

264-939

6/9/2010

10F8



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

JUN - 9 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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

SUBJECT: Thiram RED Label Amendment
RTU-Baytan-Thiram Fungicide
EPA Reg. No. 264-939
Decision 379407
Your Submission received on February 15, 2008

Dear Mr. Tolliver:

EPA has determined that you have fulfilled the requirements of the Thiram RED for the subject product. However, we are unable to reregister the product under FIFRA 4(g) (2) (c) at this time, because it also contains the active ingredient Triadimenol. Although Triadimenol was registered after 1984 and is therefore not subject to reregistration under the 1988 amendments to FIFRA, there are still label revisions pending that must be fulfilled. These label requirements will be addressed in a separate correspondence from the Agency.

The labeling referred to above is in compliance with the Thiram RED and is amended under the RED provided that you:

1) Based on the acute toxicity of this product, the order of First Aid statements should be as follows:

- "IF SWALLOWED..."
- "IF IN EYES..."
- "IF ON SKIN OR CLOTHING..."
- "IF INHALED..."

2) Add the statement "Contains petroleum distillates" directly under your ingredient statement

3) On page one, add "intended" in front of "for use only by commercial seed treaters" and "For sale to and use...". Delete "Not for sale to or use by homeowners/consumers".

2008

4) Revise your Hazards to Humans and Domestic Animal as follows:

CAUTION

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

5) Revise the gloves statement in the handler PPE section to read "chemical resistant gloves except when sewing bags of treated seeds".

6) Revise the first sentence of your Environmental Hazards section to read "This chemical is toxic to fish, aquatic invertebrates, oysters and shrimp".

7) Revise your Container Disposal statement per PR Notice 2007-4.

8) Change "Inert Ingredients" to read "Other Ingredients" on your ingredient statement.

9) On page five of your product label, change "Recommended Applications" to "Application Directions".

A stamped copy of the label is enclosed for your records. You must submit one copy of the final printed label before you release the product for shipment. Products shipped after 12 months from the date of this letter or the next round of printing must bear the new revised label. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA. Your release for shipment of the product constitutes acceptance of these conditions. This label supersedes all other previously accepted labels. If you have any questions regarding this correspondence, contact Tracy Keigwin of my staff by phone at 703-305-6605 or via email at keigwin.tracy@epa.gov.

Sincerely,



Erik Kraft
Acting Product Manager (20)
Fungicide Branch
Registration Division (7505P)

Enclosure
Label stamped "Accepted with comments"
Acute Toxicity Review
Product Chemistry Review
PRD product overview

3278

RTU® - BAYTAN® - THIRAM Fungicide

For Use only by Commercial Seed Treaters.
For sale to and use by professional applicators only. Not for sale to or use by homeowners/consumers.

ACTIVE INGREDIENTS:	
Beta-(4-Chlorophenoxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol	5.0%
Thiram (Tetramethylthiuram disulfide)	15.3%
INERT INGREDIENTS:	79.7%
TOTAL	100.0%

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

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 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 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 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.	
<p>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.</p>	

ACCEPTED
with COMMENTS
In EPA Letter Dated

JUN 9 2010

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

264-939

```

              3
             3
            33333
           33333
          33333
         33333
        33333
       33333
      33333
     33333
    33333
   33333
  33333
 33333
33333
  
```

4 of 8

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, inhaled or absorbed through the skin. Do not get in eyes, on skin or on clothing. Avoid inhaling of spray mist or dust. This product may cause allergic reactions.

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, or sewing bags of treated seed, 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.

ENDANGERED SPECIES

This bag contains seed treated with thiram. This product may have effects on federally listed threatened endangered species or their critical habitat in some counties. It is a violation of federal law to kill, harm or harass listed animal species without authorization. To limit the potential for such impacts when using this product, consult and follow the instructions provided in the EPA Endangered Species Bulletin for the County or Parish in which you are applying the seed. To determine whether your County or Parish has a Bulletin consult <http://www.epa.gov/espp> before each season's use of this product.

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.

5048

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.

Treated seeds are hazardous to fish, birds and mammals. Do not plant treated seeds by broadcasting to the soil surface. Ensure that all seeds are thoroughly covered with soil, especially in turn areas. If seeds are not thoroughly incorporated by the planter during planting, additional incorporation may be required to thoroughly cover exposed seeds.

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. Do not apply this product in a way that will contact workers or other persons. Only protected handlers may be in the area during application.

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

Triple rinse (or equivalent). Then offer for recycling or reconditioning, 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. Do not reuse empty container.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours.

Exception: Once treated seeds, seed pieces, bulbs are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction, if there will be no contact with the treated seeds, seed pieces, or bulbs.

PPE required for early reentry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, shoes plus socks, chemical-resistant gloves made of any waterproof material, and protective eyewear.

leaf 8

NOTE: Seed that are treated with this product and are then packaged or bagged for future use by growers or researchers must contain the following labeling on the outside of the seed package or bag.

- "Treated with beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-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."
- "This bag contains seeds treated with thiram fungicide. When opening this bag or loading/pouring the treated seeds wear long-sleeved shirt, long pants, shoes, socks and chemical resistant gloves."
- "Endangered Species" section of this label must be included on the seed tag.
- "After the seeds have been planted, do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours. Exception: Once the seeds are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area with out restriction if there will be no worker contact with the seeds."
- "Treated seeds are hazardous to fish, birds and mammals. Do not plant treated seeds by broadcasting to the soil surface. Ensure that all seeds are thoroughly covered with soil, especially in turn areas. If seeds are not thoroughly incorporated by the planter during planting, additional incorporation may be required to thoroughly cover exposed seeds. 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 washwater or rinsate or by disposal of wastes."
- "Plant cotton, wheat, barley and oats seed a minimum of 1 inch deep."

SEED TREATMENT

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 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.

The maximum application rate for cotton seed is 1.0 oz. ai/cwt (625 ppm).

Cotton Seed: Plant treated cotton seed a minimum of 1 inch deep.

Barley Seed: Plant barley seed a minimum of 1 inch deep.

Oat Seed: Plant oat seed a minimum of 1 inch deep.

Wheat Seed: Plant wheat seed a minimum of 1 inch deep.

7 of 8

RECOMMENDED APPLICATIONS

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</i> rot* Barley: Scab Covered smut Loose smut Net blotch* Typhula rot* Foot rot* <i>Pythium</i> rot* Oats: Scab Loose smut <i>Pythium</i> rot* Rye: Scab Stripe smut <i>Pythium</i> rot*	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 recommended 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>Theilaviopsis 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>Theilaviopsis basicola</i> . Higher rates are only for areas with a severe history of disease.

8028

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 LP, 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 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 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:

RTU and BAYTAN are registered trademarks of Bayer

Produced for



Bayer CropScience

**Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709
1-866-99BAYER (1-866-992-2937)**

RTU-BAYTAN-Thiram (PENDING) 01/31/08