

264-941

7/28/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

JUL 28 2010

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

Subject: Gustafson Baytan 30 Flowable Fungicide
EPA Reg. No. 264-941
Amended Labeling: PRN 2007-4
EPA Decision Number: 429034
Your Application Dated: December 3, 2009

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.

One copy of the label stamped "Accepted" is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label before the product is released for shipment.

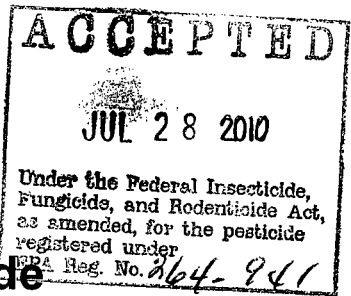
If you have any questions, please contact Janet Whitehurst by phone at (703) 305-6129 or via email at whitehurst.janet@epa.gov.

Sincerely,
Tony Kish

Tony Kish
Product Manager (22)
Fungicide Branch
Registration Division (7504P)

Enclosure

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Gustafson BAYTAN[®] 30 Flowable Fungicide

For Use Only by Commercial Seed Treaters

ACTIVE INGREDIENT (% by weight):	
Triadimenol**	30%
INERT INGREDIENTS:	
	70%
	TOTAL 100%

**Contains 2.65 pounds Triadimenol per gallon
U.S. Patent No. 3,952,002

EPA Reg. No. 264-941

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"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything 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.
<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>	

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, inhaled or absorbed through the skin. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals. Do not breathe vapors. Applicators must wear long pants, long-sleeved shirts and chemical-resistant gloves. Do not get in eyes, on skin or on clothing. Do not contaminate feed or food. Wash hands, arms and face thoroughly with soap and warm water after handling. Wash contaminated clothing with soap and hot water before reuse.

ENVIRONMENTAL HAZARDS

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. Cover treated seeds that are visible on soil surface, especially in end rows and turn areas. Clean up spilled treated seeds to reduce exposure to wildlife.

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.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal, or by cleaning of equipment.

PESTICIDE STORAGE

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat

PESTICIDE DISPOSAL

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

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.

SEED LABELING

To meet U.S. *Federal Seed Act* requirements, all seed treated with Gustafson BAYTAN 30 Flowable Fungicide should be labeled:

- "Treated with Triadimenol (BAYTAN)."

Gustafson BAYTAN 30 Flowable Fungicide controls or suppresses certain designated seed and soilborne diseases of wheat, barley, oats and rye. Systemic activity of Gustafson BAYTAN 30 Flowable Fungicide will provide early season control of infections by powdery mildew and rusts.

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.

SEED TREATMENT

Gustafson BAYTAN 30 Flowable Fungicide may be applied as a water-based slurry through standard slurry or mist-type commercial seed treatment equipment. Prepare a slurry by mixing the specified dosage in 16 fl. ozs. of water per 100 lbs. of seed. Add dye** to the resulting slurry. Mix the slurry thoroughly with the seeds to provide uniform coverage.

**21 CFR Chapter I. Section 2.5 requires grain seed treated with poisonous substances in excess of recognized tolerances be suitably colored with an EPA-approved dye, such as one of the dyes listed on 40 CFR Section 180.1001(c) and (d), to prevent their subsequent inadvertent use as a food for man or feed for animals.

NOTE: In the absence of significant disease pressure, seed treated with Gustafson BAYTAN 30 Flowable Fungicide may emerge slightly slower than non-treated. This effect usually disappears two to three days after initial emergence. For best results, do not plant seed at depths greater than 1-1/2 inches.

CROP	DISEASE	FLUID OUNCES Gustafson BAYTAN 30 Flowable Fungicide	REMARKS
Wheat Barley Oats Rye	Seed and Soilborne Diseases:	0.75 to 1.5 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 0.75-ounce rate for control of smuts, and the 1.5-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.
	Wheat: Stinking smut Flag smut Loose smut Glume blotch Foot rot* Take-all* Barley: Covered smut Loose smut Net blotch* Typhula rot* Foot rot* Oats: Loose smut Rye: Stripe smut		
	Foliar Diseases:	1.5 fluid ounces	Refer to the Seed Treatment section on this label for the recommended

	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	per 100 pounds of seed	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.
Corn	Head smut	3 fluid ounces per 100 pounds of seed	Refer to the Seed Treatment section on this label for the recommended method of treating seed. Green forage may be grazed 45 days after seeding.
Cotton (Acid Delinted)	<i>Rhizoctonia</i> Seedling Disease <i>Thielaviopsis</i> <i>basicola</i> (Black root rot)	0.25 to 0.75* fl. oz. per 100 lbs. of seed 1.0 to 3.0 fl.oz. per 100 lbs. of seed	*May be used in combination with VITAVAX-PCNB or Vitavax-30C for added protection against <i>Rhizoctonia</i> seed and seedling disease. 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: 1 gallon

BAYTAN is a registered trademark of Bayer
VITAVAX is a registered trademark of Crompton Corp.



Bayer CropScience

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

Gustafson BAYTAN 30 Flowable Fungicide (PENDING) 05/05/09, resub 11/16/09