

400-560

10/29/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

OCT 29 2009

Allen R. Blem
Chemtura Corporation
199 Benson Road
Middlebury, CT 06749

SUBJECT: Reregistration Label Amendment Per Carboxin RED
Kernel Guard Supreme
EPA Reg. No. 400-560
Your Submission Dated June 10, 2008
Decision Number 373944

Dear Mr. Blem:

EPA determined that you fulfilled the requirements of the Carboxin RED for the subject product. However, we are unable to reregister the product under FIFRA 4(g)(2)(c) at this time, because it also contains the active ingredient Permethrin. This product will be reregistered once the data requirements have been satisfied for this product under the Permethrin RED.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(A)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

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EPA Reg. No. 400-560

Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions. One copy of the label stamped "Accepted with comments" is enclosed for your records. If you have any questions regarding this correspondence, contact Rose Kearns of my staff by phone at 703-305-5611 or via email at kearns.rosemary@epa.gov or myself at 703-308-9354 or via email at waller.mary@epa.gov.

Submit one copy of your final printed labeling before you release the product for shipment.

Sincerely,



Mary Waller
Product Manager (21)
Fungicide Branch
Registration Division (7505P)

Kernel Guard[®] Supreme

VITAVAX[®] -PERMETHRIN

For the protection of Seeds and Seedlings of Field Corn, Sweet Corn, Popcorn and Soybeans against *Rhizoctonia* Damping-Off, Seed Decay, and Seedling Blight; also against Seed Corn Beetle, Seed Corn Maggots and Wireworms

Active Ingredients:

permethrin (cis/trans ratio: Max. 55% (±) cis and Min. 45% (±) trans)*	10.42%
carboxin (5,6-dihydro-2-methyl-N-phenyl-1,4 oxathiin-3-carboxamide)	14.00%
Other Ingredients:.....	75.58%
Total:.....	100.00%

*(3-Phenoxyphenyl)methyl(±)cis-trans 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID	
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.
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.
EMERGENCY ASSISTANCE: Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
EMERGENCY PHONE	800-292-5898
SAFETY DATA AND INFORMATION	866-430-2775
TRANSPORTATION EMERGENCY (CHEMTREC)	800-424-9300

Net Contents:

EPA REG. NO. 400-560
EPA EST. NO.
005

Manufactured for:
Chemtura Corporation
199 Benson Road
Middlebury, CT 06749

ACCEPTED
with COMMENTS
In EPA Letter Dated
OCT 29 2009

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



400-560 www.chemtura.com

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION: Harmful if swallowed. Do not get in eyes, on skin or on clothing. Wash thoroughly with soap and water after handling.

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.

All Loaders, Applicators and other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves, shoes plus socks and a chemical-resistant apron when loading.

Discard clothing and other absorbent materials that have been drenched (except as required by directions for use) or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such 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 the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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

This product is **extremely toxic to aquatic organisms, including fish and invertebrates**. Do not apply to water, 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 or rinsate or by disposal of wastes. Treated seed exposed on soil surface may be hazardous to birds. Cover or collect spilled seeds.

Under some conditions, this chemical may have a high potential for runoff into surface water (primarily in runoff events accompanied by erosion), for several to many months post-application. These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, and areas overlying extremely shallow groundwater, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas over-lying tile drainage systems that drain to surface waters.

Endangered Species

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 treated 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. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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 agricultural 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 12 hours**.

Exception: Once the seeds are planted in soil, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area without restriction if there will be no worker contact with the soil/media subsurface. PPE required for early entry 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, and shoes plus socks.

PRODUCT INFORMATION

KERNEL GUARD® SUPREME is a planter box or hopper box seed treatment for on-farm use only on field corn, sweet corn, popcorn and soybeans immediately before planting. It provides protectant activity only against certain insects (seed corn beetles, seed corn maggots, wireworms) and has no systemic control. Its insecticide activity is by the contact and ingestion routes generally associated with pyrethroids.

KERNEL GUARD SUPREME may be used on seed previously treated with a full dosage of a protectant fungicide, to give added protection against *Rhizoctonia* seedling blight, damping-off and seed decay.

Use KERNEL GUARD SUPREME only on those seeds needed for immediate use, minimizing the time between treatment and planting. DO NOT bag or store excess treated seed beyond planting time. Treated seeds must not be used for or mixed with food or animal feed or processed for oil.

NOTE – Adjust the seed drill or planter to give the required rate of seed delivery with treated seed. Regularly inspect planter plates and clean as required. At the end of each day, clean out the electric eye monitors as directed by the manufacturer.

RATES

Use only at the specified rate. Lower amounts may not give desired control. Excessive amounts may cause seed or seedling injury.

Field Corn, Sweet Corn, Popcorn: (1.5 oz. canister) Use at a rate of one canister per 42 lbs. of seed. **(4 lb. Pail)** (Measuring Scoop Enclosed) Use two full scoops (1.5 ounces) per 42 lbs. of seed.

Soybeans: (1.5 oz. canister) Use one canister (1.5 ounces) per 50 lbs. of seed. **(4 lb. pail)** Use two full scoops (1.5 ounces) per 50 lbs. of seed.

MIXING INSTRUCTIONS: (1.5 oz. canister) Apply KERNEL GUARD SUPREME to seed at planting time with the canister applicator tube system. For best results, fill the planter box with seed, add KERNEL GUARD SUPREME through applicator tube and mix so that all seeds are covered.

(4 lb. Pail) For best results, fill planter box only half full of seed, add half the required amount of KERNEL GUARD SUPREME, and mix thoroughly with a stick or paddle. Add the remainder of the seed and KERNEL GUARD SUPREME, and mix again so that all seed are covered.

Mix with a stick or paddle so that all seeds are covered. DO NOT MIX WITH BARE HANDS.

USE RESTRICTIONS

Treated seed must not be used for or mixed with food or animal feed, or processed for oil.

Not for use by commercial seed treatment establishments.

Treat only those seed needed for immediate use, minimizing the interval between treatment and planting. DO NOT store excess treated seed beyond planting time.

Do not graze or feed livestock on treated areas for six weeks after planting.

ROTATIONAL CROPS

Treated areas may be replanted with field corn, sweet corn, popcorn or soybeans immediately. For all other crops, the plant-back interval is 60 days.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container only. After partial use, replace lid and close tightly. Store in a secure place that is temperate, dry and out of direct sunlight. Avoid excessive heat.

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

CONTAINER DISPOSAL:

Nonrefillable Container

Plastic Container: Do not reuse or refill this container. Completely empty container by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of 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. Offer for recycling, if available.

IMPORTANT NOTICE

Chemtura Corporation warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label only when used in accordance with the directions, instructions and restrictions specified on the label. Chemtura neither makes, nor authorizes any agent or representative to make any other warranty, including any other warranty of FITNESS or MERCHANTABILITY, guarantee or representation, express or implied, concerning this product. To the extent consistent with applicable law, Chemtura shall not be liable for special, indirect or consequential damages.

Treatment of highly mechanically damaged seed, or seed known to be of low vigor and poor quality, except for the purpose of curative control of existing disease pests, may result in reduced germination and/or reduction of seed and seedling vigor. Since this product is designed for treating just prior to planting, Chemtura makes no claims or guarantees as to germination of carry over seed.

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