

7501-141

10/26/2004

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mr. Dennis McFadden
Gustafson LLC
1400 Preston Road, Suite 400
Plano, TX 75093

OCT 26 2004

Dear Mr. McFadden:

Subject: Amendment - Revise label per Lindane RED
Gustafson Vitavax-Thiram-Lindane Flowable Fungicide-Insecticide
EPA Registration Number 7501-141
Your submission dated September 17, 2004

The amendment referred to above, submitted in connection with registration under with registration under FIFRA section 3(c)(7)(a), is acceptable and a stamped copy of the label is enclosed for your records. The following revisions should be made when preparing the finished labeling:

a. At the end of the HAZARDS TO HUMANS AND DOMESTIC ANIMALS add:

"Avoid contamination of food or feed. Do not store with food, feed, or forage."

b. In the ENGINEERING CONTROLS text, please revise "and must wear" to read "and handlers must wear".

c. In the second sentence of the USE RESTRICTIONS text, revise "...mixed with food or animal fee" to read "...mixed with food or animal feed".

d. In the **USE RESTRICTIONS** about labels attached to the treated seeds, after "...away from bodies of water" add the following:

"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 areas without restriction if there will be no contact with anything that has been treated."

[Please note that your label now contains two sets of statements that must appear on bags of treated seeds. You may wish to consolidate these by moving the text required by Lindane - from "Persons handling treated seed..." through "... anything that has been treated." to appear instead under the heading **USE PRECAUTIONS** after the current item number 4 in that listing of required bag label statements.]

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Please submit five (5) copies of the revised amended label incorporating the above revisions as soon as it becomes available. As agreed upon, all new production of this product after the date of November 30, 2004 must bear the revised amended label.

Please note that this acceptance does not constitute reregistration of the subject product. Such determination will be made following completion of the Agency's review of data submitted in response to the associated Lindane Data Call-In Notice.

Sincerely,

George LaRocca.
Product Manager 13
Insecticide Branch
Registration Division (7505C)

GUSTAFSON

VITAVAX[®]-Thiram-Lindane

Flowable Fungicide - Insecticide

ACTIVE INGREDIENTS: (% by weight)

Carboxin (5,6-dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide)..... 14%
 Thiram (tetramethylthiuram disulfide)..... 12%
 Lindane (gamma isomer of benzene hexachloride) 8%

INERT INGREDIENTS:..... 66%

TOTAL:..... 100%

Contains 1.37 lbs. Carboxin, 1.17 lbs. Thiram and 0.78 lbs. Lindane per U.S. gallon

EPA Reg. No. 7501- 141

EPA Est.

NET CONTENTS: _____ Gallons

ACCEPTED
with COMMENTS
in EPA Letter Dated

OCT 26 2004

KEEP OUT OF REACH OF CHILDREN

CAUTION

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

SEE ADDITIONAL PRECAUTIONARY STATEMENTS

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
7501-141

A quality product manufactured by:

Gustafson

Gustafson LLC
1400 Preston Rd., Suite 400
Plano, TX 75093
Questions? (972) 985-8877

KEEP OUT OF REACH OF CHILDREN**CAUTION****PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND
DOMESTIC ANIMALS**

Harmful if swallowed, absorbed through the skin or inhaled. Avoid breathing vapor or spray mist. Avoid contact with skin, eyes or clothing. This product should be applied in a well-ventilated area. Consumption of alcoholic beverages increases the toxic effects of thiram.

PERSONAL PROTECTIVE EQUIPMENT: Some materials that are chemical-resistant to this product are barrier laminate or nitrile rubber or neoprene rubber or Viton. If you want more options, follow the instructions for category E on an EPA chemical resistance category selection chart.

Handlers using closed systems and handlers planting or otherwise handling treated seed must wear: Long-sleeved shirt and long pants, shoes plus socks, chemical-resistant gloves, chemical-resistant apron when mixing, loading or treating seeds on farm.

Handlers exposed to the concentrate while performing tasks such as equipment or spill clean-up, for which engineering controls are not feasible must wear: Coveralls over long-sleeved shirt and long pants, chemical-resistant footwear plus socks, chemical-resistant gloves, chemical-resistant apron. See engineering controls for additional requirements. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Engineering Controls:

Seeds must be treated using a closed system that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)] for dermal protection, and must wear the personal protective equipment required above for handlers using a closed system, wear protective eyewear if the system operates under pressure, and be provided and have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown, the PPE specified for handlers exposed to the concentrate that are performing tasks for which engineering controls are not feasible.

USER SAFETY RECOMMENDATIONS: Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should 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.

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

| | |
|-------------------------------|---|
| If on skin or clothing | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice. |
| If in eyes | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything to an unconscious person. |
| If inhaled | <ul style="list-style-type: none"> • 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. |

**IN CASE OF AN EMERGENCY ENDANGERING LIFE OR PROPERTY INVOLVING THIS
PRODUCT CALL:**

**CHEMTREC: (800) 424-9300 (Toll free – US)
CHEMTREC: (703) 527-3887 (Domestic and International)**

ENVIRONMENTAL HAZARDS

This product is toxic to fish, birds, and other wildlife. Exposed treated seeds may be hazardous to birds or other wildlife. Dispose of all excess treated seeds by burial away from bodies of water. Do not contaminate water by disposing of equipment washwaters. Apply this product only as specified on the label.

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 areas without restriction 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 worn over short-sleeved shirt and short pants, chemical-resistant gloves made of any waterproof material and chemical-resistant footwear plus socks.

DIRECTIONS FOR USE

This product may only be used as a commercial or on-farm seed treatment for barley, wheat and oats. Gustafson VITAVAX-Thiram-Lindane Flowable Fungicide-Insecticide is a ready-to-use seed treatment containing the systemic fungicide, VITAVAX®, and the protectant fungicide, Thiram, plus the insecticide, Lindane.

BARLEY, WHEAT AND OATS

Gustafson VITAVAX-Thiram-Lindane Flowable provides systemic protection against loose smut (*Ustilago nuda*) and covered smut (*Ustilago hordei*) on barley; loose smut (*Ustilago Tritici*) and common bunt (*Tilletia caries*) on wheat; and loose smut (*Ustilago avenae*) on oats.

Gustafson VITAVAX-Thiram-Lindane Flowable also protects seeds against seed decay and damping-off while providing protection to seeds and seedlings against damage from wireworms and seed corn maggots.

Apply Gustafson VITAVAX-Thiram-Lindane Flowable at the rate of 5 fluid ounces on wheat, oats and barley per 100 pounds of seed. Apply as a ready-to-use seed treatment by machine ensuring uniform seed coverage.

Do not graze or feed livestock on treated areas for six weeks after planting. Care must be exercised in the handling of treated seed.

USE RESTRICTIONS

This product contains a dye which imparts an unnatural color to the seed to prevent the inadvertent use of treated seed for food, feed or oil use. Treated seed must not be used for or mixed with food or animal feed, or processed for oil. Treat only those seeds needed for immediate use, minimizing the interval between treatment and planting. Do not store excess seeds beyond planting time.

Labels attached to the treated seed must read:

Persons handling treated seed must wear long-sleeved shirt and long pants plus chemical-resistant gloves made out of any waterproof material. Treated seed must not be used or mixed with food or animal feed or processed

for oil. Exposed treated seeds may be hazardous to birds and other wildlife. Dispose of all excess treated seed and seed packaging by burial away from bodies of water.

USE PRECAUTIONS

1. **IMPORTANT:** Federal Law requires that bags containing treated seed shall be labeled with the following information:
This seed treated with Carboxin, Thiram and Lindane. Do not use treated seed for food, feed or oil purposes. Do not graze or feed livestock on treated areas for six weeks after planting. Add appropriate information for any other chemical treatments.
2. **Planting Note:** Seed treated with this product does not flow as freely as untreated seed. The drill should therefore be adjusted to compensate for this restricted seed flow to prevent lower than desired seedling rates.
3. Augers used for handling treated seed should not be used to move grain for food, feed or oil processing.
4. Do not reuse bags from treated seed to handle food or feed products.

ROTATIONAL CROPS

A plant-back interval of 30 days should be observed for leafy vegetables and 12 months for all unregistered crops. Barley, wheat, oats, rye, corn and sorghum may be replanted immediately.

STORAGE AND DISPOSAL

1. **STORAGE:** Store in a cool, dry place. Do not store in direct sunlight. Keep container closed when not in use.
2. **PROHIBITIONS:** Do not contaminate water, food or feed by storage or disposal or by cleaning of equipment. Open dumping is prohibited.
3. **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.
4. **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 incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

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 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.

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