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7501-97

File  
139



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

OCT 13 1994

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

DENNIS L. MCFADDEN  
GUSTAFSON, INC.  
BOX 660065  
DALLAS, TX. 75266

Subject: Label Amendment Submission of 02/18/94 in Response to PR Notice 93-7  
EPA Reg. No. 7501-97  
ANCHOR FLOWABLE FUNGICIDE

**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.**



**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.

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.

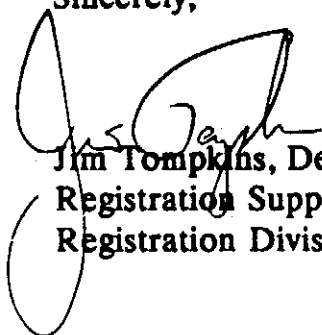
Submit the final printed labeling via the U.S. Postal Service to:

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

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.7501-97  
ANCHOR FLOWABLE FUNGICIDE

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

The requirement under the heading "Personal Protective Equipment" must state: "Applicators and other handlers must wear:". Cross out your lead-in statement and replace it with correct one. EXCEPTION: If you have an entirely separate PPE section specifying what "Mixers and loaders must wear", the requirement under the heading "Personal Protective Equipment" must state: "Applicators and other handlers (other than mixers and loaders) must wear:". Cross out your lead-in statement and replace it with the correct one.

The glove requirement for "applicators and other handlers" in the "Personal Protective Equipment" section on your proposed labeling is missing or does not match the chemical-resistance category identified on your proposed labeling. Correct the chemical-resistant category statement (if necessary) to state: "Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category E on an EPA chemical resistance category selection chart." Remove the incorrect glove requirement (if any) and add "Chemical-resistant gloves, such as barrier laminate, nitrile rubber, neoprene rubber or viton." The exact location is shown in Sections A and B on Part I of the product Worksheet in Supplement Three-A to PR Notice 93-7.

The circled and asterisked statement(s) in the Non-Agricultural Use Requirements box does not belong. Delete the sentence(s) from the Non-Agricultural Use Requirements box and place it where it appeared in your original labeling. If there are no remaining requirements in the box after you delete the sentence(s), delete the entire Non-Agricultural Use Requirements box.

GUSTAFSON, INC.  
EPA Reg. Number: 7501-97  
ANCHOR FLOWABLE FUNGICIDE  
Application date: 02/18/94  
Original Submission

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

OCT 13 1994

# ANCHOR®

## Flowable Fungicide

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.  
7501-97

**A SEED TREATMENT CHEMICAL FOR CONTROL AND SUPPRESSION  
OF SEED ROT AND DAMPING-OFF DISEASES OF CERTAIN CROPS.**

**ACTIVE INGREDIENT:**

Oxadixyl (2-methoxy-N-(2-oxo-1,3-oxazolidin-3-yl)	
-acet-2',6'-xylidide .....	31.0%
<b>INERT INGREDIENTS:</b> .....	69.0%
Total .....	100.0%

Contains 2.65 pounds oxadixyl per gallon

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

See additional precautionary statements.

EPA Reg. No. 7501-97

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

Harmful if swallowed, inhaled or absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Avoid breathing vapor or spray mist.

**FIRST AID**

**IF SWALLOWED:** Call a physician or poison control center. Drink one or two glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person.

**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 IN EYES:** Flush with plenty of water. Call a physician if irritation persists.

**PERSONAL PROTECTIVE EQUIPMENT:**

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

Applicators and other handlers (other than mixers and loaders) must wear: long-sleeved shirt and long pants, chemical-resistant gloves, such as barrier laminate or nitrile rubber or neoprene or Viton, and shoes plus socks.

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 the toilet.

**ENVIRONMENTAL HAZARDS**

Do not contaminate water when disposing of equipment washwaters. Apply only as specified on this label. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Cover or incorporate spilled treated seeds.

**STORAGE AND DISPOSAL**

**STORAGE:** Do not use or store near heat or open flame.  
**PESTICIDE DISPOSAL:** Do not contaminate water, food or feed by storage or disposal. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**CONTAINER DISPOSAL:** Triple rinse (or equivalent) then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, 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.

BEST AVAILABLE COPY



**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, such as barrier laminate or nitrile rubber or neoprene rubber or Viton, and shoes plus socks.

**RECOMMENDATIONS FOR USE**

**AS AN ON FARM SEED TREATMENT**

ANCHOR Flowable Fungicide may be applied as a water-based slurry using mechanical on farm seed treatment equipment or in combination with hopper-box applied liquid seed treatments. Apply evenly over the surface of the seed at the rates listed.

**NON-AGRICULTURAL USE REQUIREMENTS**

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

**RECOMMENDATIONS FOR USE**

**AS A COMMERCIAL SEED TREATMENT**

ANCHOR Flowable Fungicide may be applied as a water-based slurry with other registered seed treatment fungicides and/or insecticides through standard slurry or mist-type commercial seed treatment equipment, using the rates listed. ~~Not for use on agricultural establishments in hopper-box or other seed-treatment applications at or immediately before planting.~~

This statement contradicts the statement above

**FAILURE TO FOLLOW DIRECTIONS ON THIS LABEL MAY RESULT IN CROP INJURY OR POOR DISEASE CONTROL**

Do not apply this product through any type of irrigation system.

**Note:** ANCHOR Flowable Fungicide is a systemic fungicide having a specific mode of action. ANCHOR Flowable Fungicide could be subject to development of resistant strains of fungi. Development of resistance cannot be predicted. Therefore, Gustafson, Inc. cannot assume liability for crop damage resulting from resistant strains of fungi. Consult your State Agricultural Experiment Station or Extension Service Specialist for guidance and ways to control any possible ANCHOR Flowable Fungicide resistant strains of fungi which may occur.

ANCHOR Flowable Fungicide is a systemic fungicide seed dressing specifically for control of *Pythium* and suppression of *Phytophthora spp.* For control of other soilborne diseases, such as *Rhizoctonia spp.*, ANCHOR Flowable Fungicide should be applied in combination with other registered seed dressing fungicides.

ANCHOR Flowable Fungicide may be applied as a water-based slurry with other registered seed treatment insecticides and fungicides. Use the higher rate when conditions of heavy disease pressure are expected.

<b>Fruiting Vegetables:</b> Cantaloupes, cucumbers, eggplant, gourds, melons, peppers (including chili, sweet, bell and pimentos), pumpkins, summer squash, tomatoes, watermelons and winter squash	For <i>Pythium</i> damping-off; apply ANCHOR as a seed treatment at the rate of 1.50 fluid ounces per 100 lbs. of seed.
<b>Leafy Vegetables:</b> Broccoli, brussels sprouts, cabbage, cauliflower, celery, collards, kale, kohlrabi, lettuce, mustard, parsley, rape, rhubarb and spinach	For <i>Pythium</i> damping-off; apply ANCHOR as a seed treatment at the rate of 1.50 fluid ounces per 100 lbs. of seed.
Soybeans, peas	For <i>Pythium</i> damping-off; and early season <i>Phytophthora</i> control; apply ANCHOR as a seed treatment at the rate of 1.50-2.25 fluid ounces per 100 lbs. of seed.
Cotton (acid delinted, delinted mechanically)	For <i>Pythium</i> seed rot and damping-off; apply ANCHOR as a seed treatment at the rate of 0.75-1.50 fluid ounces per 100 lbs of seed.
Sunflowers	For <i>Pythium</i> seed rot and damping-off; apply ANCHOR as a seed treatment at the rate of 0.75-1.50 fluid ounces per 100 lbs. of seed. For suppression of early season systemic Downy Mildew, apply at the rate of 3.0 fluid ounces per 100 lbs. of seed.
<b>Root and Tuber Vegetables:</b> Beets, carrots, parsnip, radish, rutabagas, sugar beets and turnip	For control of <i>Pythium</i> damping-off; apply ANCHOR as a seed treatment at the rate of 1.50 fluid ounces per 100 lbs. of seed.
<b>Grain Crops (except wheat):</b> Barley, buckwheat, corn (field, sweet and popcorn), millet, oats, rye, sorghum and triticale	For control of <i>Pythium</i> damping-off; apply ANCHOR as a seed treatment at the rate of 0.75-1.50 fluid ounces per 100 lbs. of seed.



<b>Turf Grasses:</b>	For <i>Pythium</i> damping-off on golf courses and home lawns; apply ANCHOR as a seed treatment at the rate of 0.75-1.50 fluid ounces per 100 lbs. of seed
<b>Forage Grasses:</b>	For <i>Pythium</i> damping-off control; apply ANCHOR as a seed treatment at the
<b>Forage Legumes:</b> Alfalfa, clover, lespedeza, lupines, trefoil, vetch and velvet beans	For control of <i>Pythium</i> damping-off and early season <i>Phytophthora</i> suppression; apply ANCHOR as a seed treatment at the rate of 0.75-1.50 fluid ounces per 100 lbs. of seed.

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

Gustafson (logo) and ANCHOR are Reg. TM's of Gustafson, Inc.

97(WPS)396010

**SEED LABELING (Commercial Seed)**

Do not use treated seed for food, feed or oil purposes. All seed treated with this product must be colored with an EPA approved dye (e.g., those listed in 40 CFR 180.1001) which imparts an unnatural color to the seed.

NOTE: Federal Law requires that bags containing treated seeds shall be labeled with the following information: "This seed has been treated with Oxadixyl Fungicide. Do not use treated seed for feed, food or oil purposes." Store away from feeds and food stuffs.

**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

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