

100-890

4/9/2003

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

APR - 9 2003

Ruhi Rezaaiyan
Regulatory Product Manager
Sygenta Crop Protection, Inc.
P.O. Box 18300
Greensboro, NC 27419-8300

Subject: Mertec® LSP
EPA Reg. No. 100-890
Amendment dated February 28, 2003

Dear Ms Rezaaiyan:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following change is made:

Move the "Directions for Use" and "Storage and Disposal" sections so that they precede the warrantee information on page 3.

STORAGE AND DISPOSAL: Change the subheading "Storage" to "Pesticide Storage" on pages 4 and 9.

A stamped copy is included for your records. Please submit one (1) copy of the final printed label before you release the product for shipment.

If you have any questions, please call Robert Westin at (703) 305-5721.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis McNeilly".

Dennis McNeilly
Acting Product Manager (22)
Fungicide Branch
Registration Division (7505C)

Enclosure

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Mertect® LSP

Fungicide

Flowable (Water-Dispersible Suspension)

Wheat Seed Treatment

For the control of seed- and soil-borne common bunt (stinking smut) and dwarf bunt of wheat

Active Ingredient:

Thiabendazole: (CAS No. 148-79-8) 30.0%

Other Ingredients: 70.0%

Total: 100.0%

KEEP OUT OF REACH OF CHILDREN.

CAUTION

See additional precautionary statements and directions for use inside booklet.

EPA Reg. No. 100-890

EPA Est. 39578-TX-1

2.5 gallons
Net Contents

SCP 890A-L2

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

APR 9 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pest
registered under EPA Reg. No.

100-890

FIRST AID	
If in eyes	<ul style="list-style-type: none"> • 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 eye. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • 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.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p>	
<p>HOT LINE NUMBER For 24 Hour Medical Emergency Assistance (Human or Animal) or Chemical Emergency Assistance (Spill, Leak, Fire, or Accident), Call 1-800-888-8372</p>	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Harmful if swallowed. Do not get in eyes or on skin.

Environmental Hazards

This pesticide is toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product should be followed carefully. 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 manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of SYNGENTA CROP PROTECTION, Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold SYNGENTA and Seller harmless for any claims relating to such factors.

SYNGENTA warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of the product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or SYNGENTA, and Buyer and User assume the risk of any such use. SYNGENTA MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

In no event shall SYNGENTA or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF SYNGENTA AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF SYNGENTA OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

SYNGENTA and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of SYNGENTA.

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DIRECTIONS FOR USE

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

Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applicators at or immediately before planting.

STORAGE AND DISPOSAL

Prohibitions

Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.

Storage

Product freezing temperature is 32°F. Satisfactory utility is restored after thawing and mixing of product stored as low as 0°F. Repeated freezing and thawing should be avoided. Keep cover on opened container to prevent drying.

Pesticide Disposal

Pesticide, spray mixture, or rinsate that cannot be used according to label instructions must be disposed of according to federal, state, or local procedures under the Resource Conservation and Recovery Act.

Container Disposal

Do not reuse empty container. Triple rinse (or equivalent), then puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

GENERAL INFORMATION

Mertect® LSP is a systemic fungicide especially formulated as a liquid suspension seed protectant for use as a spray mist or slurry seed treatment.

Mertect LSP is recommended for the control of seed- and soil-borne common bunt (stinking smut) attacking wheat; also aids in control of dwarf bunt. If treatment is not effective following use of Mertect LSP as recommended, a tolerant strain of fungus may be present.

MIXING PROCEDURES

SHAKE OR STIR WELL BEFORE USE.

Seed Treatment – Clean seed treatment equipment thoroughly before using Mertect LSP. This product has no vapor action; therefore, it is essential that thorough coverage of the seed be obtained. In this regard, Mertect LSP is recommended to be dispersed with water to aid distribution on the seed. When dispersed with water, however, the resulting suspension must be kept under constant agitation. Treated seed has been stored for a period of one year without loss of fungicidal efficacy.

Winter and Spring Wheat – Control of Seed- and Soil-borne Common Bunt (Stinking Smut): For ready-mix or slurry seed treaters, disperse 2.0 fl. oz. of Mertect LSP for seed-borne common bunt, or 2.0-4.0 fl. oz. for soil-borne common bunt, in an equal amount of water (1:1 ratio) and apply this dispersion per bushel. Keep dispersion under constant agitation.

Winter Wheat Only – Aids in Control of Dwarf Bunt in Colorado, Idaho, Montana, Oregon, Washington, Wyoming and Utah: For ready-mix or slurry seed treaters, disperse 4.0-6.0 fl. oz. of Mertect LSP in an equal amount of water (1:1 ratio) and apply this selected dispersion per bushel. Keep dispersion under constant agitation. For best results against dwarf bunt, plant winter wheat treated with Mertect LSP as late in the growing season as is practical. Use only on normal or late winter wheat plantings. Use the lower rate for late plantings of winter wheat. The level of product effectiveness will vary with the weather conditions and amount of plant growth which occurs prior to the disease infection period.

Use Restrictions – This product formulation does not contain a dye. To comply with 21 CFR Chapter 1 §2.25 of the Food Drug and Cosmetic Act, all grain seed treated with a pesticide product must be colored with an EPA-approved dye (400 CFR 180.1001) to distinguish and prevent subsequent and inadvertent use as food for man or feed for animals. Treated seed must not be used for or mixed with food or animal feed, or processed for oil. Treat only those seeds needed for immediate use, minimizing the interval between treatment and planting. Do not store excess seeds beyond planting time. When seed has been treated with Mertect LSP Fungicide, do not graze or cut green foliage for livestock feed.

Seed Labeling – Treated seed labels should include "This seed treated with Mertect LSP Fungicide. Do not use for food, feed, or oil purposes.

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For non-emergency (e.g., current product information), call
Syngenta Crop Protection at 1-800-334-9481.

Syngenta Crop Protection, Inc.
Greensboro, North Carolina 27409
www.syngenta-us.com

SCP 890A-L2

MER LSP 890A-L2-rr - 01/31/03

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Base Label

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Fungicide

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