

7501-148

12-26-2001

1/3

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number  
286314

Application for Pesticide - Section I

1. Company/Product Number 7501-148	2. EPA Product Manager M. Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) KODIAK A-T Fungicide	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Gustafson, LLC 1400 Preston Rd., Suite 400 Plano, TX 75093 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name <u>NOTIFICATION</u>	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	DEC 26 2001
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Add sentence "(for all crops, commercial use only is registered in California, agricultural establishment "on farm" use is not registered in California)"

"This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

Dennis McFadden

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted	If "Yes" Unit Packaging wgt.    No. per container	If "Yes" Package wgt    No. per container		<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Dennis McFadden	Title Mgr. Tox & Reg Affairs	Telephone No. (Include Area Code) 972-985-8977
2. Signature Dennis McFadden		3. Title Mgr. Tox & Reg Affairs
4. Typed Name Dennis McFadden		5. Date 11/16/01
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received (Stamped)

*Change circled*  
**KODIAK® A - T**

NOTIFICATION

## Fungicide

DEC 26 2001

Contains ALLEGIANCE™, TERRACLOR® and KODIAK® Fungicides

### ACTIVE INGREDIENTS:

Pentachloronitrobenzene (PCNB).....	16.67%
Metalaxyl.....	4.25%
<i>Bacillus subtilis</i> GB03 (nominal concentration of 2.0 X 10 <sup>9</sup> viable spores per gram).....	0.1%
<b>INERT INGREDIENTS:</b> .....	<b>78.98%</b>
<b>Total</b> .....	<b>100.0%</b>

\*Contains Graphite

EPA Reg. No. 7501-148 EPA Est.  
 NET CONTENTS:

**KEEP OUT OF REACH OF CHILDREN**  
**Precautionary Statements**  
**Hazards to Humans and Domestic Animals**  
**CAUTION**

Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling.

#### 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 A 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 made of any waterproof material such as polyethylene or polyvinyl chloride and shoes plus socks. Mixers and Loaders must wear: long-sleeved shirt and long pants, chemical-resistant gloves, shoes plus socks, and dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, 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. Users should remove clothing 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 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:  
 -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.

#### Environmental Hazards

This product is toxic to fish and aquatic organisms. 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 apply when weather conditions favor drift from treated areas. Cover or incorporate treated seeds. Do not contaminate water when disposing of equipment washwaters.

**Groundwater Advisory:** This chemical is known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.

#### STORAGE AND DISPOSAL

**STORAGE:** Store in a cool, dry place. Do not store in direct sunlight. Protect from extreme temperatures.

**PROHIBITIONS:** Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not reuse container.

**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:** Completely empty container into application equipment. 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 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.

**Gustafson** 

**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 made of any waterproof material such as polyethylene or polyvinyl chloride and shoes plus socks and protective eyewear.

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

**RECOMMENDED APPLICATIONS**

KODIAK A-T Fungicide will protect against seed and seedling rot diseases caused by *Pythium spp.* and *Rhizoctonia solani*.

**PLANTER BOX TREATMENT**

Apply at the specified rate and premix with the seed directly in the planter box at planting. Place half the amount of seed into the planter box and apply half the required amount of pesticide to the seed. Stir the seed thoroughly with a paddle until the seed is uniformly coated. Place the remaining half of the seed into the planter box and add the remaining half of the pesticide. Again stir the seed with the paddle until all seed is thoroughly coated. A non-oil lubricant has also been added to help seeds flow more easily and evenly from the planter box. Use the higher rate of application in fields with a history of severe disease pressure.

(For all crops, commercial use only registered in California, agricultural establishment "on-farm" use is not registered in California)

**SEED TREATMENT APPLICATION**

KODIAK A-T may be applied at planting time, utilizing commercial seed treating equipment to maximize seed coverage. (\*Calibrate the equipment as per the manufacturer's instructions.)

CROPS	RATE	DISEASE
Cotton	12 oz./100lbs.	<i>Pythium</i> and <i>Rhizoctonia</i>
Peanuts	4 to 6 oz./100lbs.	Seedling Disease Complex,
Barley, Rice	1 to 2 oz./bu.	Common Smut or Bunt (Wheat),
Beans, Corn		Covered Smut (Barley)
Wheat	2 to 3 oz./bu.	
Soybeans, Peas	2 to 4 oz./bu.	<i>Pythium</i> and <i>Rhizoctonia</i>
		Seedling Disease Complex,
		Early Season Phytophthora
Sugar beets	3 to 6 oz./100lbs.	<i>Pythium</i> , <i>Rhizoctonia</i> and <i>Fusarium</i>

**USE RESTRICTIONS**

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

NOTE: Federal law requires that bags containing treated seeds shall be labeled with the following information. "This seed has been treated with Metalaxyl, PCNB and *Bacillus subtilis* GBO3 fungicides. Do not use for feed, food or oil purposes. Store away from feeds and foodstuffs." All seed treated with this product (except by the planter box method) 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.

**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.

U. S. Patent No. 5,215,747

A quality product manufactured for:

**Gustafson LLC**  
1400 Preston Road, Suite 400  
Plano, Texas 75093  
Questions? (972) 985-8877

GUSTAFSON (logo) is a Reg. TM of Gustafson LLC  
KODIAK is a Reg. TM of Gustafson LLC  
ALLEGIANCE is a TM of Gustafson LLC  
TERRACLOR is a Reg. TM of Uniroyal Chemical Company, Inc.