

264-971

09/11/2009

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 11 2009

Jamin Huang, Ph.D.
Bayer CropScience
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Amendment of Container Disposal Statement
Gaucho XT Flowable
EPA Reg. No. 264-971
Your Submission date, June 30 & July 6, 2009

Dear Dr. Huang:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable. A stamped copy is enclosed for your records. Submit two (2) copies of your final printed labeling before you release the product for shipment. If there are questions call me at 703 305-5409.

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Insecticide-Rodenticide Branch
Registration Division 7505P

Enclosure:

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ACCEPTED
SEP 11 2009
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
Registered under
EPA Reg. No. 264-971

GAUCHO[®] XT FLOWABLE

Contains Petroleum Distillate.

Contains 1.16 pounds of imidacloprid, 0.075 pounds of metalaxyl and 0.056 pounds of tebuconazole per gallon.

ACTIVE INGREDIENTS:

Imidacloprid: 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine	12.7%
Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester	0.82%
Tebuconazole: Alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethyl-ethyl)-1H-1,2,4-triazole-1-ethanol	0.62%
OTHER INGREDIENTS:	85.86%

TOTAL 100.0%

EPA Reg. No. 264-971

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 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.
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.	
NOTE TO PHYSICIAN: Contains petroleum distillate – vomiting may cause aspiration pneumonia.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, absorbed through skin or inhaled. Avoid contact with eyes, skin or clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category C on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear: Long-sleeved shirt and long pants, socks and shoes and chemical-resistant gloves (such as nitrile, butyl, neoprene, barrier laminate, polyvinyl chloride or Viton). Follow manufacturer's instructions for washables. 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 toilet. Users should remove clothing 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 clothing.

ENVIRONMENTAL HAZARDS

This product is highly toxic to birds and aquatic invertebrates. For terrestrial uses, 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. Cover or incorporate spilled treated seeds.

Groundwater Advisory: Metalaxyl is known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

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.

This product is to be used in liquid or slurry treaters. Mix thoroughly before use or use entire container at one time. All tank mixes should be pre-tested to determine physical compatibility between formulations. Observe all cautions and limitations on labeling of all products used in mixtures.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal, or by cleaning of equipment.

PESTICIDE STORAGE

Store in a cool place. Do not store in direct sunlight. Protect from freezing temperatures.

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL

Rigid, Non-refillable containers small enough to shake (i.e., with capacities equal to or less than 5 gallons)
2.5 gal

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.

Rigid Non-refillable containers that are too large to shake (i.e., with capacities greater than 5 gallons or 50 lbs)
15 gal

Non-refillable container. Do not reuse or refill this container. After emptying product from container, contact Bayer CropScience Customer Service Center (1-800-527-4781) with return authorization for container return instructions. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Offer for recycling, if available. 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.

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 if the seed is treated with the product and the treated seed is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated. PPE required for early reentry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, chemical-resistant gloves made of any waterproof material, shoes plus socks, protective eyewear.

NOTE: The purchaser of this product is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, Part 2.25. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.1001.

SEED BAG LABEL REQUIREMENTS

The Federal Seed Act requires that bags containing treated seeds shall be labeled with the following statements:

- This seed has been treated with an imidacloprid insecticide.
- Do not use for feed, food or oil purposes.

User is responsible for ensuring that the seed bag meets all requirements under the Federal Seed Act.

In addition, the U.S. Environmental Protection Agency requires the following statements on bags containing seeds treated with Gaucho XT Flowable:

- Store away from food and feedstuffs.
- Wear long-sleeved shirt, long pants and chemical-resistant gloves when handling treated seed.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading.
- Dispose of all excess treated seed. Leftover treated seed may be buried away from water sources in accordance with local requirements.
- Do not contaminate water bodies when disposing of planting equipment wash waters.
- Do not allow children, pets, or livestock to have access to treated seed.
- Treated seed must be adequately covered with soil at planting.

WHEAT, OATS, RYE:

Insect Control: Early season protection of seedlings against injury by Aphids (including Bird cherry-oat, English grain, Greenbug, and Russian wheat aphid) Wireworms and Hessian fly.

Disease Control: Early season disease control of *Pythium* damping-off, Stinking smut, Flag smut, Loose smut, Early season *Septoria* disease complex. Early season *Rhizoctonia* root rot, Early season common root rot, Early season *Fusarium* foot rot, Early season suppression of powdery mildew and early season suppression of wheat leaf rust. Apply 3.4 fluid ounces per hundred weight of seed prior to planting as a slurry treatment. Ensure thorough coverage. Do not graze or feed livestock on treated areas for 45 days after planting.

BARLEY:

Insect Control: Early season protection of seedlings against injury by Aphids (including Bird cherry-oat, English grain, Greenbug, and Russian wheat aphid) and Wireworms.

Disease Control: Early season disease control of *Pythium* damping-off and Covered smut, Loose smut, Barley stripe (suppression), Early season *Rhizoctonia* root rot, Early season common root rot, Early season *Fusarium* foot rot, Early season suppression of powdery mildew and Early season suppression of barley leaf rust. Apply 3.4 fluid ounces per hundred weight of seed prior to planting as a slurry treatment. Ensure thorough coverage. Do not graze or feed livestock on treated areas for 45 days after planting.

ROTATIONAL CROPS:

Treated areas may be replanted with any crop specified on an imidacloprid label, or any crop for which a tolerance exists for the active ingredient, as soon as practical following the last application.

The following plant-back intervals are required for listed crops:

ROTATIONAL PLANT-BACK INTERVALS*				
IMMEDIATE PLANT-BACK				30-DAY PLANT-BACK
Barley	Cabbage	Eggplant	Pepper	Cereals (including buckwheat, millet, oats, popcorn, rice, rye, and triticale) Legumes (including soybeans, beans and peas) Safflower
Broccoli	Canola	Ground cherry	Potatoes	
Broccoli, Chinese	Cauliflower	Kale	Rape greens	
Broccoli, raab	Collards	Kohlrabi	Sorghum	
Brussels Sprouts	Corn	Lettuce	Sugar beets	
Cabbage, Chinese mustard	Cotton	Mustard greens	Tomatillo	
Cabbage, Chinese	Cucurbits	Pepinos	Tomato	
			Wheat	

*Cover crops for soil building or erosion control may be planted anytime, but do not graze or harvest for food or feed.
*All other crops not listed on an Imidacloprid label, or for crops for which no tolerance for the active ingredient have been established, a 12-month plant-back interval is required.

NOTIFICATION of the crop rotational restriction must be conveyed to the grower by appropriate seed tag labeling or bag printing on all seed units.

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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.

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GAUCHO is a registered trademark of Bayer

PRODUCED FOR



Bayer CropScience

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