

264-948

07/10/2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Larry R. Hodges  
Bayer CropScience LP  
2 T.W. Alexander Drive,  
Research Triangle Park, NC 27709

JUL 10 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated June 24, 09 for:

**EPA Registration 264-948      LSP Flowable Fungicide**

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington  
Notifications & Minor Formulations Team Leader  
Registration Division (7505P)  
Office of Pesticide Programs



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 264-948	2. EPA Product Manager NOTIF	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) LSP Flowable Fungicide	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience LP 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: <b>NOTIFICATION</b> EPA Reg. No. _____ Product Name <u>JUL 10 2009</u>	

**Section - II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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 of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

**Section - III**

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
					Other (Specify) fiber drum
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 5 gal.		5. Location of Label Directions	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph Paper glued 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 Larry R. Hodges	Title Registration Manager - Insecticides	Telephone No. (include Area Code) 919-549-2870
<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 	3. Title Registration Manager - Insecticides	
4. Typed Name Larry R. Hodges	5. Date June 24, 2009	

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NOTIFICATION

JUL 10 2009

# LSP Flowable Fungicide

For Use Only By Commercial Seed Treaters

**ACTIVE INGREDIENT:**

Thiabendazole: 2-(4-thiazolyl) benzimidazole .....30%

**INERT INGREDIENTS:** .....70%

**TOTAL 100%**

Contains Petroleum Distillates

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

<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>Note to Physician:</b> 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, and 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 thoroughly with soap and water after handling, and 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 by cleaning of equipment or disposal of waste.

This pesticide is toxic to invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and

the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

### 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. Do not apply this product in a way that will contact workers or other persons. Only protected handlers may be in the area during application. Manual seed treatments are prohibited.

### STORAGE AND DISPOSAL

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

#### PESTICIDE 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

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 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 1/4 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. Dispose of rinsed empty container in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned stay out of smoke.

### SEED LABELING

Seed treated commercially or for sale must be dyed an unnatural color using an EPA approved dye before being sold.

#### LABELING OF TREATED SEED

Seed treated commercially or for sale with LSP must be labeled in accordance with all applicable requirements of the Federal Seed Act. All bags containing treated seed must be labeled or tagged as follows:

- This seed has been treated with thiabendazole.
- Do not use for feed, food or oil processing.
- Store away from feed and food.

### GENERAL

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

### COMPATIBILITY

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, 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.

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

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 Captan 400, 42-S Thiram or RTU-VITAVAX-Thiram be tank mixed with 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, disperse 2.0 fl. oz. of 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. Keep dispersion under constant agitation.

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For wheat seed having high infection levels of seedborne Fusarium scab, a lower rate of .25 fl. oz. per 100 lbs. of seed is recommended. 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 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 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 LSP at the rate of 0.125-0.25 fl. oz. per 100 lbs of seed by mixing with the co-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 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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:**

PRODUCED FOR

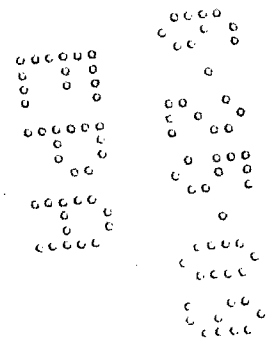


**Bayer CropScience**

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P.O. Box 12014, 2 T.W. Alexander Drive  
Research Triangle Park, North Carolina 27709  
1-866-99BAYER (1-866-992-2937)**

**NOTIFICATION**

**JUL 10 2009**



LSP Flowable Fungicide (Master) EPA APPROVED 04/02/08, Notification 04/20/09