

Reg # 7501-43

PM-21

File
199



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 09/01/93 in Response to PR Notice 93-7
EPA Reg. No. 7501-43
GUSTAFSON VITAVAX CAPTAN 12.5-25 SEED PROTECTANT F

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.

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

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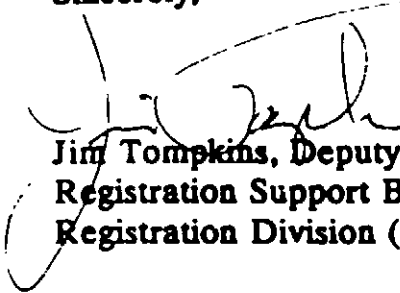
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Hand or courier deliveries of final labeling may be made to:

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.7501-43
GUSTAFSON VITAVAX CAPTAN 12.5-25 SEED PROTECTANT F

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

Add the following User Safety Recommendation to the label
in the location shown in Section A on Part 1 of the Product
Worksheet in Supplement Three-A to PR Notice 93-7: "Remove
clothing immediately if pesticide gets inside. Then wash
thoroughly and put on clean clothing."

Add the following User Safety Recommendation to the label in
the location shown in Section A on Part I of the Product
Worksheet in Supplement Three-A to PR Notice 93-7: "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."

Delete the crossed-out statements on your proposed label.
They are redundant statements or phrases.

Correct the typographical errors circled on your proposed
label.

REI statement is misleading. Use REI Guidance for Captan
on page 18 Supplement Three A.

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GUSTAFSON VITAVAX® CAPTAN 12.5-25 SEED PROTECTANT
CONTAINS SODIUM MOLYBDATE

Active ingredients:

By Weight

Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide)*	12.5%
* Captan	23.9%
Related Derivatives	0.5%
Inert Ingredients	<u>63.1%</u>
TOTAL	100.0%
* N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide	

This product contains the toxic inert ingredient Rhodamine B

*U.S. Patents 3,454,391

Vitavax® is a registered trademark of Uniroyal Chemical, Inc.

KEEP OUT OF REACH OF CHILDREN
DANGER PELIGRO
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 solutions 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 SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENT

EPA Reg. No. 7501-43

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

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.)

Causes irreversible eye damage. Harmful if swallowed or inhaled. May cause allergic skin reactions. Do not get in eyes. Avoid contact with skin and clothing.

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ACCEPTED
with COMMENTS
in EPA Letter Dated

23 1991

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

2501-43

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, shoes plus socks, protective eyewear and dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C).

Follow manufacturers instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USERS SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

ENVIRONMENTAL HAZARDS

This product 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. Dispose of excess treated seeds by burying in a safe place away from water supplies.

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.

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.

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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 48 hours.

~~Exception: For the last 48 hours of the REI, workers may enter the treated area to perform hand labor or other tasks involving contact with anything that has been treated, such as plants, soil or water, without time limit, if they wear the early entry personal protective equipment listed below.~~

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, shoes plus socks and protective eyewear.

~~DIRECTIONS FOR USE~~ SOYBEANS

Gustafson Vitavax-Captan 12.5-25 Seed Protectant is a ready to use seed treatment which combines the systemic action of carboxin with the surface action of captan to control various seed and seedling diseases of soybeans. In addition, the essential soybean micronutrient molybdenum is present.

Gustafson Vitavax Captan 12.5-25 Seed Protectant, as a planter box application, should be applied at the rate of 2 ounces per bushel of seed.

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Apply as a planter box treatment, 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 Gustafson Vitavax Captan 12.5-25 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.

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.

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Vitavax is a Reg. TM of Uniroyal Chemical, Inc.

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