

264-946

02/15/2006

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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**Application for Pesticide - Section I**

1. Company/Product Number 264-946	2. EPA Product Manager J. Edwards	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Gustafson RIVAL Flowable Fungicide	PM# Notifications	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience 2 T. W. Alexander Drive Research Triangle Park, NC 27709  <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____  Product Name _____	

**Section - II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	<b>NOTIFICATION</b>  FEB 15 2006
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Notification to change from Gustafson to BayerCropScience emergency phone numbers and warranty statement. this notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that if si aviolation of 18 U>S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and i may be subject to enforcemtn action and penalties under sections 12 and 14 of FIFRA.  
Add new alternate brand name, "RIVAL Flowable Fungicide."

*Dennis McFadden*

**Section - III**

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No			<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Dennis McFadden	Title Reg. Mgr.-Seed Treatment Products	Telephone No. (include Area Code) 919-549-2427
<b>Certification</b> I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received  (Stamped)
2. Signature <i>Dennis McFadden</i>	3. Title Reg.Mgr.-Seed Treatment Products	
4. Typed Name Dennis McFadden	5. Date 1/18/2006	

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NOTIFICATION

FEB 15 2006

# Gustafson RIVAL® Flowable Fungicide

**For Use Only In Closed System Commercial Seed Treatment Equipment  
For Use Only By Commercial Seed Treater**

**ACTIVE INGREDIENTS:**

Captan.....	19.80%
Related Derivatives.....	0.45%
Pentachloronitrobenzene (PCNB).....	8.40%
Thiabendazole (2-(4-thiazoly) benzimidazole).....	1.00%

<b>INERT INGREDIENTS:</b> .....	70.35%
<b>TOTAL</b>	<b>100.00%</b>

Contains 2 lbs. Captan and related derivatives, 0.82 lbs. PCNB (Pentachloronitrobenzene) and 0.098 lbs. Thiabendazole per U.S. gallon at 68°F.

**E.P.A. Reg. No.264-946**

**E.P.A. Est.**

## KEEP OUT OF REACH OF CHILDREN DANGER

See Additional Precautionary Statements

For **MEDICAL** And **TRANSPORTATION** Emergencies **ONLY** Call 24 Hours A Day 1-800-334-7577  
For **PRODUCT USE** Information Call 1-866-89BAYER (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>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give anything by mouth to an unconscious person.</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>
<b>Note to Physician:</b> Probable mucosal damage may contraindicate the use of gastric lavage.	
<p><b>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.</b></p>	

### PRECAUTIONARY STATEMENTS

#### DANGER

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes irreversible eye damage. Harmful if swallowed. May cause allergic skin reactions. Do not get in eyes. Wear goggles or face shield when handling. Avoid contact with skin and clothing. Remove and separately launder clothing before reuse.

#### ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic organisms. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Cover or incorporate treated seed with soil. Do not clean equipment or dispose of equipment washwaters in a manner that will contaminate water resources.

### 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. Manual seed treatments are prohibited.

## STORAGE AND DISPOSAL

### PROHIBITIONS

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited. Do not reuse empty containers.

### PESTICIDE STORAGE

Store in a cool, dry location. Do not store in direct hot sunlight. After prolonged storage in intense cold, allow product to return to approximately 25°F before using.

### PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. 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

Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incinerations, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

## PRODUCT INFORMATION:

Gustafson RIVAL Flowable Fungicide is formulated for use in commercial seed treatment equipment for protection of soybeans, edible dry beans and wheat seed from seed and soilborne diseases which cause seed decay, damping-off (including *Rhizoctonia spp.*), seedling blights and pod and stem blight (*Phomopsis spp.*) during germination and early seedling stages.

### APPLICATION RATES

<u>CROP</u>	<u>FL.OZ./100 LBS. OF SEED</u>
Soybeans	4.0
Beans (Dry)	4.0
Wheat	4.0

**DIRECTIONS:** Thoroughly mix the recommended amount of Gustafson RIVAL Flowable Fungicide into the required amount of water for the slurry treater equipment and dilution rate to be used. Clean equipment thoroughly between treating operations.

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

**IMPORTANT:** the federal government and most states have seed laws or regulations requiring an appropriate caution statement be affixed to bags containing treated seeds, such as:

**TREATED SEED:** This seed treated with Captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide), PCNB (Pentachlorobenzene), and Thiabendazole (2-(4-thiazolyl)benzimidazole) at manufacturer's suggested rate.

### Do Not Use for Food, Feed or Oil Purposes.

When using formulations that do not contain dye, to comply with 21 CFR Chapter 1. Section 2.25, all grain seed treated with an economic poison must be colored to distinguish and prevent subsequent inadvertent use as a food for man or feed for animals.

This product is to be used in liquid or slurry seed treaters. The Federal Food and Drug Administration has set official tolerances for certain pesticide residues. In order that residues on food and forage crops will not exceed established tolerances, use only at recommended rates.

**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 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 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.

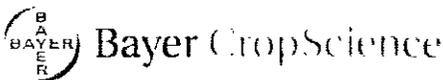
**LIMITATIONS OF LIABILITY:** THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER 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:**

RIVAL is a registered trademark of 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)

Gustafson RIVAL Flowable Fungicide (MASTER) Approved 03/25/03, Notification 01/18/06

Bayer CropScience



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January 18, 2006

J. Edwards, Notifications  
Office of Pesticide Programs  
Document Processing Desk (NOTIF)  
Room 266A, Crystal Mall 2  
1801 S. Bell St.  
Arlington, VA 22202

Subject: Gustafson RIVAL Flowable Fungicide, 264-946

Dear Ms. Edwards,

Bayer CropScience  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709  
Phone: 919 549-2000

We are submitting a notification to change from Gustafson to Bayer CropScience emergency phone numbers and warranty statement.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis McFadden". The signature is written in a cursive, flowing style.

Dennis McFadden

Reg. Mgr.-Seed Treatment Products

