

554-144

4/20/2004

Page 1 of 6

Use read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-95



United States Environmental Protection Agency Washington, DC 20460

 Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|---|--|--|
| 1. Company/Product Number 554-144 | 2. EPA Product Manager George LaRocca | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) AGSCO LINDANE ST 40 | PM# 13 | |
| 5. Name and Address of Applicant (Include ZIP Code) AGSCO INC PO BOX 13458 GRAND FORKS, ND 58208-3458 <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. _____ Product Name _____ | |

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. |

NOTIFICATION
APR 20 2004

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

NOTIFICATION TO MODIFY WARRANTY STATEMENT.

I hereby certify that this notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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 type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> Metal | <input 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. | Other (Specify) _____ | |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container | | 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 ALICE WALKER, PhD | Title Regulatory Consultant | Telephone No. (Include Area Code) 662-562-5995 |
| 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 both under applicable law. | | 6. Copy Application Received (Stamped) |
| 2. Signature <i>Alice Walker</i> | 3. Title Regulatory Consultant | |
| 4. Typed Name ALICE WALKER, PhD | 5. Date 3.28.04 | |

Alice Walker, Ph.D.

REGULATORY CONSULTING • 481 COUNTRY CLUB DRIVE • SENATOBIA, MS 38668

2 7 6

VIA CERTIFIED MAIL

March 28, 2004

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

| | | |
|------------|------------------------------------|-----------------------------|
| RE: | AGSCO MXL HERBICIDE | EPA Reg. No. 554-125 |
| | AGSCO DB-GREEN® L | EPA Reg. No. 554-140 |
| | AGSCO DUSTRET "A" WITH BARK | EPA Reg. No. 554-141 |
| | AGSCO LINDANE ST 40 | EPA Reg. No. 554-144 |
| | AGSCO DUSTRET MZ 16 | EPA Reg. No. 554-148 |

Dear Ms. Edwards:

Enclosed please find draft amended labeling for the above referenced labels which modifies the warranty language by notification per the guidelines set forth in PR Notice 98-10.

In support of this action I have attached the following, for each product:

EPA Form 8570-1, Application for Pesticide
One copy of draft labeling with changes clearly highlighted

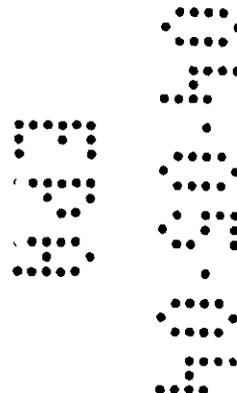
If you have any questions regarding this submission, please do not hesitate to contact me at the number listed below.

Sincerely,



Alice Walker, PhD
Regulatory Consultant

/er
Enclosures



E PC

3 7 6

NOTIFICATION

APR 20 2004

AGSCO

LINDANE ST 40

ACTIVE INGREDIENT:

Lindane (Gamma isomer of benzene hexachloride) 40.0%

INERT INGREDIENTS:..... 60.0%

TOTAL 100.0%

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail).

| 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"> • 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 the poison control center or doctor. • 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. |
| Have the product container or label with you when calling a poison control center or doctor, or going for treatment. | |

See side panel for additional precautionary statements.

EPA Reg. No. 554-144
EPA Est. No. 554-ND-2

Manufactured By:
AGSCO, INC.
Grand Forks, ND

Net Contents
Gallons

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

May be fatal if swallowed or absorbed through skin. Causes substantial but temporary eye injury. Harmful if inhaled. Causes skin irritation. Do not get in eyes, on skin or on clothing. Avoid breathing vapors. This product should be applied in a well-ventilated area. Avoid contamination of feed and food-stuffs. Do not store with food. Do not store with feed or forage to be fed to dairy animals or to animals being finished for slaughter.

PERSONAL PROTECTIVE EQUIPMENT

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

Applicators and other handlers must wear coveralls over short-sleeved shirt and short pants, chemical-resistant gloves such as barrier laminate, neoprene rubber ≥ 14 mils, or nitrile rubber ≥ 14 mils, chemical resistant footwear, and a respirator with either an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G) or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P or HE prefilter.

Discard clothing and other absorbent materials that have been drenched 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.

ENGINEERING CONTROLS STATEMENTS

When handlers use closed systems in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

ENVIRONMENTAL HAZARDS

This product is toxic to fish, birds and other wildlife. Do not apply directly to water, 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 equipment washwaters. Exposed treated seeds may be hazardous to birds or other wildlife. Dispose of all excess treated seed by burial away from bodies of water. Apply this product only as specified on this label.

STORAGE AND DISPOSAL

STORAGE: Store in a cool place. Do not store in direct sunlight. Protect from freezing temperatures.
PROHIBITIONS: Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.
PESTICIDE DISPOSAL: Pesticide wastes are toxic. 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: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. If this is packaged in an OUT-N-BACK container, it must be returned to AGSCO, INC.

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.

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: If the product 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 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, (Category A), and shoes plus socks.

Mix thoroughly before use. Lindane ST 40 may be tank mixed with seed treatment fungicides at their labeled rates. 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.

This product is to be used in liquid or slurry treaters.

The U.S. Environmental Protection Agency has set official tolerances for certain pesticide residues. In order that residues on food and forage crops will not exceed established tolerances, use only at recommended rates.

Lindane ST 40 will protect seeds and seedlings against damage from wireworms and seed corn maggots.

| Seed | Dosage Rate/100 Lbs. of Seed |
|--|------------------------------|
| Wheat, Rye Oats | 1.0 fl. oz. |
| Cabbage, Cauliflower, Broccoli, Brussels Sprouts | 3.6 fl. oz. |
| Barley | 1.0 fl. oz. |
| Radishes | 1.0 fl. oz. |

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 21 CFR, Part 2.25. Any dye added to treated seed must be cleared for use under 40 CFR, Part 180.1001.

Labels attached to the treated seed must read:

Treated seed must not be used for or mixed with food or animal feed or processed for oil. Exposed treated seeds may be hazardous to birds and other wildlife. Dispose of all excess treated seed and seed packaging by burial away from bodies of water.

LIMITATION OF WARRANTY AND LIABILITY

NOTE: Read the entire Directions for use and this Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the unopened product container at once. By buying or using this product, user or buyer accepts the following conditions of this Limitation of Warranty and Liability.

It is impossible to eliminate all risks associated with the use of this product. Those risks include, but are not limited to, weather conditions, soil conditions, moisture, seed and plant variations, herbicide and insecticide stress, farming techniques and practices, manner of use or application, application to or contact with unintended or improper vegetation, the presence of materials or products other than those set forth in the Directions in or on the soil, crop or treated vegetation, and conditions beyond the control of this Company. These risks can affect the effectiveness of the product and could cause injuries from the product's use. **BY USING THIS PRODUCT YOU AGREE TO ASSUME RESPONSIBILITY FOR THESE RISKS AND ANY LOSS CAUSED AS A RESULT.**

This Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose set forth in the directions and instructions for use label booklet ("Directions"), subject to the inherent risks described above, when used in strict accordance with the Directions. **NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS MADE AND THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, WHICH EXTEND BEYOND THE FACE HEREOF.** This warranty is also subject to the conditions and limitations stated herein.

THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE RECOVERY OF THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THE PRODUCT INVOLVED, OR, AT THE ELECTION OF THIS COMPANY OR, ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY, OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY. IN NO EVENT SHALL THIS COMPANY OR ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Buyer and all users must promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise from the use of the product or be barred from any remedy. NOTICE MUST BE GIVEN WITHIN THIRTY (30) DAYS AFTER FIRST PLANTING OR APPLICATION OF PRODUCT TO THE TREATED AREA, WHICHEVER OCCURS LATER.

This LIMITATION OF WARRANTY AND LIABILITY may not be varied or amended by any verbal or written agreement. No employee or sales agent of the seller or this Company is authorized to vary or exceed the terms of the limitations stated herein.