

Reg # 7501-36

PM-23

File  
197



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

FEB 23 1994

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dennis L. McFadden  
GUSTAFSON  
P. O. Box 660065  
Dallas, TX 75266

Subject: Label Amendment Submission of 07/21/93 in Response to PR Notice 93-7  
EPA Reg. No. 7501-36  
GUSTAFSON VITAVAX CAPTAN 20-20 SEED PROTECTANT

**IMPORTANT NOTICE:** This Letter Requires You to Submit a Notification to the Office of Compliance Monitoring within 20 Days.

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is accepted subject to the comments listed on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

**SERIOUS ERROR(S) ON SUBMITTED LABELING:**

EPA has determined that one or more of the errors on the labeling you submitted to the Agency is categorized as "serious" as defined in PR Notice 93-11. In general, serious errors are those that may create a potential for harm to workers, handlers, other persons, or the environment; or those that prevent the achievement of the basic goals of the Worker Protection Standard (WPS) or FIFRA.

**YOU MUST NOT SELL OR DISTRIBUTE (INCLUDING RELEASE FOR SHIPMENT) ANY PRODUCT BEARING THE SUBMITTED LABELING.** Sale or distribution of any product with the incorrect labeling is a violation of FIFRA that could result in initiation of an action for civil penalties and/or cancellation of your product. This matter has been referred to the Office of Compliance Monitoring (OCM) for further action.

**YOU MUST SUBMIT A NOTIFICATION TO THE OFFICE OF COMPLIANCE MONITORING WITHIN 20 DAYS OF THE DATE OF THIS LETTER.**

**BEST AVAILABLE COPY**



Recycled/Recyclable  
Printed with Soy/Canola ink on paper that  
contains at least 50% recycled fiber

Each notification must include the following information:

1. Registrant's name and address.
2. EPA Registration number of the product for which the labeling was submitted.
3. Whether any product already has been sold or distributed (this includes released for shipment) bearing the submitted labeling.

In addition, the notification must include the following information, IF you have already sold or distributed any product bearing the submitted labeling:

1. Quantity of the product that has been sold or distributed.
2. EPA Producing Establishment number.
3. Location of the product, if known.
4. Proposed plan for assuring that product with the incorrect labeling in your control, as well as that in the hands of dealers/distributors/users, will be corrected. The plan must include your proposal for assuring that the labeling is corrected as soon as possible.

Submit the notification to:

Michael Wood, Director  
Compliance Division, (7203)  
Worker Protection Notification  
Office of Compliance Monitoring  
U.S. Environmental Protection Agency  
401 M Street SW  
Washington, DC 20460

Failure to submit a notification also may result in initiation of an action under FIFRA for civil penalties, if you sold or distributed (this includes released for shipment) product bearing the incorrect labeling.

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IN ADDITION, YOU SHOULD CONTACT IMMEDIATELY THE PERSONS TO WHOM YOU SOLD OR DISTRIBUTED YOUR PRODUCT AND INFORM THEM NOT TO SELL OR DISTRIBUTE ANY PRODUCT WITH THE INCORRECT LABELING.

**WHAT THIS ACCEPTANCE MEANS:**

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the WPS labeling requirements of 40 CFR part 156, subpart K, described in PR Notices 93-7 and 93-11. Any other labeling changes submitted in connection with this amendment application but not directly related to compliance with the WPS have neither been reviewed nor accepted by the Agency. If you wish to make such changes, you must submit a separate amendment application proposing them. If your product is currently suspended, the acceptance of this labeling amendment does not affect the suspension in any way.

**WHAT YOU NEED TO DO NEXT:**

Submit the required notification. Then by the next label printing make all the specified changes to your labeling. Send to EPA one (1) copy of the final printed labeling:

- BEFORE selling or distributing any product bearing the final printed labeling as amended

**AND**

- WITHIN one year from date of this acceptance.

Submit the final printed labeling via the U.S. Postal Service to:

Document Processing Desk (FIN-LABEL)  
Office of Pesticide Programs (7505C)  
U.S. Environmental Protection Agency  
401 M Street, SW  
Washington, D.C. 20460-0001

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Hand or courier deliveries of final labeling may be made to:

Document Processing Desk (FIN-LABEL)  
Office of Pesticide Programs  
Room 266A, Crystal Mall 2  
1921 Jefferson Davis Highway  
Arlington, VA 22202

Sincerely,

Jim Tompkins, Deputy Chief  
Registration Support Branch  
Registration Division (7505W)

Attachment

cc: Office of Compliance Monitoring

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Pesticide Programs  
Registration Division

Dennis L. McFadden  
GUSTAFSON, INC.  
BOX 660065  
DALLAS TX 75266

Comment for: EPA Reg Nr.7501-36  
GUSTAFSON VITAVAX CAPTAN 20-20 SEED PROTECTANT

The following specific comments pertain to your WPS labeling submission concerning the product cited above:

The following statement on your proposed label is not required for this product: "Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate." You may delete it or leave it on the label.

The respirator requirement for "mixers and loaders" in the Personal Protective Equipment" section on your proposed labeling is missing or incorrect. Remove the incorrect requirement (if any) and add "Dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C)" under "Mixers and Loaders must wear:". The exact location is shown in Sections A and C on Part 1 of the Product Worksheet in Supplement Three A to PR Notice 93-7.A D/M respirator is required as PPE for mixers/loaders.

Correct the typographical errors circled on your proposed label.

Change REI statement to conform with guidance in Supplement III-A of PR 93-7 for Capton

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ACCEPTED  
with COMMENTS  
In EPA Letter Dated

# ENHANCE®

## VITAVAX® Captan Seed Protectant

FEB 23 1991  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

### Active Ingredients By Wt.

*Captan .....	19.1%
Related Derivatives .....	0.5%
Carboxin .....	20.0%
**Inert Ingredients: .....	60.4%
<b>TOTAL</b> .....	<b>100.0%</b>

\*N-[(trichloromethyl)thio]-4-cyclohexene-1,2-dicarboximide

\*\*Contains Graphite

### KEEP OUT OF REACH OF CHILDREN

### DANGER PELIGRO

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.)

### STATEMENT OF PRACTICAL TREATMENT

If in eyes: Flush with plenty of water. Call a physician. If swallowed: Drink promptly a large quantity of milk, egg whites, gelatin solution, or, if these are not available, drink large quantities of water. Avoid alcohol. If inhaled: Remove victim to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. Get medical attention. If on skin: Wash with plenty of soap and water. Get medical attention if abnormal reaction occurs.

See Additional Precautionary Statements.

EPA Reg. No. 7501-36

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

### DANGER PELIGRO

Causes irreversible eye damage. Harmful if swallowed or inhaled. May cause allergic skin reactions. Do not get in eyes. Do not use treated seed for human consumption. ENHANCE VITAVAX-CAPTAN Seed Protectant treated seeds sold or  
*Continued Next Column*

shipped as feed or foodstuffs may be considered adulterated under state and federal laws. Treated seed should be labeled as follows: "TREATED SEED. DO NOT USE FOR FOOD, FEED OR OIL."

### PERSONAL PROTECTIVE EQUIPMENT:

Applicators and other handlers (other than mixers and loaders) must wear: long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, and protective eyewear. Mixers and Loaders must wear: long-sleeved shirt and long pants, waterproof gloves, protective eyewear and chemical-resistant apron when mixing or loading.

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.

### USER SAFETY RECOMMENDATIONS:

Users should wash hands before eating, drinking, chewing gum, using tobacco or using toilet. Users should remove PPE immediately after handling this product. Wash the outside of gloves before reomoving. As soon as possible, wash thoroughly and change into clean clothing.

### ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. 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 by cleaning of equipment or disposal of wastes. In the event that treated seeds are spilled and cannot be salvaged, completely cover them with soil.

### 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.

#### STORAGE

Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in a cool, dry place. Protect from excessive heat. Do not store or transport near feed or food.

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# Gustafson

**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**

Completely empty liner into application equipment. Then dispose of empty liner and container in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**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 assistances. 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 48 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, waterproof gloves, and shoes plus socks and protective eyewear.

**DIRECTIONS FOR USE**

ENHANCE VITAVAX-CAPTAN Seed Protectant is a formulation specifically designed for treatment of wheat, oat and barley seed on the farm at planting time. It controls covered smut (*Tilletia caries* and *Tilletia foetida*) and loose smut (*Ustilago nuda*) on wheat, covered smut (*Ustilago kollerii*) and loose smut (*Ustilago avenae*) on oats and covered smut (*Ustilago hordei*) and loose smut (*Ustilago nuda*) on barley. It also tends to reduce seed rot and seedling blight caused by soil fungi.

- Wheat
- Oats            Use 4 oz. per 100 lbs. of seed
- Barley

ENHANCE VITAVAX-CAPTAN Seed Protectant also controls various seed and seedling diseases of soybeans.

- Soybeans    Use 3 oz. per bushel.

Apply as a planter box treatment (including air and vacuum planters), mixing thoroughly with the seed before planting. For best results, the following procedure is suggested. Fill planter box only half full of seed, add half the required amount of ENHANCE VITAVAX-CAPTAN Seed Protectant and mix thoroughly with a stick. Then add remainder of seed to planter box and add the rest of the required amount of product to the seed, again mixing thoroughly.

Good results are also obtained by premixing seed with the product in a suitable container, then pouring treated seed into planter box.

Note: One level scoop (enclosed) is equivalent to approximately 1 avoirdupois ounce of this product.

**NOTICE - READ CAREFULLY  
CONDITIONS OF SALE AND LIMITED WARRANTY  
STATEMENT**

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, except for the purposes of curative control of existing disease 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 Gustafson, Inc., no claims are made to guarantee germination of carry-over seed.

As its sole express warranty, Gustafson, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for purposes stated on the label only when used in accordance with directions and instructions specified on the label, subject to the inherent risks set forth above. ONLY AS PERMITTED BY APPLICABLE LAW, IN THE EVENT OF A BREACH OF THIS LIMITED WARRANTY, GUSTAFSON, INC. SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES. SUBJECT TO APPLICABLE LAW, GUSTAFSON, INC. NEITHER MAKES NOR AUTHORIZES ANY OF ITS AGENTS OR REPRESENTATIVES TO MAKE ANY WARRANTY OF FITNESS OR MERCHANTABILITY, GUARANTY OR REPRESENTATION, EXPRESS OR IMPLIED, CONCERNING THIS MATERIAL. Buyer assumes the responsibility to handle, use and store this product in accordance with the safety instructions and use directions contained on the label.

Buyer/User purchases this product subject to the foregoing Conditions of Sale and Limited Warranty, which, subject to applicable law, may be varied only by a written agreement signed by a duly authorized representative of Gustafson, Inc. If these terms are not acceptable, return all products to the place of purchase, unopened for a full refund.

A quality product manufactured by:  
**Gustafson, Inc.**  
1400 Preston Road, Suite 400  
Plano, Texas 75093  
(214) 985-8877

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36(WPS)393060