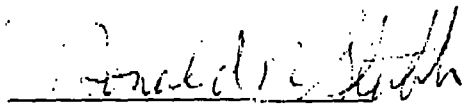
**DATE ISSUED:** February 12, 2007  
**INTERIM REPORTS DUE:** February 12, 2008; February 12, 2009  
**FINAL REPORT DUE:** August 12, 2009  
**EXPIRATION DATE:** February 12, 2010  
**FILE SYMBOL:** 05-OK-09

The U.S. Environmental Protection Agency (EPA) hereby grants a quarantine exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Oklahoma Department of Agriculture (ODA) for the use of flutriafol in soybeans to control soybean rust (SBR).

In Oklahoma treatment recommendations will be based on monitoring for the disease, as well as reports of the disease elsewhere in the U.S. This quarantine exemption is subject to the conditions and restrictions set forth in your application, as well as the following:

1. The ODA is responsible for ensuring that all provisions of this quarantine exemption are met. In addition, the ODA is responsible for providing information in accordance with 40 CFR §166.32. This information must be submitted to EPA Headquarters and the EPA Regional office.
2. The unregistered product Topguard™ fungicide (SC formulation), containing 11.8% flutriafol (CAS No. 76674-21-0), manufactured by Chocminova may be applied. All applicable directions, restrictions and precautions on the EPA approved section 18 use directions which include the requirements listed below must be followed.
3. Topguard™ may be applied at a rate of 7.0 fluid ounces of product per acre (0.057 lbs. active ingredient per acre). A maximum of 2 aerial or ground applications of Topguard™ fungicide may be made per season at a 21-day retreatment interval (RTI) and a 21-day pre-harvest interval (PHI). The maximum seasonal application rate is 0.114 lbs of active ingredient per acre.

4. Use of treated soybean forage and hay as feed is prohibited. For purposes of this section 18 request only, and based on the rotational crop data provided, a 120-day plant back interval (PBI) is required for any crop when rotated with soybeans that have been treated with flutriafol.
5. Treatments under this section 18 program may be made to soybeans to control soybean rust. A maximum of 270,000 acres of soybeans may be treated in Oklahoma under this authorization.
6. For purposes of this section 18 request only, EPA supports a time-limited tolerance of 0.10 ppm on soybean seed, and has concluded that no time-limited tolerances are needed for aspirated grain fractions or for livestock.
7. Applicators, mixers and loaders, and other handlers must wear: long-sleeved shirt and long pants, chemical resistant gloves, and shoes plus socks.
8. Since Cheminova does not have a production establishment in the US, the import and distribution of unregistered flutriafol technical to a registered establishment for the sole purpose of formulating into the product Topguard™ may be permitted in accordance with 40 CFR 152.30(e). Any unused, unregistered product must either be returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with Resource Conservation and Recovery Act regulations following the expiration of this quarantine exemption.
9. The EPA Headquarters and EPA Region 7 offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this authorization. The quarantine exemption will expire in three years, but there may be a need for the registrant to reformulate the product before the quarantine exemption expires. The registrant has been advised of the formulation issue and has supplied a letter of commitment to reformulate the product if needed. Any future correspondence in connection with this authorization should refer to file symbol 05-OK-09.

  
Lois Rossi, Director  
Registration Division  
Office of Pesticide Programs

Date: 2/12/07

cc: EPA Region 6  
Johnie Dowell

**TOPGUARD™**  
**fungicide**  
Section 18 Exemption  
For Use on Soybeans to Control Rust

**ACTIVE INGREDIENT:**

\*Flutriafol

11.8%

**INERT 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.)

<b>IN CASE OF A MEDICAL EMERGENCY INVOLVING THIS PRODUCT, CALL TOLL FREE, DAY OR NIGHT, 1-866-303-6950</b>
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**FOR DISTRIBUTION AND USE ONLY IN THE STATE OF OKLAHOMA UNDER SECTION 18 EXEMPTION**

This labeling must be in the possession of the user at the time of pesticide application. It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read entire Directions for Use and Warranty Disclaimer before using this product. Follow all applicable directions, restrictions, Worker Protection Standard requirements, and precautions on the product label for **TOPGUARD fungicide**.

Any adverse effects resulting from the use of **TOPGUARD fungicide** under this exemption must be immediately reported to the State Department of Agriculture.

**EXACT AUTHORIZED USE:** This is an unregistered product. The U.S. Environmental Protection Agency has authorized the use of **TOPGUARD fungicide** under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide act, as amended, on soybeans in certain states to control soybean rust. Before using this product verify the approval status with your state Department of Agriculture.

**EFFECTIVE PERIOD:** This labeling becomes effective 2/12/07 and expires on 2/12/10.

**UNUSED PRODUCT:** After expiration of the use period as stated above, any unused portion of **TOPGUARD fungicide** in unopened containers must be returned to the distributor.

**EPA SECTION 18 FILE SYMBOLS:** 05-OK-09

**Manufactured For:**  
Cheminova Inc.  
1700 Route 23, Suite 300  
Wayne, NJ 07470

**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. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves (such as Natural Rubber, Selection Category A). Remove and wash contaminated clothing before reuse.

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

**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.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

**Applicators and other handlers must wear:** long-sleeved shirt and long pants, chemical-resistant gloves, and shoes plus socks.

**Mixers and loaders must wear:** long-sleeved shirt and long pants, chemical resistant gloves, and shoes plus socks.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. 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.

**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.

### STORAGE AND DISPOSAL

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

**STORAGE:** Store unused product in original container in a cool, dry area.

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

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

### 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.

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

### 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.

### RECOMMENDED APPLICATIONS

For use in soybeans to control soybean rust (*Phakopsora pachyrhizi*).

**Rate per acre:** 7 fluid ounces

**Use Directions:** Apply **TOPGUARD fungicide** as a broadcast foliar spray when conditions are favorable for development of soybean rust. Repeat application 21 days after first treatment if environmental conditions are favorable for continued disease development. 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.

**TOPGUARD fungicide** may be tank-mixed with other approved soybean fungicides, herbicides or insecticides unless prohibited on the label. 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 limitations on the label of all products used in mixtures. Spray to provide thorough coverage of all existing foliage using the appropriate application equipment.

**Restrictions:** Applications may not be made within 21 days of harvest. Do not enter treated fields for 12 hours after application. Do not feed soybean forage or hay to livestock. Do not make more than two applications of flutriafol containing products to soybeans per season. Do not apply more than 0.114 pounds of the active ingredient flutriafol to soybeans per acre per season. A maximum of three total applications using approved Section 18 products collectively are allowed under this soybean rust Section 18. Observe a plant back interval of 120 days for all crops.

**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. 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.

#### **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, at Cheminova's election, one of the following:

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

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

<sup>TM</sup>**TOPGUARD** is a trademark of Cheminova A/S.