For distribution and use only in the state of New York

FIFRA Sec. 24(c)  
Special Local Need Label

For use on bulb vegetables in New York State

This label expires on December 31, 2018 and must not be used or distributed after this date.

EPA Reg. No. 7969-310  
EPA SLN No. NY-150001

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Directions For Use

Refer to the Merivon® Xemium® brand fungicide main label, EPA Reg. No. 7969-310, for complete Directions For Use and all applicable restrictions and precautions. When following the instructions on this supplemental label, the user must have this label and the entire Merivon container label in possession at the time of pesticide application.

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

This bulletin contains new or supplemental instructions for use of this product which DO NOT appear on the EPA-registered package label.

Application Instructions

Apply Merivon according to the rate, timing, and resistance management use instructions in the Crop-specific Directions in this label. Observe the additional instructions on application methods, additive use and mixing order on the Merivon main label.

Restrictions and Limitations

• Not for sale, distribution, or use in Nassau and Suffolk counties in New York State.

ACCEPTED FOR REGISTRATION

February 2, 2015

New York State Department of Environmental Conservation  
Division of Materials Management  
Pesticide Product Registration

Classified for
“RESTRICTED USE”  
in New York State  
under 6NYCRR Part 326

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BASF Corporation  
26 Davis Drive, Research Triangle Park, NC 27709
## Crop-specific Directions

<table>
<thead>
<tr>
<th>Crop</th>
<th>Target Disease</th>
<th>Product Use Rate per Application (fl ozs/A)</th>
<th>Maximum Number of Applications per Season</th>
<th>Maximum Product Rate per Season (fl ozs/A)</th>
<th>Minimum Time from Application to Harvest (PHI) (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bulb vegetables group</strong></td>
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<tr>
<td>Chive, Chinese, fresh leaves</td>
<td>Powdery mildew (Leveillula taurica)</td>
<td>4 to 11</td>
<td>3</td>
<td>33</td>
<td>7</td>
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<tr>
<td>Chive, fresh leaves</td>
<td>Purple blotch and leaf blight (Alternaria porri)</td>
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<tr>
<td>Daylily, bulb</td>
<td>Stemphylium leaf blight and stalk rot (Stemphylium vesicarium)</td>
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<tr>
<td>Elegans hosta</td>
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<tr>
<td>Fritillaria, bulb</td>
<td>Botrytis leaf blight (Botrytis spp.)</td>
<td>8 to 11</td>
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<tr>
<td>Fritillaria, leaves</td>
<td>Botrytis neck rot (Botrytis spp.)</td>
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<tr>
<td>Garlic, bulb</td>
<td><strong>Suppression Only:</strong> Downy mildew (Peronospora destructor)</td>
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<td>Garlic, great-headed, bulb</td>
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<td>Garlic, serpent, bulb</td>
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<td>Kurrat</td>
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<tr>
<td>Lady’s leek</td>
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<tr>
<td>Leek</td>
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<tr>
<td>Leek, wild</td>
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<td>Lily, bulb</td>
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<td>Onion, Beltsville bunching</td>
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<tr>
<td>Onion, bulb</td>
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<td>Onion, Chinese, bulb</td>
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<td>Onion, fresh</td>
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<td>Onion, green</td>
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<tr>
<td>Onion, macrostem</td>
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<td>Onion, pearl</td>
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<td>Onion, potato, bulb</td>
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<td>Onion, tree, tops</td>
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<td>Onion, Welsh, tops</td>
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<tr>
<td>Shallot, bulb</td>
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<td></td>
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<tr>
<td>Shallot, fresh leaves</td>
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</table>

**Application Directions.** Begin applications of Merivon® Xemium® brand fungicide prior to onset of disease development and continue on a 7 to 14 day interval. Use the shorter interval and/or the higher rate when disease pressure is high.

**Resistance Management.** To limit the potential for development of resistance, **DO NOT** apply more than 33 fl ozs of Merivon per acre per season. **DO NOT** apply more than three (3) applications of Merivon per season.

**DO NOT** make more than two (2) sequential applications of Merivon before alternating to a labeled non-Group 7 or non-Group 11 fungicide.
The Directions For Use of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION (“BASF”) or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions For Use, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER’S EXCLUSIVE REMEDY AND BASF’S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warranty which may be varied only by agreement in writing signed by a duly authorized representative of BASF.
February 2, 2015

VIA E-MAIL

Ms. Judy Fersch
BASF Corporation
26 Davis Drive
Research Triangle Park, North Carolina 27709-3528

Dear Ms. Fersch:

Re: Registration of Special Local Need Labeling for Merivon Xemium Brand Fungicide (EPA Reg. No. 7969-310) Assigned SLN No. NY-150001

The New York State Department of Environmental Conservation (Department) has reviewed your application to register Special Local Need (SLN) labeling for Merivon Xemium Brand Fungicide (EPA Reg. No. 7969-310) in New York State. The product contains the active ingredients fluxapyroxad (chemical code: 138009) and pyraclostrobin (chemical code: 099100). Fluxapyroxad is currently undergoing review for registration as a new active ingredient in New York State. The Department has been contacted regarding the urgent need to manage leaf diseases including Botrytis leaf blight and Purple blotch Stemphylium leaf blight on bulb vegetables in this upcoming use season as these pathogens have demonstrated increased resistance to the products currently registered in New York State.

Christine Hoepting, Onion Specialist with the Cornell Vegetable Program at Cornell University Cooperative Extension, has provided justification for the immediate need to register Merivon Xemium Brand Fungicide for use on bulb vegetables in New York State. Ms. Hoepting strongly advocates the need for registration of this product which combines two different chemistries, the fluxapyroxad being of the Group 7 succinate dehydrogenase inhibitor (SDHI fungicides) and pyraclostrobin being of the Group 11 strobilurins or Quinone outside Inhibitors (QoI) to inhibit pathogenic resistance. Merivon in particular, is well suited for control of the Botrytis leaf blight and Purple blotch Stemphylium leaf blight on bulb vegetables and onions specifically, due to the higher ratio of fluxapyroxad in the Merivon formulation.

The Department has initiated a technical review of the active ingredient and product formulation and has concerns that the use of this product may potentially impact groundwater in sensitive areas. Therefore, the Department will require that Merivon Xemium Brand Fungicide be prohibited from use in Nassau and Suffolk Counties which contains a sole source drinking water aquifer. These concerns are being addressed but the state registration of Merivon Xemium Brand Fungicide will not be completed in time to respond to onion grower needs for this season.
The Department is acknowledging that a FIFRA 24(c) Special Local Need (SLN) registration for Merivon Xemium Brand Fungicide is being issued because it has been demonstrated that there is an existing or imminent pest problem in New York State that cannot be controlled by an existing state registered product.

The Department hereby grants, under the authority of Section 24(c) of FIFRA, a Special Local Need registration for Merivon Xemium Brand Fungicide (EPA Reg. No. 7969-310) for use only on bulb vegetables. The Special Local Need labeling is assigned **SLN No. NY-150001**.

The SLN registration for Merivon Xemium Brand Fungicide (SLN No. NY-150001), as noted on the “restriction” column of the certificate, is classified as “restricted use” in New York State under rules and regulations 6NYCRR 326.23(e). As such, this product is restricted in its purchase, distribution, sale, use, and possession in New York State.

According to New York State Department of Environmental Conservation Regulations 6NYCRR 326.3(a): “It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit.”

Should you require information to obtain a commercial permit, please contact the Pesticide Reporting & Certification Section, at (518) 402-8748.

The Pesticide Reporting Law (PRL) in the Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. **Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production.** If no sales are made within New York State, a report still must be filed with the Department indicating this is the case.

If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department’s website at [http://www.dec.ny.gov/chemical/27506.html](http://www.dec.ny.gov/chemical/27506.html) or call (518) 402-8748.

The Certificate of Pesticide Registration and a copy of the New York State stamped “ACCEPTED” SLN labeling and container labeling “Accepted” for use only in conjunction with SLN labeling for Merivon Xemium Brand Fungicide (SLN No. NY-150001) are enclosed for your records.

The SLN labeling specifies the geographical use limitation for use of Merivon Xemium Brand Fungicide which must be followed in order for Merivon Xemium Brand Fungicide to be legally used in New York State. All precautionary statements, applicable use directions, use precautions and limitations of the labeling affixed to the Merivon Xemium Brand Fungicide container must also be followed.
Ms. Judy Fersch

Please be reminded that a copy of the accepted SLN label must be in the possession of the user at the time of pesticide application.

Please contact me at (518) 402-8768, with any questions.

Sincerely,

Digitally signed by Paula McBath
Date: 2015.02.02 10:34:13 -05'00'

Paula J. McBath
Environmental Chemist
Pesticide Product Registration Section

Enclosures