



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

FEB 10 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

DENNIS L. MC FADDEN
GUSTAFSON, INC.
BOX 660065
DALLAS, TX 75266

Subject: Label Amendment Submission of 12/02/93 In Response to PR Notice 93-7
EPA Reg. No. 7501-149
TOPS 5 POTATO SEED-PIECE TREATMENT

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 reflected on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the Worker Protection Standard (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 not been reviewed or 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:

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
- AND
- WITHIN one year from date of this acceptance.



Recycled/Recyclable
Printed with Soy/Candla Ink on paper that
contains at least 50% recycled fiber

294

Page 2

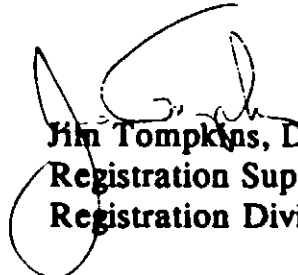
Submit the final printed labeling via the U.S. Postal Service to:

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 printed 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

394

ACCEPTED
with COMMENTS
in EPA Letter Dated
FEB 10 1994

TOPS® 5

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

7501-149

Rotato Seed-Piece Treatment Fungicide

ACTIVE INGREDIENT:

Thiophenate-methyl (dimethyl[(1,2-phenylene)

bis (iminocarbonothioyl)]bis(carbamate))* 5.0%

INERT INGREDIENTS: 95.0%

TOTAL 100.0%

*Also known as dimethyl 4,4'-O-phenylenebis[3-thioallophosphate].

KEEP OUT OF REACH OF CHILDREN CAUTION

STATEMENT OF PRACTICAL TREATMENT

If swallowed, induce vomiting with a mixture of soap or mustard in warm water. Call a physician immediately. If on skin, wash immediately with soap and water. If inhaled, get medical attention if irritation develops.

See Side Panel for additional Precautionary Statements.

EPA Reg. No. 7501-149

EPA Est. 38091-ID-1

Net Contents: 40 Pounds

PRECAUTIONARY STATEMENTS HAZARD TO HUMANS AND DOMESTIC ANIMALS CAUTION

May be harmful if swallowed or inhaled. Avoid contact with eyes, skin, or clothing. Avoid inhaling dust. Do not contaminate feed or food.

PERSONAL PROTECTIVE EQUIPMENT:

Applicators and other handlers must wear: coveralls over long-sleeved shirt and long pants, waterproof gloves, shoes plus socks and dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C).

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.

USERS SAFETY RECOMMENDATIONS:

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

ENVIRONMENTAL HAZARDS

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 contaminate water when disposing of equipment washwaters.

STORAGE AND DISPOSAL

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

STORAGE: Store in cool, dry location. Do not store in direct, hot sunlight.

PESTICIDE DISPOSAL: Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by 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 use this product at higher than recommended rate.

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 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, waterproof gloves, and shoes plus socks.

Gustafson 

BEST AVAILABLE COPY

494

GENERAL INFORMATION

Note: TOPS 5 is a systemic fungicide having a specific mode of action. TOPS 5 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 with your State Agricultural Experiment Station or Extension Service Specialist for guidance and ways to control any possible resistant strains of fungi which may occur.

TOPS 5 is a fungicide formulated for the dry treatment of potato seed pieces to suppress *Fusarium* and *Rhizoctonia*. This pesticide will not control bacterial diseases or other diseases not claimed on this label for varieties known to be susceptible to bacterial soft rot. Companion fungicides known to be active against this organism should be used. Consult your extension potato pathologist for variety and treatment information.

For the suppression of potato seed piece decay caused by *Fusarium* and *Rhizoctonia spp.*, use 1/2 pound TOPS 5 per 100 pounds of cut seed pieces. Apply so that the cut seed pieces are thoroughly covered with dust by the use of a convenient container or dust attachment over the belt. Thoroughly clean and sanitize cutting machines, knives, trays, tables, barrels, equipment, trucks and planters before cutting and planting seed pieces.

Do not use treated seed pieces for food, feed or fodder. Apply only in areas with adequate ventilation or dust collection and control equipment installed. Do not substitute fans for ventilation in areas where application is made to cut potatoes.

NOTE: This pesticide is to be sold ONLY in this original, unbroken package.

NOTICE - READ CAREFULLY CONDITIONS OF SALE AND LIMITED WARRANTY STATEMENT

Treatment of highly mechanically damaged seed pieces, or seed pieces of known low vigor and poor quality, except for the purposes of curative control of existing disease, may result in reduced germination and/or reduction of seed and seedling vigor.

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.

Net Weight: 40 Pounds

EPA Est. _____

A quality product manufactured by:
Gustafson, Inc.
1400 Preston Road, Suite 400
Plano, Texas 75093
(214) 985-8877

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

149(WPS)-398250