

264-943

1/27/2006

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

JAN 27 2006

Bayer CropScience  
2 T.W. Alexander Dr.  
Research Triangle Park, NC 27709

Subject: RTU-VITAVAX-THIRAM  
EPA Registration No. 264-943  
Your label amendment dated October 26, 2005

Dear Mr. McFadden,

The amendment referred to above, submitted in connection with registration under FIFRA, sec. 3(c)(7)(A), has been reviewed and is acceptable provided that you submit a revised final printed label complying with the conditions as described herein, within 45 days of the date of this letter. A copy of the label stamped "Accepted With Comments" is included for your records.

1. The "Warranty Statement" must be revised to read as follows or a variation thereof: "*To the extent permitted by law* all such risks shall be assumed by the buyer." "*To the extent permitted by law* BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER...". For as currently written the statement negates and/or detracts from labeling requirements as set forth by the Agency in 40 CFR Part 156, and is, therefore, considered misbranding.

If you have any questions, please contact Bryant Crowe by phone at (703) 305-0025 or via email at [crowe.bryant@epa.gov](mailto:crowe.bryant@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Tony Kish".

Tony Kish  
Product Manager (22)  
Fungicide Branch  
Registration Division (7505C)

Enclosure

JAN 27 2005

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

264-  
943

Gustafson

# RTU<sup>®</sup>-VITAVAX<sup>®</sup>-THIRAM

## Seed Protectant Fungicide

Contains petroleum distillate

### ACTIVE INGREDIENTS:

Carboxin: (5,6-Dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide)..... 10.0%  
Thiram (Tetramethylthiuram disulfide) ..... 10.0%

INERT INGREDIENTS: ..... 80.0%

TOTAL 100.00%

EPA Reg. No. 264-943

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

<b>IF IN EYES:</b>	<ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF SWALLOWED:</b>	<ul style="list-style-type: none"> <li>Immediately call a poison control center or doctor.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give any liquid to the person.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
<b>IF INHALED:</b>	<ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth to mouth if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>IF ON SKIN OR CLOTHING:</b>	<ul style="list-style-type: none"> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>

**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.

## PRECAUTIONARY STATEMENTS

### CAUTION

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes eye and skin irritation. Harmful if swallowed, inhaled or absorbed through skin. Do not get in eyes, on skin or on clothing. Avoid inhaling of spray mist. Do not use or store near food or feed. Consumption of alcoholic beverages increases the toxic effects of thiram.

#### PERSONAL PROTECTIVE EQUIPMENT (PPE)

**Applicators and other handlers must wear:** Long-sleeved shirt and long pants, waterproof gloves, shoes plus socks and protective eyewear.

**Mixers and loaders must wear:** Long-sleeved shirt and long pants, chemical resistant gloves made of any waterproof material, shoes plus socks, protective eyewear. For exposures in enclosed areas, mixers and loaders must wear 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.

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

When handlers use closed systems in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 1470.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

### USER SAFETY RECOMMENDATIONS

**Users should:** Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing 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 is toxic to fish. Do not contaminate water when disposing of equipment washwaters. Drift or runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

### PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

### DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

### STORAGE AND DISPOSAL

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

#### PESTICIDE STORAGE

Do not store near heat or open flame.

#### 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

#### CONTAINER DISPOSAL

Contact Bayer CropScience or your chemical supplier for container return instructions. If container is not returned in accordance with instructions, 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.

### 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 agriculture 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: if the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated. 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, waterproof gloves, and shoes plus socks, and protective eyewear..

### SEED LABELING (Commercial Seed)

1. "This seed treated with Carboxin and Thiram. Do not use treated seed for food, feed, or oil purposes." Add appropriate information for any other chemical treatments.
2. "Planting Note: Seed treated with this product does not flow as freely as untreated seed. The drill should therefore be adjusted to compensate for this restricted seed flow to prevent lower than desired seeding rates."
3. Augers used for handling treated seed should not be used to move grain for food, feed or oil processing."
4. "Do not reuse bags from treated seed to handle food or feed products."

### DIRECTIONS FOR USE

RTU-VITAVAX-THIRAM Seed Protectant Fungicide is a ready-to-use seed treatment. Apply as a commercial seed treatment or as a pour-on hopper-box application. This product does not require the addition of water for application.

RTU-VITAVAX-THIRAM Fungicide combines the systemic action of carboxin with the surface action of thiram to control various seed and seedling diseases. It is particularly effective against *Rhizoctonia solani* and shows good activity against various *Helminthosporium*,

*Fusarium* and *Pythium* species. This often results in increased and more uniform stands of seedlings with higher yield potential. Use the higher rate under conditions of expected heavy disease pressure.

## USE RESTRICTIONS

Do not use treated seed for food or feed purposes. Do not graze or feed livestock on treated areas for six weeks after planting. Care must be exercised in the handling of treated seed. Do not graze or feed livestock on vines grown from treated seed.

Barley, Wheat, Oats and Triticale: Do not graze or feed livestock on treated areas for six weeks after planting.

Soybeans: Do not graze or feed livestock on forage and hay on treated areas.

Dry Beans: Do not allow livestock to graze or feed on bean forage until 60 days after treated seed is planted.

## COMPATIBILITY

RTU-VITAVAX-THIRAM Fungicide should not be tank mixed with any pesticide unless adequate physical compatibility and phytotoxicity tests have been completed and proved to be satisfactory.

## DIRECTIONS FOR USE AS A HOPPER-BOX SEED TREATMENT

Mix well before use: Apply RTU-VITAVAX-THIRAM Fungicide directly to seed in hopper box. Partially fill hopper box with a premeasured amount of seed. Apply the proper amount of RTU-VITAVAX-THIRAM Fungicide evenly over the surface of the seed. Mix with a stick or paddle until a uniform color is imparted to all seed. Repeat procedure until hopper box is filled.

### Barley, Wheat, Oats and Triticale:

In addition, loose smut (*Ustilago nuda*), covered smut (*Ustilago hordei*), and flag smut (*Urocystis agropyri*) are controlled on barley and loose smut (*Ustilago tritici*), common bunt (*Tilletia caries*), and flag smut (*Urocystis agropyri*) are controlled on wheat by RTU-VITAVAX-THIRAM Fungicide.

Use 5 to 6.8 fl. oz. of RTU-VITAVAX-THIRAM Fungicide per 100 lbs. of seed. The higher rate is recommended where smuts and bunt are severe.

Do not graze or feed livestock on treated areas for six weeks after planting.

### Dry Beans, Soybeans:

RTU-VITAVAX-THIRAM provides suppression of seedborne *Sclerotinia* and *Phomopsis* seed decay, seed and seedling disease caused by *Fusarium* and *Pythium* and protection against damping-off caused by *Rhizoctonia solani*.

Use 4.0 fl.oz. of RTU-VITAVAX-THIRAM Fungicide per bushel of seed or 6.8 fl. oz. per 100 lbs. of seed.

On soybeans, do not graze or feed livestock on forage and hay on treated areas. On dry beans, do not allow livestock to graze or feed on bean forage until 60 days after treated seed is planted.

### Cotton:

RTU-VITAVAX-THIRAM Fungicide provides systemic control of seed and seedling diseases of cotton. Seed rot, damping-off and shinn due to *Rhizoctonia solani* are reduced. RTU-VITAVAX-THIRAM Fungicide can be used on both machine and acid-delinted cottonseed at the rate of 11 to 13.5 fl.oz. per 100 lbs. of seed.

### Rice:

Use 5 to 6.8 fl.oz. of RTU-VITAVAX-THIRAM Fungicide per 100 lbs. of seed. The higher rate is recommended for control of *Helminthosporium oryzae*.

## DIRECTIONS FOR USE AS A COMMERCIAL SEED TREATMENT

Application should be made using standard mechanical, slurry or mist-type seed treatment equipment. Uniform application is necessary to insure seed safety and best disease control. Seed should be sound and well cured prior to treatment

**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 should 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. All such risks shall be assumed by the user or buyer.

**DISCLAIMER OF WARRANTIES:** BAYER CROPSCIENCE 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. BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

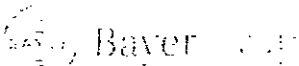
**LIMITATIONS OF LIABILITY:** THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE'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 is a registered trademark of Bayer  
VITAVAX is a registered trademark of Crompton Corporation



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