New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
50 Wolf Road, Albany, New York 12233-7250
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James D. Davis
State Regulatory Affairs Manager
Agricultural Chemicals Registration
and Regulatory Affairs Department
Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399

Dear Mr. Davis:

Re: Registration of a Major Change in Label for the Active Ingredient Myclobutanil; Contained in the Pesticide Product Eagle WSP Turf Fungicide (EPA Reg. No. 707-232)

Rohm and Haas Company submitted an application and supporting documentation, on July 31, 1995, for the registration of a major change in labeling for the active ingredient myclobutanil contained in the pesticide product Eagle WSP Turf Fungicide (EPA Reg. No. 707-232) in New York State. Rohm and Haas Company waived their original registration decision date of March 2, 1996 to April 15, 1996 in order to allow the New York State Department of Environmental Conservation (the Department) sufficient time to review additional data which could impact the registration decision of Eagle WSP Turf Fungicide.

Myclobutanil is currently registered in New York State as a fungicide for use on ornamental vegetation, apples, grapes, and stone fruit, which includes apricots, cherries, nectarines, peaches, plums, and prunes. Applications to stone fruit may be made up to the day of harvest and within 14 days of harvest for apples and grapes.

The original application for Eagle WSP Turf Fungicide, received July 31, 1995, contained label language which stated “NOT FOR USE IN NASSAU OR SUFFOLK COUNTIES, NEW YORK.” Upon further conversations with Rohm and Haas Company, they expressed their desire to have this product labeled for use on Long Island. As a result of a conference call and several telephone conversations with Rohm and Haas Company, the Department received
an updated label for Eagle WSP Turf Fungicide on April 9, 1996. The updated label contains use directions for Nassau and Suffolk Counties, but with a limit of three applications per year instead of twelve.

Eagle WSP Turf Fungicide is packaged in water soluble pouches and is a systemic, protectant and curative fungicide recommended for the control of specific diseases listed on the label. Eagle WSP Turf Fungicide is applied at a rate of 3 ounces per 5000 square feet or 0.65 lb. active ingredient per acre per application. Excluding Nassau and Suffolk Counties, there is a maximum of 12 applications allowed per acre per year, which is equivalent to 36 ounces per 5000 square feet per year or 7.8 lbs. active ingredient per acre per year.

For Nassau and Suffolk Counties there is a maximum of 3 applications per year allowed. Each application consists of 3 ounces per 5000 square feet or 0.65 lb. active ingredient per acre per application. This is equivalent to a maximum of 9 ounces per 5000 square feet per year or 1.95 lbs. active ingredient per acre per year.

The Department has completed review of the information supplied to date in support of the pesticide product registration application for Eagle WSP Turf Fungicide, which contains myclobutanil as a major change in labeling.

Eagle WSP Turf Fungicide is not toxic to mammals, birds, freshwater fish, and invertebrates. Proper use of Eagle WSP Turf Fungicide is not expected to result in increased exposure to the general public.

The labeled use of Eagle WSP Turf Fungicide should not impact groundwater in New York State, when used according to label directions, based on the environmental fate review, the computer modeling, and the reduced rate for Long Island.

The calculated proposed drinking water standard for myclobutanil is 50 ppb, according to 6 NYCRR Part 70.4. This value of 50 ppb should also be considered a potential State groundwater standard.
Due to the very recent label changes and it being late in the season to distribute a new product, Rohm and Haas Company has proposed to relabel only the product which will be shipped directly to two distributors located on Long Island. This is equivalent to approximately four palettes of product. The remainder of the product will bear the "older" label which contains the statement "NOT FOR USE IN NASSAU AND SUFFOLK COUNTIES, NEW YORK." This situation will only occur for the 1996 season and will allow the use of Eagle WSP Turf Fungicide on Long Island this year. Rohm and Haas Company has assured the Department that there should be little or no confusion as a result of the temporary existence of two labels. The only Eagle WSP Turf Fungicide products which can be used on Long Island are the ones which bear the Long Island directions of a reduced number of applications per year. All other Eagle WSP Turf Fungicide products will prohibit use on Long Island and therefore, cannot be legally used on Long Island.

Therefore, the Department hereby accepts for general use registration Eagle WSP Turf Fungicide (EPA Reg. No. 707-232).

Enclosed are your New York State stamped "ACCEPTED" label and a copy of the Certificate of Pesticide Product Registration.

Please contact Ms. Maureen Serafini, Supervisor of our Pesticide Product Registration Section, at (518) 457-7446, if you have any questions.

Sincerely,

Norman H. Nosanchuck, P.E.
Director
Division of Solid & Hazardous Materials

Enclosures

cc: w/enc. - D. Rutz/W. Smith - Cornell University
N. Rudgers/R. Mungari - NYS Dept. of Agriculture and Markets
N. Kim/A. Grey - NYS Dept. of Health