

264-939

4/9/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Melvin Tolliver
Bayer CropScience LP
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

APR 9 2010

Subject: Gustafson RTU-Baytan-Thiram Fungicide
EPA Reg. No. 264-939
Label amendment dated 3/24/2010
EPA Decision No. 428861

Dear Mr. Tolliver,

The amended label 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.

1. On page 3, within the Storage and Disposal box, change the heading Container Disposal to Container Handling. Also change the heading in last sentence on page 5.

One copy of the label stamped "Accepted with Comments" is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment. If you have any questions, please contact Shaunta Hill by phone at (703) 347-8961 or via email at hill.shaunta@epa.gov.

Sincerely,

Shaja B. Joyner FOR

Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7504P)

Enclosure
Label stamped Accepted with Comments

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Gustafson

RTU[®]-BAYTAN[®]-THIRAM Fungicide

For Use only by Commercial Seed Treaters

ACTIVE INGREDIENTS:

Beta-(4-Chlorophenoxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol.....	5.0%
Thiram (Tetramethylthiuram disulfide)	15.3%

OTHER INGREDIENTS:	79.7%
TOTAL	100.0%

Contains 0.43 pounds triadimenol (BAYTAN) and 1.33 pounds Thiram per U.S. gallon.

U.S. Patent No. 3,952,002

Contains petroleum distillates.

EPA Reg. No. 264-939

EPA Est.

KEEP OUT OF REACH OF CHILDREN CAUTION

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577
For PRODUCT USE Information Call 1-866-99BAYER (1-866-992-2937)

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give any liquid to the person. • Do not give anything by mouth to an unconscious person.
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.
IF INHALED:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911, or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.

NOTE TO PHYSICIAN: Contains petroleum distillate – vomiting may cause aspiration pneumonia.

In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577. Have a product container or label with you when calling a poison control center or doctor, or going for treatment.

ACCEPTED
with COMMENTS
In EPA Letter Dated
APR 9 2010

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

264-939

3087

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing.

During commercial exposure in seed treatment and loading operations, wear goggles, clean rubber gloves, protective clothing; for exposures in enclosed areas, a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P, or HE prefilter; for exposures outdoors, a NIOSH approved respirator with any R, P or HE filter. Wash hands, arms and face thoroughly with soap and water after handling and before eating or smoking. Routinely shower or bathe after work, wash all clothing with soap and water before reusing. Consumption of alcoholic beverages increases the toxic effects of thiram.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride, and viton. If you want more options, follow the instructions for category C on an EPA Chemical resistance category selection chart.

All mixers/loaders, applicators and other handlers must wear:

- long-sleeved shirt and long pants,
- shoes plus socks,
- chemical resistant gloves, except when sewing bags of treated seeds, and chemical resistant apron when mixing, loading, cleaning up spills, cleaning equipment, or otherwise exposed to the concentrate.

NOTE: Persons involved in bagging treated seed, sewing or moving bags of treated seed, or cleaning up bagging areas or seed treatment equipment are pesticide handlers and must wear the PPE required on this label for pesticide handlers.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide product is toxic to fish. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters. Drift or run-off from treated areas may be hazardous to aquatic organisms in neighboring areas.

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 applications at or immediately before planting.

Gustafson RTU-BAYTAN-Thiram Fungicide combines the systemic action of BAYTAN with the surface action of Thiram to control or suppress various seed, seedling and soilborne diseases of wheat, barley, oats, rye and cotton. Systemic activity of BAYTAN will provide early season control of infections by powdery mildew and rusts.

Do not use or store near food or feed.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

PESTICIDE STORAGE

Store in a cool, dry place.

PESTICIDE DISPOSAL

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. Open dumping is prohibited.

CONTAINER DISPOSAL

Rigid, Non-refillable containers small enough to shake (i.e., with capacities equal to or less than 5 gallons).

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Once container is rinsed, offer for recycling if available, or puncture and dispose of in a sanitary landfill or incineration, or if allowed by state and local authorities, by burning. If burned stay out of smoke.

Rigid Non-refillable containers that are too large to shake (i.e., with capacities greater than 5 gallons or 50 lbs)

Non-refillable Containers

Non-refillable containers - Do not reuse or refill this container. After emptying product from container, either return container to Bayer CropScience per instructions from Bayer CropScience Customer Service Center (1-800-527-4781), or rinse and either recycle or dispose of the container as follows:

Bottom Discharge IBC (e.g. – Schuetz Caged IBC or Snyder Square Stackable)

Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. To pressure rinse the container before final disposal, empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inches on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely remove the top lid of the IBC. Use water pressurized to at least 40 PSI to rinse all interior portions. Continuously pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g.– Snyder 120 Next Gen, Bonar B120, Drums, and Kegs).

Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. To triple rinse the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container at least 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

Once container is rinsed, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration.

Refillable Containers

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. After emptying product from container, either return container to Bayer CropScience per instructions from Bayer CropScience Customer Service Center (1-800-527-4781) or rinse and either recycle or dispose of the container as follows:

Bottom Discharge IBC (e.g. – Schuetz Caged IBC or Snyder Square Stackable)

Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To pressure rinse the container before final disposal, empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inches on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely remove the top lid of the IBC. Use water pressurized to at least 40 PSI to rinse all interior portions. Continuously pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g. – Snyder 120 Next Gen, Bonar B120, Drums, and Kegs).

Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To triple rinse the containers before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container at least 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

Once container is rinsed, offer for recycling if available or puncture and dispose of in a sanitary landfill or by incineration.

NOTE: To meet U.S. *Federal Seed Act* requirements, all seed treated with RTU-BAYTAN-Thiram Fungicide should be labeled: "Treated with beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol (BAYTAN) and Tetramethylthiuram disulfide (Thiram). Do not use treated seed for feed, food or oil purposes. Do not graze green forage within 40 days of planting."

SEED TREATMENT

Gustafson RTU-BAYTAN-Thiram Fungicide is a ready-to-use seed treatment. Application should be made using standard slurry or mist-type commercial seed treatment equipment. Uniform application of seed is necessary to insure seed safety and best disease control. Seed should be sound and well cured prior to treatment.

RESTRICTIONS

For use only through commercial seed treating equipment which are closed application systems. Do not use treated seed for feed, food or oil purposes.

Application rates of less than 6 fluid ounces of Gustafson RTU-BAYTAN-Thiram Fungicide per 100 pounds of seed must be diluted with sufficient water to give a minimum applied treatment rate of 6 fluid ounces of slurry/cwt. Rates of 6 to 9 ounces of product may be applied without further dilution.

6097

APPLICATION RATES

CROP	DISEASE	FLUID OUNCES RTU-BAYTAN-Thiram Fungicide	REMARKS
Wheat Barley Oats Rye	Seed and Soilborne Diseases:		
	Wheat: Scab Stinking smut Flag smut Loose smut Glume blotch Foot rot* Take-all* <i>Pythium rot*</i> Barley: Scab Covered smut Loose smut Net blotch* Typhula rot* Foot rot* <i>Pythium rot*</i> Oats: Scab Loose smut <i>Pythium rot*</i> Rye: Scab Stripe smut <i>Pythium rot*</i>	4-½ to 9 fluid ounces per 100 pounds of seed	Refer to the Seed Treatment section on this label for the recommended method of treating seed. Apply the 4-½ ounce rate for control of smuts, and the 9 ounce rate for control or suppression of the other diseases. *Suppression or some control of these diseases provided. Green forage may be grazed 40 days after seeding.
	Foliar Diseases:		
	Wheat: Powdery mildew Leaf rust Stripe rust Barley: Barley rust Stripe rust Powdery mildew Oats: Crown rust Stripe rust Powdery mildew Rye: Rye rust Stripe rust Powdery mildew	9 fluid ounces per 100 pounds of seed	Refer to the Seed Treatment section on this label for the recommended method of treating seed. Use of the specified rate will control the noted early season diseases. Green forage may be grazed 40 days after seeding.
Cotton (Acid Delinted)	<i>Rhizoctonia</i> Seedling disease <i>Thielaviopsis basicola</i> (Black root rot)	3.0 to 6.0 fluid ounces per 100 pounds of seed 6.0 to 12.0 fluid ounces per 100 pounds of seed	Refer to the seed Treatment section on this label for the recommended method of treating seed. For protection against seedling disease caused by <i>Thielaviopsis basicola</i> . Higher rates are only for areas with a severe history of disease.

Refillable Containers

End users are authorized to remove tamper evident cables as required to remove the product from the container unless the container is equipped with one way valves and refilling or returning is planned. If this is the case, end users are not authorized to remove tamper evident cables, one way valves or clean container. See Container Disposal instructions under Storage and Disposal.

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IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, disclaimer of Warranties and Limitations of Liability.

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, may result in reduced germination and/or reduction of seed and seedling vigor. Treat and conduct germination tests on a small portion of seed before committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of Bayer CropScience, no claims are made to guarantee germination of carry-over seed.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks 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 the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States.

NET CONTENTS:

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Bayer CropScience

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Research Triangle Park, North Carolina 27709
1-866-99BAYER (1-866-992-2937)**

Gustafson RTU-BAYTAN-Thiram (MASTER) 03/16/10