

264-949

08/10/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

AUG 10 2009

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

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 July 17, 2009 for:

EPA Registration 264-949 Vivavax PC Peanut Seed Treatment 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 cursive script that reads "Rachel C. Halloman".

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



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 264-949	2. EPA Product Manager NOTIF	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Vitavax PC Peanut Seed Treatment 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: EPA Reg. No. <u>NOTIFICATION</u> Product Name <u>APR 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 type="checkbox"/> Plastic
	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	<input checked="" type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 50 lb		5. Location of Label Directions <input type="checkbox"/>	
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
Certification 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 July 17, 2009	

VITAVAX[®] PC *Peanut Seed Treatment Fungicide*

For Use Only By Commercial Seed Treaters

ACTIVE INGREDIENTS:

Captan: N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide.....	45.0%
Related Derivatives	1.0%
Pentachloronitrobenzene (PCNB).....	15.0%
Carboxin.....	10.0%

INERT INGREDIENTS:	29.0%
TOTAL	100.0%

EPA Reg. No. 264-949

EPA Est.

KEEP OUT OF REACH OF CHILDREN DANGER

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 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 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.
IF SWALLOWED:	<ul style="list-style-type: none"> Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.
Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.	
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 DANGER

Corrosive. Causes irreversible eye damage. Harmful if absorbed through skin or inhaled. Do not get in eyes or on clothing. Avoid contact with skin. Avoid breathing dust. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are made of natural rubber, neoprene rubber, barrier laminate and Viton. If you want more options, follow the instructions for category A 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, goggles or face shield, and a NIOSH-approved dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C or a NIOSH approved respirator with any N², R, P, or HE filter.

Persons drying or bagging treated seeds or sewing bags of treated seeds are handlers and must wear handler personal protective equipment.

See Engineering Controls for additional options.

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.

ENGINEERING CONTROLS

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 chemical-resistant apron or gloves. However, the chemical-resistant gloves or apron must be immediately available for use in an emergency, such as a spill or equipment breakdown.

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.

ENVIRONMENTAL HAZARDS

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. Treated seed exposed on soil surface may be hazardous to birds. Cover or collect spilled 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. Only protected handlers may be in the area during application.

Not for use on agricultural establishments in hopper-box, planter-box, slurry-box, or other seed treatment applications at or immediately before planting.

SEED LABELING

Seed that has been treated with this product that is then packaged or bagged for future use must contain the following labeling on the outside of the seed package or bag:

- This bag contains seed treated with captan. To avoid possible adverse health effects, when opening this bag to load the treated seed, wear long-sleeved shirt, long pants, shoes plus socks, chemical-resistant gloves, NIOSH-approved dust-mist respirator (dust mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C, or a NIOSH approved respirator with any N², R, P, or HE filter) and eye protection.
- TREATED SEED. DO NOT USE FOR FOOD, FEED OR OIL PURPOSES.
- 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.
- Treated seed exposed on soil surface may be hazardous to birds. Cover or collect spilled seeds.

- After the seeds have been planted, do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 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/media subsurface.
- Do not graze or feed livestock on treated area.

APPLICATIONS INSTRUCTIONS

VITAVAX PC Peanut Seed Treatment Fungicide is a special formulation developed for dry application to peanut seed. It is used for protection against seed rot and damping-off diseases, including *Rhizoctonia solani*, *Rhizopus* and *Aspergillus spp.*, that attack germinating seeds and seedlings.

Peanuts:

Use 4-5 ounces per 100 pounds of seed. Apply with a standard commercial treating machine designed for dry formulations which provides uniform coverage to seed. Use of the higher rate is recommended under conditions of heavy disease pressure.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

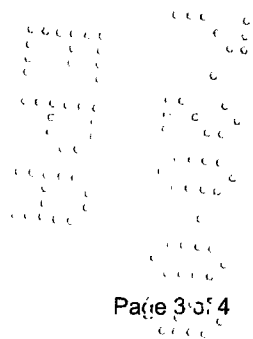
Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in a cool, dry place at temperatures which do not exceed 90°F. Protect from excessive heat. Do not store or transport near feed or food.

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

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Dispose of liner in a sanitary landfill, or by incineration if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.



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:

VITAVAX is a registered trademark of Chemtura Inc.

Produced for

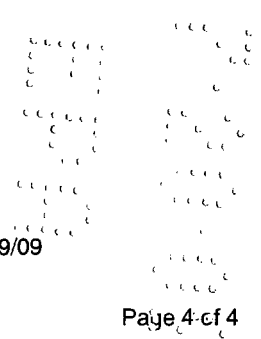


Bayer CropScience

**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)**

NOTIFICATION

APR 10 2009



Vitavax PC Peanut Seed Treatment Fungicide (MASTER) EPA APPROVED 11/03/08, Notification 06/29/09