

2935-484

4/9/2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms Sandi Escamilla
Willbur-Ellis Company
P.O. Box 1286
Fresno CA 93715

APR 9 2010

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 March 17, 2010 for:

EPA Registration 2935-484 Nu-Gro Captan 4000

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,

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 Wilbur-Ellis Company/2935-484	2. EPA Product Manager	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Nu-Gro Captan 4000	PM# 22	
5. Name and Address of Applicant (Include ZIP Code) Wilbur-Ellis Company PO Box 1286 Fresno CA 93715 <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 type="checkbox"/> Notification - Explain below.	<input checked="" type="checkbox"/> Other - Explain below.

NOTIFICATION

APR 9 - 2010

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

This submission is a notification to comply this registration with PR Notice 2007-4. See attachment for accompanying certification statement.

Section - III

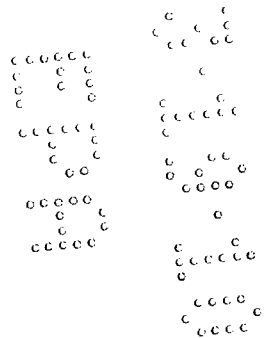
1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Text 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	Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 2.5, 5 and 50 gal		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Sandi Escamilla	Title Registration Specialist	Telephone No. (Include Area Code) 559-493-2108
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 <i>Sandi Escamilla</i>	3. Title Registration Specialist	
4. Typed Name Sandi Escamilla	5. Date March 3, 2010	

**Addendum to EPA Form 8570-1; Section 1 – Explanation:
EPA Reg. No. 2935-484**

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."



40 of 8



March 17, 2010

FEDEX

Document Processing Desk (NOTIF)
 Office of Pesticide Programs (7504P)
 U.S. Environmental Protection Agency
 Room S-4900, One Potomac Yard
 2777 South Crystal Drive
 Arlington, VA 22202-4501

Subject: Notification of PRN 2007-4
 Nu-Gro Captan 4000 EPA Reg. No. 2935-484

Dear Sir or Madam,

Wilbur-Ellis Company is submitting a notification to EPA to amend the enclosed label to comply with PR-Notice 2007-4

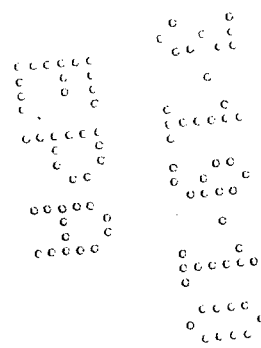
Three labels enclosed. One marked copy to show our revisions, along with two clean copies of the revision label.

Please call me at (559) 493-2108, or email to sescamil@wecon.com if you have any questions.

Sincerely,

Sandi Escamilla
 Registration Specialist
 Wilbur-Ellis Company

Enclosure(s)



5048

NU-GRO

CAPTAN 4000

FLOWABLE SEED PROTECTANT
Agricultural Fungicide, Aqueous Suspension

NOTIFICATION

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ACTIVE INGREDIENTS:

*Captan.....	37.70%
Related Derivatives.....	0.82%
INERT INGREDIENTS.....	61.48%
TOTAL.....	100.00%

*N-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
(Contains 4 pounds of Active Ingredient per gallon.)

EPA Reg. No. 2935-484

EPA Est. No. 2935-CA-01

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

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

IF IN EYES:	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 eyes. Call a poison control center or doctor for treatment advice.
IF ON SKIN OR ON CLOTHING:	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 SWALLOWED:	Call 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 INHALED:	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.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

CAUTION. Causes moderate eye damage. Harmful, if swallowed or inhaled. Harmful if absorbed through skin. Avoid contact with eyes, skin and clothing. Avoid breathing vapor. May cause allergic skin reactions.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical resistant to this product are polyethylene and polyvinyl chloride. 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 plus socks; Chemical-resistant gloves; Chemical-resistant apron when mixing/loading, cleaning up spills, cleaning equipment, or otherwise exposed to the concentrate. Chemical-resistant goggles or face shield.

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

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.

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not contaminate water when disposing of equipment washwaters or rinsate.

6098

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 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 48 hours.

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: A) Coveralls; B) Chemical-resistant gloves made of any waterproof material; C) shoes plus socks; D) Protective eyewear.

Double Notification: Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

Eye Protection: For at least seven days following the application of captan: 1. at least one container designed specifically for flushing eyes must be available in operating condition at the WPS-required decontamination site for workers entering the area treated with captan, and 2. workers must be informed orally, in a manner they can understand: that residues in the treated area may be highly irritating to their eyes, that they should take precautions, such as refraining from rubbing their eyes, to keep the residues out of their eyes, that if they do get residues in their eyes, they should immediately flush their eyes with the eyeflush container that is located at the decontamination site, and how to operate the eye flush container..

USER SAFETY RECOMMENDATIONS

USERS SHOULD

- 1) Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- 2) Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 3) 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.

USE PRECAUTIONS

IMPORTANT: Treated seed must not be used for human consumption nor for animal feed.

The Federal government and most states have seed laws or regulations requiring that an appropriate statement be affixed to bags containing treated seed, such as: **"Treated Seed -- Do Not Use for Feed, Food or Oil Purposes."** Always use Captan 4000 with an EPA approved dye or colorant that imparts an unnatural color to the seed.

Captan 4000 Flowable Seed Protectant is an aqueous suspension suitable for the treatment of seed prior to storage and planting, to protect seed from molds and other fungi causing storage loss and to protect seed from seed-borne and soilborne fungi which cause seed decay, damping-off and seedling blights.

Wear goggles or face shield when handling. Wash thoroughly with soap and water after handling. Remove contaminated clothing and separately launder clothing before reuse.

Read all directions before using and use only as specified on the label. Use only as recommended for claims listed.

IMPORTANT: Before using – stir thoroughly to mix contents.

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.

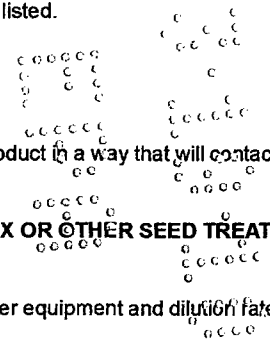
NOT FOR USE ON AGRICULTURAL ESTABLISHMENTS IN HOPPER BOX, PLANTER BOX, SLURRY-BOX OR OTHER SEED TREATMENT APPLICATIONS AT OR IMMEDIATELY BEFORE PLANTING.

Thoroughly mix the recommended amount of Captan 4000 into the required amount of water for the slurry treater equipment and dilution rate to be used. Clean equipment thoroughly between treating operations.

NOTE: Seed treated by the slurry method should not be bagged until such time as the seed has had an opportunity to dry. Store in well ventilated areas. If seed is bagged when wet, heat is developed and impairs seed germination.

The following tables gives recommended amounts of Captan 4000 Flowable Seed Protectant to use on various seed. Use higher rates in the range in areas where high stress conditions are anticipated.

Freezing and thawing do not affect product quality and integrity. Always agitate or shake the product well before use.



SEED TREATMENT DOSAGE RATES

Table with columns SEED and DOSAGE. Lists various seed types and their corresponding dosage rates in fl. oz./100 lb.

*Do not use on lima bean seeds.

Further specific information on the subject of seed treatment may be obtained from State Agricultural Experiment Stations or the State Agricultural Extension Service.

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited. Do not reuse empty container.

PESTICIDE STORAGE: Keep pesticide in original container. Store in a cool dry place.

PESTICIDE DISPOSAL: 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:

50 gallon Nonrefillable container : Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact Ag Container Recycling Council (ACRC) at 877-952-2272 or rperkins@acrecycle.org.

5 gallon, 2.5 gallon Nonrefillable container: Do not reuse or refill this container. 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. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact Ag Container Recycling Council (ACRC) at 877-952-2272 or rperkins@acrecycle.org.

TREATED SEED DISPOSAL: To dispose of out-of-date or otherwise unmarketable seed which has been treated with Captan for seed protectant purposes: Broadcast and lightly incorporate seed into field soils using disc or other suitable implement. If rate of Captan contained on the seed is unknown, have seed analyzed by a qualified analytical laboratory to determine. Do not plant seed at a seeding rate which will result in the application of more than 32 pounds of Captan per acre per year. Any resulting crop may be destroyed by chemical or mechanical means, or, if useful for food or feed purposes, may be harvested for that use.

8028

WARRANTY STATEMENT: WILBUR-ELLIS COMPANY warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with directions under normal use conditions. It is impossible to eliminate all risks inherently associated with 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 WILBUR-ELLIS COMPANY. To the extent consistent with applicable law, in no case shall WILBUR-ELLIS COMPANY be liable for consequential, special or indirect damages resulting from the use or handling of this product. To the extent consistent with applicable law, All such risks shall be assumed by the Buyer. To the extent consistent with applicable law, the exclusive remedy of any buyer or user of this product for any and all losses, injuries, or damages resulting from or in any way arising from the use, handling, or application of this product, whether in contract, warranty, tort, negligence, strict liability, or otherwise, shall not exceed the purchase price paid for this product or at WILBUR-ELLIS COMPANY'S election, the replacement of this product. To the extent consistent with applicable law, WILBUR-ELLIS COMPANY MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, except for the purposes of curative control of existing diseases or insect pests, 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 Wilbur-Ellis Company, no claims are made to guarantee germination of carry-over seed.

WILBUR-ELLIS Logo® and IDEAS TO GROW WITH® and NU-GRO® are registered trademarks of WILBUR-ELLIS Company.

F-022210

In Case of Emergency, Call CHEMTREC: (800) 424-9300

NET CONTENTS: _____

Manufactured in U.S.A. by:

WILBUR-ELLIS
P.O. BOX 16458
FRESNO, CALIFORNIA 93755

