

264-948

09-09-2007

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Bayer CropScience
P.O. Box 12014
2 T.W. Alexander Dr.
Research Triangle, NC 27709

APR 9 2007

Subject: Gustafson LSP Flowable Fungicide
EPA Registration No. 264-948
Your label amendment dated August 24, 2006

Dear Mr. McFadden,

The submission referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided that the registrant complies with the conditions as stated herein.

1. In the section "Storage and Stability" replace "and" with "or" in the first sentence beneath the section heading, to retain the intended conditions of the statement. Otherwise potential for its ambiguity may be increased.
 - a. Append "pesticide" to storage in the aforementioned sentence. Also, append "PESTICIDE" to the subsection header "STORAGE" to appear as "PESTICIDE STORAGE."
2. The section "Seed Labeling" has been reformatted to include bullets, it's recommended that the guidance "This seed is treated...purposes." be accompanied by a sentence instructing the user of the need for all containers of treated seed to bear the prescribed statement.
3. You will note that the amended IR-4 uses that were projected to be completed at the time of your submission, are not complete to date, consequently, these uses have been blacked out on the enclosed label.
4. Section "Winter and Spring Wheat" requires "seed" to be inserted (in the first sentence of the second paragraph) as: "For wheat seed having...."
5. The "Warranty Statement" must be revised to read as follows or a variation thereof: "*To the extent allowed by applicable law all such risks shall be assumed by the buyer.*" This particular correction is required for the final sentence in the subsection "Conditions." The subsection "Disclaimer of Warranties" requires its initial and final sentence to be appended by: "*To the*

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extent allowed by applicable law” In the subsection “Limitations of Liability”, insert “applicable” to the first sentence to read: “*To the extent permitted by applicable law....*” 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.

Sincerely,



Cynthia Giles-Parker
Branch Chief
Fungicide Branch
Registration Division (7505P)

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Gustafson

ACCEPTED
with COMMENTS
in EPA Letter Dated

LSP Flowable Fungicide

APR 9 2007

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

For Use Only By Commercial Seed Treaters

ACTIVE INGREDIENT:

Thiabendazole: 2-(4-thiazolyl) benzimidazole

INERT INGREDIENTS:

264-948 30%
70%
TOTAL 100%

EPA Reg. No. 264-948

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 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 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.
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

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Mixers, loaders, applicators and other handlers must wear: Long-sleeved shirt and long pants, shoes plus socks. 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. As soon as possible, wash thoroughly and change clothing.

ENVIRONMENTAL HAZARDS

This pesticide 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.

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 and disposal.

STORAGE

Product freezing temperature is 32°F. Satisfactory utility is restored after thawing and mixing of product stored as low as 0°F. Repeated freezing and thawing should be avoided. Keep cover on opened container to prevent drying. Shake or stir well before using.

PESTICIDE DISPOSAL

Pesticide, spray mixture or rinsate that cannot be used according to label instructions must be disposed of according to Federal, State or local procedures under the Resource Conservation and Recovery Act.

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 puncture and dispose of in a sanitary landfill, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

SEED LABELING

- "This seed is treated with Thiabendazole at the manufacturer's recommended rate. Do not use treated seed for food, feed, or oil purposes."
- Add appropriate information for any other chemical treatments.

GENERAL

Gustafson LSP is a systemic fungicide especially formulated as a liquid suspension seed protectant for use as a spray mist or slurry seed treatment.

COMPATIBILITY

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

USE PRECAUTION

When using formulations that do not contain dye, to comply with 40 CFR 153.155, all 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.

SEED TREATMENT

Clean seed treatment equipment thoroughly before using LSP. This product has no vapor action; therefore, it is essential that thorough coverage of the seed be obtained. In this regard, Gustafson LSP is recommended to be dispersed with water to aid distribution on the seed. When dispersed with water, however, the resulting suspension must be kept under constant agitation.

Gustafson LSP is recommended for the control of seed- and soil-borne Common Bunt (Stinking Smut) attacking **wheat**; also aids in control of Dwarf Bunt.

Gustafson LSP is recommended for control of pod and stem blight (*Phomopsis spp.*) on **soybeans** to enhance germination and early seedling development. For control of other seed and soilborne diseases, it is recommended that a co-fungicide such as Gustafson Captan 400, Gustafson 42-S Thiram or RTU-VITAVAX-Thiram be tank mixed with Gustafson LSP at the EPA registered label rates.



Winter and Spring Wheat:

Control of seed- and soilborne Common Bunt (Stinking Smut): For ready mix or slurry seed treaters, disperser 2.0 fl. oz. of Gustafson LSP for seedborne Common Bunt, or 4.0 fl. oz. per 100 lbs. of seed for soilborne Common Bunt, in an equal amount of water (1:1 ratio) and apply this dispersion per bushel. Keep dispersion under constant agitation.

For wheat having high infection levels of seedborne Fusarium scab, a lower rate of .25 fl. oz. per 100 lbs. of seed is recommended. Gustafson LSP should be used as a co-fungicide combined with RAXIL- or VITAVAX-based fungicides to include seed and seedling protection against the broad spectrum of diseases associated with the wheat crop, as listed on the product labels.

Winter Wheat Only:

Aids in control of Dwarf Bunt in Colorado, Idaho, Montana, Oregon, Washington, Wyoming, and Utah: For ready mix or slurry seed treaters, disperse 4.0 – 6.0 fl. oz. of Gustafson LSP in an equal amount of water (1:1 ratio) and apply this selected dispersion per 100 lbs. of seed. Keep dispersion under constant agitation. For best results against Dwarf Bunt, plant winter wheat treated with Gustafson LSP as late in the growing season as is practical. Use only on normal or late winter wheat plantings. Use the lower rate for late plantings of winter wheat. The level of product effectiveness will vary with the weather conditions and amount of plant growth which occurs prior to the disease infection period.

Soybeans:

Control of Pod and Stem blight: Apply Gustafson LSP at the rate of 0.125-0.25 fl. oz. per 100 lbs of seed by mixing with the fungicide/water dispersion in the slurry pre-mix tank. Maintain constant agitation of dispersion.

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.

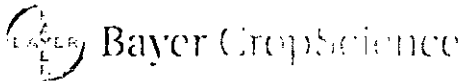
LIMITATIONS OF LIABILITY: TO THE EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE 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:

PRODUCED FOR



**Bayer CropScience LP
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Gustafson LSP Flowable Fungicide (PENDING) Submitted 08/22/06