



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MAY - 4 2007

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

DATE ISSUED: May 4, 2007
INTERIM REPORT DUE: May 4, 2008
May 4, 2009
FINAL REPORT DUE: September 30, 2009
EXPIRES: March 31, 2009
FILE SYMBOL: 07-NY-04

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 Department of Environmental Conservation for the use of cyproconazole in soybeans to control soybean rust (SBR).

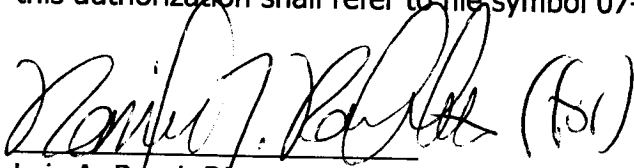
On November 10, 2004, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) confirmed the presence of *Phakopsora pachyrhizi*, the pathogen that causes SBR, on soybean leaf samples taken from 2 plots associated with a Louisiana State University research farm. Because *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 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 Department of Environmental Conservation is responsible for ensuring that all provisions of this quarantine exemption are met. In addition, the New York 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 products Alto[®] 100SL[™] (containing 8.9% cyproconazole) and Quadris[®] Xtra[™] SC Fungicides (containing 7.3% cyproconazole + 18.2% azoxystrobin), both manufactured by Syngenta Crop Protection, Inc. may be applied. All applicable directions, restrictions and precautions on the submitted section 18 use directions (revised by the manufacturer on April 13, 2006), and as modified in this authorization document, must be

followed.

3. Apply 2.75 to 4 fluid ounces (0.018 to 0.026 pounds (lbs.) active ingredient (a.i.)) of Alto[®] 100SL[™] per acre. Apply 4 fluid ounces (0.073 lbs. a.i. (0.021 lbs. of cyproconazole + 0.052 lbs. of azoxystrobin) of Quadris[®] Xtra[™] SC per acre.
4. A maximum of 2 aerial or ground applications of Alto[®] 100SL[™] or Quadris[®] Xtra[™] SC fungicide may be made at a 14- to 21-day retreatment interval (RTI) and a 30-day pre-harvest interval (PHI).
5. Applicators must not apply more than 0.052 lbs. a.i. per acre/season of cyproconazole-containing products and no more than 1.5 lbs. a.i. per acre/season of azoxystrobin-containing products.
6. A restricted entry interval (REI) of 12 hours must be observed.
7. Wheat and corn may be planted 180 days after the last application of cyproconazole. Planting of other crops within 365 days after the last application is prohibited. The use of soybean forage and hay treated with cyproconazole is prohibited.
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 cyproconazole 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 cyproconazole *per se* in/on soybean seed. A time-limited tolerance has been established at this level.
10. Applicators must wear protective (chemical-resistant) gloves.
11. Stocks of Alto[®] 100SL[™] and Quadris[®] Xtra[™] SC fungicides may be produced and imported into the U.S. as part of this authorization. However, in ensuring a safety finding, EPA has negotiated with the registrant a maximum annual supply limit (cap) that the manufacturer must observe. It is expected that the registrant will provide broad distribution to states threatened with SBR to ensure that supply meets the demand within the agreed cap. State lead agencies can also contact the registrant to request desired quantities of Alto[®] 100SL[™] and Quadris[®] Xtra[™] SC fungicides, based on their assessment of the infectious SBR.
12. EPA is reviewing an application for a general registration under section 3 of FIFRA for this use pattern. 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 on March 31, 2009. Any future correspondence in connection with this authorization shall refer to file symbol 07-NY-04.

Handwritten signature of Lois A. Rossi in black ink, with the initials '(fsl)' written to the right of the signature.

Lois A. Rossi, Director
Registration Division

Date: 5/4/2007

cc:

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

ETRA

SECTION 18 QUARANTINE EXEMPTION FOR THE USE OF ALTO® ON SOYBEANS FOR CONTROL OF ASIAN RUST (*Phakopsora pachyrhizi*) IN THE STATE OF NEW YORK

ACCEPTED

MAY 16 2007

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PESTICIDE PRODUCT REGISTRATION

EPA FILE SYMBOL 07-NY-04

EXPIRATION DATE: MARCH 31, 2009

ALTO 100SL

FOR CONTROL OF ASIAN RUST ON SOYBEANS

Active Ingredient:	
Cyproconazole (CAS No: 94361-06-5).....	8.9%
Other Ingredients:	91.1%
Total:	100.0%

Contains 0.83 lb a.i. cyproconazole per gallon.

KEEP OUT OF REACH OF CHILDREN

CAUTION

DIRECTIONS FOR USE

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

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN POOR DISEASE CONTROL, CROP INJURY, OR ILLEGAL RESIDUES.

Follow all applicable directions, restrictions, and precautions, including statements pertaining to the worker protection standards, on the EPA-approved label attached to the Alto container.

This label must be in the possession of the user at the time of pesticide application.

Soybeans

The use of Alto 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, became effective on May 4, 2007 and will expire on March 31, 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.

Apply 4 fl. oz./A of Alto as a foliar application when conditions are favorable for development of soybean rust. A second application 14-21 days later may be needed if conditions persist. Applications of Alto may be made through R6 (full seed) soybean growth stage. Scouting for the disease and/or being aware of the proximity of the disease will aid in the proper timing to maximize the effectiveness of the fungicide application. Alto is most effective when applied just prior to or at onset of disease. If rust appears in early vegetative stages, apply 2.75 – 4 fl oz/A.

Spray coverage and canopy penetration are important for best results. Alto can be applied by either aerial or ground equipment. Use sufficient water volume to provide thorough and uniform plant coverage. When using aerial application, apply in a minimum of 5 gal./A. When using ground application, apply in a minimum of 10 gals./A.

Notes: (1) Do not apply more than 8 fluid ounces of Alto 100SL per acre/season. (2) Do not harvest soybeans within 30 days of last application. (3) Wheat and corn may be planted 180 days after last treatment. (4) Observe a plant-back interval (PBI) of 365 days for all other crops. (5) The use of soybean hay, forage, or fodder from the soybean crop treated with cyproconazole is prohibited. (6) No more than 2 foliar applications of Alto are allowed under this authorization.

A restricted entry interval (REI) of 12 hours must be observed.

Any adverse effects resulting from the use of Alto under this emergency exemption must be immediately reported to the New York Department of Environmental Conservation.

Alto® is a trademark of a Syngenta Group Company

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Syngenta Crop Protection, Inc.
Greensboro, NC 27419

Label Code: NY1226027AB0507