



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Pesticides Management, 11th Floor
625 Broadway Street
Albany, New York 12233-7254

Attn: Cynthia Crowley

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INTERIM REPORTS DUE: June 15, 2008
June 15, 2009
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EXPIRES: April 19, 2009
FILE SYMBOL: 07-NY-05

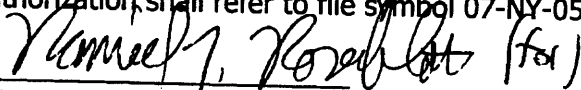
The U.S. Environmental Protection Agency (EPA) hereby grants a quarantine exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the New York State Department of Environmental Conservation for the use of metconazole in soybeans to control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

On November 10, 2004, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) confirmed the presence of *Phakopsora pachyrhizi*, the pathogen that causes SBR, on soybean leaf samples taken from 2 plots associated with a Louisiana State University research farm. Because *P. pachyrhizi* has now been found in the continental U.S., all existing EPA-approved section 18s for SBR, including this one, are released for implementation in New York as the New York State Department of Environmental Conservation feels is appropriate. This quarantine exemption is subject to the conditions and restrictions set forth in your application, as well as the following:

1. The New York State Department of Environmental Conservation is responsible for ensuring that all provisions of this quarantine exemption are met. In addition, the New York State Department of Environmental Conservation is responsible for providing information in accordance with 40 CFR §166.32. This information must be submitted to EPA Headquarters and the EPA Region 2 offices.
2. The unregistered product Caramba™ fungicide, containing 8.6% metconazole (CAS No. 125116-23-6) manufactured by BASF Corporation may be applied. All applicable directions, restrictions and precautions on the submitted section 18 use directions (revised by the manufacturer on May 21, 2007), and as modified in this authorization document, must be followed.

3. Apply 8.2 to 9.6 fluid ounces (0.06 to 0.07 pounds (lbs.) metconazole active ingredient (a.i.) of Caramba™ fungicide per acre.
4. A maximum of 2 aerial or ground applications of Caramba™ fungicide may be made at a 10- to 21-day retreatment interval (RTI) and a 30-day pre-harvest interval (PHI).
5. Applicators must not apply more than 0.11 pounds (lbs.) active ingredient (a.i.) per acre/season of metconazole-containing product.
6. A restricted entry interval (REI) of 12 hours must be observed.
7. For root crops and leafy vegetables, a plant-back interval (PBI) of 120 days must be observed. For all other crops, a 12 month PBI must be observed. Soybean forage and hay treated with metconazole may not be used as a feed item.
8. Treatments under this section 18 program may be made to soybeans to control SBR. A maximum of 140,000 acres of soybeans may be treated in New York under this authorization.
9. The use of metconazole in soybeans is not expected to adversely affect human health. The available data support a time-limited tolerance of 0.10 ppm for residues of metconazole (parent) in/on soybean seed. In addition, time-limited tolerances have been established for metconazole (parent) for aspirated grain fractions at 1.00 ppm, soybean, meal at 0.25 ppm, soybean, hulls at 1.20 ppm, soybean, refined oil at 1.20 ppm, meat fat and meat byproducts of cattle, goat, hog, horse, poultry and sheep at 0.02 ppm, milk at 0.02 ppm and egg at 0.02 ppm. The tolerances will expire and are revoked on December 31, 2010.
10. Applicators must wear protective (chemical-resistant) gloves.
11. EPA is reviewing an application for a general registration under section 3 of FIFRA for this use pattern. Stocks of Caramba™ fungicide may be produced and introduced into the channels of trade as part of this authorization. In the event that EPA issues a section 3 registration before the quarantine exemption expires, end users in possession of unused product obtained under this exemption should obtain a copy of the registered label and rely on its terms and conditions. Any unregistered and unopened product still in an EPA registered facility must be re-labeled with the section 3 label.

The EPA Headquarters and EPA Region 2 offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this authorization. This quarantine exemption expires April 19, 2009. Any future correspondence in connection with this authorization shall refer to file symbol 07-NY-05.

 (for)

Lois A. Rossi, Director
Registration Division

Date: 6/15/2007

cc: Adrian Enache, USEPA Region #2
Adrian Enache/R2/USEPA/US

This labeling is effective for distribution and use of this product to control soybean rust on soybeans grown in a limited number of states until April 19, 2009, as authorized pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

Caramba™

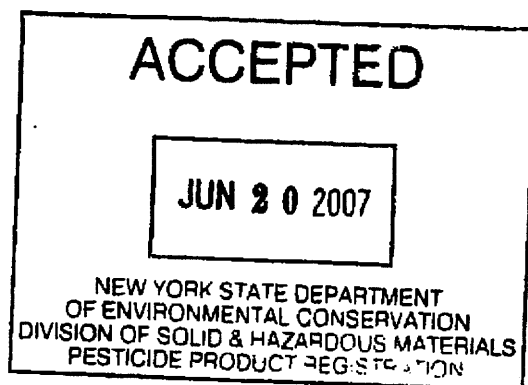
fungicide

Emergency Exemption Use Directions for use in Soybean for the control of Asian Soybean Rust (*Phakopsora pachyrhizi*)

EPA File Symbol No.: 07-NY-05

Caramba™ fungicide contains 0.75 pounds of metconazole per gallon

OBSERVE ALL FIRST AID, PRECAUTIONARY STATEMENTS, AND DIRECTIONS FOR USE ON THE CARAMBA™ FUNGICIDE CONTAINER LABEL BEFORE USING.



BASF Corporation
Agricultural Products
26 Davis Drive
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■ - BASF
The Chemical Company

DIRECTIONS FOR USE

Caramba™ fungicide

For Use in Soybean for the control of Asian Soybean Rust caused by *Phakopsora pachyrhizi*

The use of Caramba™ fungicide for control of soybean rust in soybeans in a limited number of states as authorized under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is effective until April 19, 2009. In accordance with 40 CFR §152.30(e), an unregistered pesticide may be distributed or sold in accordance with the terms of an emergency exemption under FIFRA section 18, if the product is properly labeled in accordance with 40 CFR §156. Any unused, unregistered product must be either returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with Resource Conservation and Recovery Act (RCRA) regulations following the expiration of this authorization.

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.

Environmental Hazards

This pesticide is toxic to fish and aquatic invertebrates. **DO NOT** discharge effluent containing this product into lakes streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

Endangered Species Concerns

The use of any pesticide in a manner that may kill or otherwise harm an endangered species or

adversely modify their habitat is a violation of federal law. This pesticide is toxic to fish and aquatic invertebrates and must be used strictly in accordance with drift precautions on this label in order to minimize off-site exposures.

DO NOT apply when weather conditions favor drift from treated areas to non-target aquatic habitats. Notify State and/or Federal authorities and BASF immediately if you observe any adverse environmental effects due to use of this product.

To determine whether your county has endangered aquatic species, consult the County Bulletins at <http://www.epa.gov/espp/usa-map.htm>. Endangered Species Bulletins may also be obtained from extension offices or state pesticide agencies. If a bulletin is not available for your specific area, check with the appropriate local state agency to determine if known populations of endangered aquatic species occur in the area to be treated.

Restrictions and Limitations

- Applications may not be made within 30 days of harvest.
- **DO NOT** make more than 2 applications of metconazole-containing products per season.
- **DO NOT** feed soybean forage or hay to livestock (e.g., aspirated grain fractions, soybean hulls, soybean meal, or soybean seed).
- **Crop Rotation Restriction:** Any crop not specified on the label may be planted into treated areas as follows: 120 days after the last treatment for root crops and leafy vegetables and 12 months after the last application for all other crops.
- **Chemigation:** **DO NOT** apply this product through any type of irrigation system.
- **No aerial application in New York State except as permitted under FIFRA Section 24(c), Special Local Needs Registration.**

APPLICATION INSTRUCTIONS

Caramba™ fungicide may be applied by ground sprayer or aerial equipment.

Caramba can be applied at a maximum rate of 9.6 fl oz per acre per application.

Caramba Disease Specific Use Directions

Target Disease	Use Rate per Application	Maximum Number of Applications per Season	Maximum Rate per Season	Minimum Time from Application to Harvest (PHI)	Restricted Entry Interval (REI)
Asian soybean rust* (<i>Phakopsora pachyrhizi</i>)	8.2 to 9.6 fl oz per acre	2	19.2 fl oz per acre	30 days	12 hours

Caramba provides both preventative and curative activity against Asian soybean rust. For optimal disease control, make the initial application of **Caramba** between early flowering and pod set (R1 to R3 growth stage), or prior to disease development. If environmental conditions favor continued disease development, or if monitoring shows active disease symptoms, repeat application of **Caramba** 10-21 days after first application.

Use the higher rate and shorter spray interval when disease pressure is high.

Optimum disease control is achieved by utilizing the combination of **Caramba** and a preventative fungicide like **Headline® fungicide**. **Caramba** may be used at 6.1 fl oz per acre when tank mixed with a low rate of **Headline**.

Tank mixtures of **Caramba** with adjuvants or agricultural products containing adjuvants may cause crop response under hot dry conditions. If an adjuvant is needed, use only nonionic surfactants at their lowest labeled rates.

Thorough spray coverage of soybean plants is essential for optimum control. Utilize spray application techniques including sufficient water carrier per acre, pressure and proper nozzle

selection that ensure thorough coverage. **Caramba** should be applied in no less than 5 gallons of spray for aerial applications.

Caramba should be utilized as a part of a comprehensive Asian soybean rust control program that includes monitoring of the field and surrounding areas, and fungicide applications.

The key to adequate season long control of Asian soybean rust is careful monitoring and scouting of soybean fields all season, especially from initiation of flowering through pod fill. After the first application, maintain a thorough monitoring and scouting program.

Caramba provides both preventative and curative control of soybean rust. However, if symptoms or soybean rust lesions and/or pustules are present on soybean plants, some yield loss may have already occurred. If infection level of Asian soybean rust reaches or exceeds 3-5%, only limited control of Asian soybean rust may be achieved with any program. (Infection level = number of leaves with symptoms/signs of Asian soybean rust per 100 leaves).

Conditions of Sale and Warranty

The Directions For Use of this product reflects the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with 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. 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.

BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT PERMITTED BY LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, 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.**

*Headline is a registered trademark of BASF.
Caramba is a trademark of BASF.*

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007969-00000.20060324c.NVA 2006-04-267-0087

Supersedes NVA 2005-04-267-0161

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 **BASF**

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