

264-943

04/22/2011

jadet/7



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Larry R. Hodges, Registration Manager – Insecticides
Bayer CropScience LP
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

APR 22 2011

Subject: RTU®-Vitavax®-Thiram Seed Protectant Fungicide
EPA Reg. No. 264-943
Your letter dated January 13, 2011 to update Container Handling language per PR
Notice 2007-4
EPA Decision Number: 444458

Dear Mr. Hodges:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to update the Container Handling language per PR Notice 2007-4 and EPA's November 10, 2009 letter which determined that such language is permitted, is acceptable.

A stamped copy of the label "Accepted" is enclosed for your records. This label supersedes all other previously accepted labels. Please submit one copy of the final printed label before the product is released for shipment. If you have any questions please contact Heather Garvie by phone at: 703-308-0034 or via email at: garvie.heather@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Shaja B. Joyner".

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

Enclosed: Stamped "Accepted" label

RTU[®]-VITAVAX[®]-THIRAM

Seed Protectant Fungicide

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

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>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed. Avoid contact with skin and clothing. Do not use or store near food or feed. Consumption of alcoholic beverages increases the toxic effects of thiram.

ACCEPTED

APR 22 2011

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg No. 264-943

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride or 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 and socks

Chemical-resistant gloves

Chemical-resistant apron when loading, cleaning up spills, or cleaning equipment.

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 for 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.

ENGINEERING CONTROLS

When handlers use closed systems in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS. When handlers use closed systems designed by the manufacturer to enclose the pesticide to prevent it from contacting handlers or other people and the system is functioning properly and is used and maintained in accordance with the manufacturer's written operating instructions, the handlers need not wear the chemical-resistant apron. However, the chemical-resistant gloves must be immediately available for use in an emergency, such as a spill or equipment breakdown.

ENVIRONMENTAL HAZARDS

This chemical is toxic to fish, aquatic invertebrates, oysters, and shrimp. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when cleaning equipment or disposing of equipment washwater or rinsate.

Treated seed 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.

ENDANGERED SPECIES

This bag contains seed treated with carboxin. This product may have effects on federally listed threatened or 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.

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

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. Do not remove tamper evident cables or one way valves or clean the container if the container is equipped with one way valves and refilling or returning is planned. 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.

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: Once the seeds 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 worker contact with the soil subsurface.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, or treated seed, is: coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material.

SEED LABELING (Commercial Seed)

Seed that are treated with this product and are then packaged or bagged for future use must contain the following 13 statements on the outside of the seed package or bag.

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. Store away from feeds and foodstuffs.
3. When opening this bag or loading/pouring the treated seed, wear long-sleeved shirt, long pants, shoes, socks, and chemical resistant gloves.
4. Treated seed exposed on soil surface may be hazardous to birds. Cover or collect spilled seeds.
5. This bag contains seed treated with carboxin. This product may have effects on federally listed threatened or 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.
6. 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 without restriction if there will be no worker contact with the seeds.
7. 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.
8. Augers used for handling treated seed should not be used to move grain for food, feed or oil processing.
9. Do not reuse bags from treated seed to handle food or feed products.
10. Do not graze or feed livestock on vines grown from treated seed. Dry Beans: Do not allow livestock to graze or feed on bean forage until 60 days after treated seed is planted.
11. 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.
12. 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 when disposing of equipment washwater or rinsate or by disposal of wastes.
13. Plant cotton, wheat, barley and oat seed a minimum of 1 inch deep.

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.

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.

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 soreshin due to *Rhizoctonia solani* are reduced. RTU-VITAVAX-THIRAM Fungicide can be used on both machine and acid-delinted cottonseed at the rate of 6.8 fl oz 11 to 13.5 fl oz per 100 lbs of seed.

Rice:

Use 5.0 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 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. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE 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'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 Chemtura Inc.

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-VITAVAX-THIRAM Seed Protectant Fungicide (PENDING) 01/13/2011