

7501-135

10/30/2001

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

OCT 30 2001

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dennis Mcfadden
Gustafson LLC
1400 Preston Rd, Suite 400
Plano, TX 75093

Subject: Revised First Aid Wording as per PR Notice 2001-1 and remove part II respirator wording as per PR Notice 98-9. Your label (EPA Reg. No. 7501-135) amendment dated September 18, 2001.

Dear Mr. Mcfadden,

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable provided that you:

1. Make the following changes to the label:

Change the first bullet under "If swallowed" statement in **FIRST AID** section to read exactly as follows:

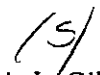
"Call poison control center or doctor immediately for treatment advice."

2. Submit one copy of your final printed labeling before you release the product for shipment.

If these conditions are not complied with, the registration may be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have any questions about this letter, please contact Tara Chand-Goyal at (703) 308-8257.

Sincerely yours,


Cynthia L. Giles-Parker
Product Manager (22)
Fungicide Branch
Registration Division (7505C)

Attachment: Label stamped "ACCEPTED with COMMENTS"

ACCEPTED
with COMMENTS
In EPA Letter Dated:
OCT 30 2001

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.**
7501-135

RTU®

Flowable Fungicide

(Contains MERTECT®)

ACTIVE INGREDIENTS:

Thiram (Tetramethylthiuram disulfide).....	12.60%
Thiabendazole (2-(4-thiazolyl) benzimidazole).....	0.34%
OTHER INGREDIENTS:	87.06%
TOTAL	100.00%

This product contains Xylene Range Aromatic solvent

Contains 1.1 lbs. Thiram and 0.03 lbs. Thiabendazole per U. S. gallon.

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See additional precautionary statements.

EPA Reg. No. 7501-135 EPA Est.

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. Do not use or store near food or feed. Consumption of alcoholic beverages increases the toxic effects of thiram.

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 eye.
- Call a poison control center or doctor for treatment advice.

If swallowed:

- Immediately call a poison control center or doctor.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give any liquid to the person.
- 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.

Continued Next Column

If on skin or 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.
- NOTE TO PHYSICIAN:** Contains petroleum distillate - vomiting may cause aspiration pneumonia.

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 must wear: long-sleeved shirt and long pants, chemical-resistant gloves, such as barrier laminate or nitrile rubber or neoprene rubber or Viton and shoes plus socks and protective eyewear. Applicators and other handlers must wear, for exposures in enclosed areas, a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P or HE prefilter. Applicators and other handlers must wear, for exposures outdoors, a NIOSH approved respirator with any R, P or HE filter. 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

This pesticide is toxic to fish. Do not contaminate water when disposing of equipment washwaters. 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:** Store in a cool, dry location. Do not store in direct sunlight. Product will freeze at 20° F. If frozen, warm to 50°F and thoroughly shake or mix prior to use. **PESTICIDE DISPOSAL:** Pesticide wastes are toxic. 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: Contact Gustafson or your chemical supplier for container return instructions. If container is not returned in accordance with instructions, triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities.

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 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, chemical-resistant gloves, such as barrier laminate or nitrile rubber or neoprene rubber or Viton, shoes plus socks and protective eyewear.

DIRECTIONS FOR USE AS A SEED TREATMENT

SOYBEANS: Gustafson RTU Flowable Fungicide, when used at recommended rates for the treatment of soybean seed, will provide protection from seedborne and soilborne diseases which cause damping-off, seed decay, seedling blight and pod and stem blight (*Phomopsis spp.*) during germination and early seedling stages.

Apply Gustafson RTU Flowable Fungicide at the rate of 4 fl. oz. of product per bushel (6.6 fl. oz. per cwt.) as a slurry suspension.

WHEAT: Gustafson RTU Flowable Fungicide, when used at recommended rates for the treatment of wheat seed, will provide protection from seedborne and soilborne diseases which cause damping-off, seed decay, seedling blight and seedborne common bunt (stinking smut) during germination and early seedling stages.

Apply Gustafson RTU Flowable Fungicide at the rate of 6.6 fl. oz. of product per cwt. as a slurry suspension.

Gustafson RTU Flowable Fungicide may be applied undiluted or with water when additional volumes are needed to insure

uniform seed coverage. Application of tank mixes should not be made unless testing or prior experience insures compatibility.

USE RESTRICTIONS

Do not use treated seed for food, feed or oil purposes. Care must be exercised in handling of treated seed.

If this product does not already contain a coloring agent, all seed treated with this product must be colored with an EPA-approved dye or pigment (e.g. 40 CFR 180.1001) which imparts an unnatural color to the seed to help prevent the inadvertent use of treated seed as food for man or feed for animals.

NOTE: Federal Law requires that bags containing treated seeds shall be labeled with the following information:

TREATED SEED. DO NOT USE FOR FOOD, FEED OR OIL PURPOSES.

This seed treated with Thiram and Thiabendazole.

Seed labeling must contain the following restriction: "Do not graze or feed livestock on soybean forage or soybean hay from treated areas."

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, 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 LLC, no claims are made to guarantee germination of carry-over seed.

As its sole express warranty, Gustafson LLC, 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 LLC SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES. SUBJECT TO APPLICABLE LAW, GUSTAFSON LLC 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 LLC. 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 LLC
1400 Preston Road, Suite 400
Plano, Texas 75093
Questions?(972) 985-8877

Gustafson (logo) and RTU are Reg. TM's of Gustafson LLC

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