

Reg # 7501-123

PM-23

File
137



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

MAR 4 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

Subject: Label Amendment Submission of 08/30/93 in Response to PR Notice 93-7
EPA Reg. No. 7501-123
LIQUID MOLY-CO-THI

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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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

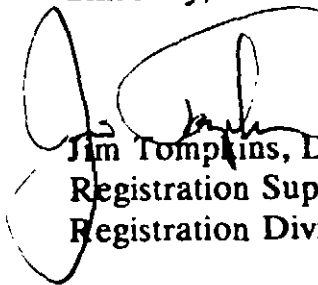
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Hand or courier deliveries of final labeling may be made to:

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

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.7501-123
LIQUID MOLY-CO-THI

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

The respirator requirement for "applicators and other handlers" in the Personal Protective Equipment" section on your proposed labeling is missing or incorrect. Remove the incorrect requirement (if any) and add "For exposures outdoors, dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C). For exposures in enclosed areas, 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)." 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 eyewear requirement for early entry in the Agricultural Use Requirements Box on your proposed labeling is missing or incorrect. Remove the incorrect requirement (if any) and add "Protective eyewear". The exact location is shown in Sections F and G on Part 2 of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

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

Correct the typographical errors circled on your proposed label.

ACCEPTED
with COMMENTS
In EPA Letter Dated

MAR 4 1991

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
7501-123

YIELD SHIELD LOGO???

ACTIVE INGREDIENTS

Thiram (Tetramethylthiuram Disulfide) 12.71%
INERT INGREDIENTS* 87.29%
TOTAL: 100.00%

***Added Ingredients.**

MOLYBDENUM 3.41% derived from Sodium
Molybdate
COBALT 0.005% derived from Cobalt Sulfate
IRON 0.10% derived from Ferrous Sulfate
This Product Contains 1.2 lbs. of Thiram per Gallon

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See additional precautionary statements.

EPA Reg. No. 7501-123

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

Caution: Causes eye and skin irritation. Harmful if swallowed, inhaled or absorbed through skin. Do not get in eyes, on skin, or on clothing. Avoid inhaling of spray mist or dust. Do not use or store near food or feed. Consumption of alcoholic beverages increases the toxic effects of thiram.

PRECAUTIONARY STATEMENTS

PERSONAL PROTECTIVE EQUIPMENT:

Application and other handlers must wear: long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, and protective eyewear

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.

Continued Next Column

USER SAFETY RECOMMENDATIONS:

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

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Harmful if swallowed, get medical attention.

IF INHALED: May be harmful if inhaled, get medical attention.

IF ON SKIN: Avoid contact with skin or clothing. Wash affected area thoroughly with soap and water. Wash hands and face thoroughly with soap and water after use and before eating or smoking.

IF IN EYES: Avoid contact with eyes. In case of contact with eyes, flush immediately with running water for 15 minutes and get medical attention if irritation persists.

ENVIRONMENTAL HAZARDS

This pesticide product is toxic to fish. Do not contaminate water by cleaning of equipment or disposal of wastes. Drift or runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

STORAGE: Avoid exposure to excessive heat or freezing temperatures.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture or residue 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.

BEST AVAILABLE COPY

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

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its label. 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 24 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, shoes plus socks.

NOTE TO USER. Do not use treated seed for food, feed or oil purposes.

YIELD-SHIELD is a formulation particularly adapted for on-farm planter box application. When used as directed, it protects sound and/or mechanically injured seed against seedborne or soil-borne diseases, such as seedling blight, damping-off, and seed decay organisms.

FOR ON-FARM PLANTER BOX APPLICATION OR FOR USE ON SEED PRIOR TO PLACEMENT IN PLANTER BOX.

SHAKE WELL BEFORE USING

Apply YIELD-SHIELD directly to the seed at the following rates:

For soybean, cowpeas, dry beans, and snap bean - apply 4 fl. oz. per bushel

For alfalfa, clover and small seeded legumes - apply 12 fl oz per 100 lbs of seed

Partially fill planter box or mixing container with seed. Apply the proper portion of recommended rate of YIELD-SHIELD evenly over the surface of the seed and stir with a paddle or on-farm mechanical seed mixer. Repeat partial filling with seed and YIELD-SHIELD until planter box or mixing container is filled. Seed may be treated at any time.

Frequently inspect planting mechanisms, seed drum and hopper box to ensure those areas are clear. Clean any accumulation

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

Gustafson (logo) and Yield-Shield are Reg. TM's of Gustafson, Inc.

123(W)-304080

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