

7501-176

11/04/1999

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg. Number:
7501-176

Date of Issuance:
NOV 4 1999

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance: Conditional

Name of Pesticide Product:

Gaucho XT Flowable

Name and Address of Registrant (include ZIP Code):

Gustafson LLC
1400 Preston Road, Suite 400
Plano, TX 75093
Attn: Dennis McFadden

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(5). Once a pesticide is registered, however, it is not regarded as permanently acceptable. Registration does not eliminate the need for continual reassessment of pesticides. If the Agency determines that, at any time, additional data are required to maintain in effect an existing registration, the Agency will require submission of such data under FIFRA section (3)(c)(2)(b).

1. Modify your proposed label submitted March 9, 1999 as indicated below before you release the product for shipment.
 - a. Revise the EPA Registration Number to read, "EPA Reg. No. 7501-176.

continued on p.2

Signature of Approving Official:

Date:

NOV 4 1999

- b. Since this product contains greater than 10% petroleum distillates (mineral oil), the following statement must be added to the front panel immediately below the ingredient statement as a footnote to the inert ingredients:

*“Contains Petroleum Distillate.”

In addition, the following “Note to Physician” is required and should be added to the label directly below the last “First Aid” statement, but should be clearly distinguished from the “First Aid” statements:

“Note to Physician: This product may pose an aspiration pneumonia hazard. Contains petroleum distillate (mineral oil).”

The “Note to Physician” may also include the following types of information, if applicable:

- technical information on symptomatology;
- use of supportive treatments to maintain life functions;
- medicine that will counteract the specific physiological effects of the pesticide;
- company telephone number to specific medical personnel who can provide specialized medical advice.

- c. Revise the text under “PRECAUTIONARY STATEMENTS” by adding the sentence “Avoid contact with eyes, skin or clothing” after the first sentence, “Harmful if swallowed, absorbed through the skin or inhaled.”
- d. EPA will soon be issuing a PR Notice concerning improvements to the format and content of “First Aid” statements (formerly “Statement of Practical Treatment”) on all pesticide product labels. The “First Aid” statements in the upcoming PR Notice will supersede the statements that are listed in the December 1996 Label Review Manual. In addition, EPA is currently is revising the Label Review Manual; the revised manual will incorporate the updated “First Aid” statements from the PR Notice. At this time, we recommend that you incorporate the updated “First Aid” statements on your new product label by revising your proposed label as follows:

Change the heading "STATEMENT OF PRACTICAL TREATMENT" to "FIRST AID." Change the instructions under "FIRST AID" to read as indicated below.

"IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Do not induce vomiting. Do not give anything by mouth to an unconscious person. Avoid alcohol.

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.

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."

Your proposed label includes first aid instructions for accidental exposure to the eyes. Since this product is classified as acute toxicity category IV for primary eye irritation and you did not include eye irritation in the "PRECAUTIONARY STATEMENTS", a first aid statement for "IF IN EYES" is not required; however, if you choose to add a statement for eyes, use the following:

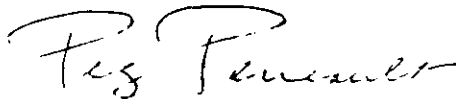
"IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing the eye. Call a poison control center or doctor for treatment advice."

2. Please submit two copies of your revised final printed labeling before you release the product for shipment.
3. The acute toxicity studies and product chemistry data you submitted March 9, 1999 have been reviewed and are considered acceptable. The acute toxicity database for your product is complete. **The product chemistry database is complete with the exception of storage stability (Guideline 830.6317) and corrosion characteristics (Guideline 830.6320), which you have indicated are currently in progress. These studies must be submitted upon completion. Copies of the acute toxicity and product chemistry reviews are enclosed for your records.**

If the above specified conditions are not complied with, the registration will 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.

A stamped copy of the label is enclosed for your records. If you have any questions regarding this notice, please contact me at (703) 305-5417 or via E-mail at Perreault.Peg@epa.gov.

Sincerely yours,



Peg Perreault
Chemical Manager, Team 4
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosures (3)

November 4, 1999

GAUCHO® XT

FLOWABLE

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

1501-176

ACTIVE INGREDIENT:

Imidacloprid: 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine.....	12.7%
Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester.....	0.82%
Tebuconazole: Alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethyl-ethyl)-1H-1,2,4-triazole-1-ethanol.....	0.62%
INERT INGREDIENTS:	85.86%
Total.....	100.0%

Contains 1.16 pounds of imidacloprid, 0.075 pounds of metalaxyl and 0.056 pounds of tebuconazole per gallon.

EPA Reg. No. 7501- EPA Est. No.

KEEP OUT OF REACH OF CHILDREN CAUTION

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, absorbed through skin or inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are listed below. If you want more option, follow the instructions for category C on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear: Long-sleeved shirt and long pants, socks and shoes and chemical-resistant gloves (such as nitrile, butyl, neoprene, barrier laminate, polyvinyl chloride or Viton). Follow manufacturer's 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 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.

STATEMENT OF PRACTICAL TREATMENT

If Swallowed: Call a physician or Poison Control Center. Drink one or two glasses of water. Do not induce vomiting. Do not give anything by mouth to an unconscious person. **On Skin:** Wash with plenty of soap and water. Get medical attention if irritation develops. **If Inhaled:** Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth to mouth. Get medical attention. **If in Eyes:** Flush with plenty of water. Call a physician if irritation develops.

ENVIRONMENTAL HAZARDS

This product is highly toxic to birds and aquatic invertebrates. 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. Cover or incorporate spilled treated seeds.

Groundwater Advisory: Metalaxyl 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 groundwater contamination.

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.

This product is to be used in liquid or slurry treaters. Mix thoroughly before use or use entire container at one time. All tank mixes should be pre-tested to determine physical compatibility between formulations. Observe all cautions and limitations on labeling of all products used in mixtures.

STORAGE AND DISPOSAL

STORAGE: Store in a cool place. Do not store in direct sunlight. Protect from freezing temperatures.

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

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

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.

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 seed is treated with the product and the treated seed 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, protective eyewear.

Wheat:

Insect Control: Early season protection of seedlings against injury by Aphids (including Bird cherry-oat, English grain, Green-bug, and Russian wheat aphid) and Wireworms. **Disease Control:** Early season disease control of *Pythium* damping-off, Stinking smut, Flag smut, Loose smut, Early season *Septoria* disease complex, Early season *Rhizoctonia* root rot, Early season common root rot, Early season *Fusarium* foot rot, Early season suppression of powdery mildew and early season suppression of wheat leaf rust. Apply 3.4 fluid ounces per hundred weight of seed prior to planting as a slurry treatment. Ensure thorough coverage. Do not graze or feed livestock on treated areas for 45 days after planting.

Barley:

Insect Control: Early season protection of seedlings against injury by Aphids (including Bird cherry-oat, English grain, Green-bug, and Russian wheat aphid) and Wireworms. **Disease Control:** Early season disease control of *Pythium* damping-off and Covered smut, Loose smut, Barley stripe (suppression), Early season *Rhizoctonia* root rot, Early season common root rot, Early season *Fusarium* foot rot, Early season suppression of powdery mildew and Early season suppression of barley leaf rust. Apply 3.4 fluid ounces per hundred weight of seed prior to planting as a slurry treatment. Ensure thorough coverage. Do not graze or feed livestock on treated areas for 45 days after planting.

ROTATIONAL CROPS:

Treated areas may be replanted with any crop specified on an imidacloprid label, or any crop for which a tolerance exists for the active ingredient, as soon as practical following the last application.

The following plant-back intervals should be observed for listed crops:

ROTATIONAL PLANT-BACK INTERVALS*				
IMMEDIATE PLANT-BACK				30-DAY PLANT-BACK
Barley	Cabbage	Ground cherry	Potatoes	Cereals (including buckwheat, corn, millet, oats, popcorn, rice, rye and triticale) Legumes (including soybeans, beans and peas) Safflower
Broccoli	Canola	Kale	Rape greens	
Broccoli, Chinese	Cauliflower	Kohlrabi	Sorghum	
Broccoli raab	Collards	Lettuce	Sugar beets	
Brussels Sprouts	Cotton	Mustard greens	Tomatillo	
Cabbage, Chinese mustard	Cucurbits	Pepinos	Tomato	
Cabbage, Chinese	Eggplant	Pepper	Wheat	

*Cover crops for soil building or erosion control may be planted any time, but do not graze or harvest for food or feed.
*All other crops not listed on an imidacloprid label, or for crops for which no tolerance for the active ingredient have been established, a 12-month plant-back interval should be observed.

NOTIFICATION of the crop rotational restriction must be conveyed to the grower by appropriate seed tag labeling or bag printing on all seed units.

NOTE: The purchaser of this product is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, Part 2.25. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.1001. Federal regulations have established official tolerances for certain pesticide residues. In order that residues on food and forage crops will not exceed established tolerances, use only at recommended rates.

Treated seed must not be used for or mixed with food or animal feed or processed for oil. Seed commercially treated with GAUCHO XT Flowable must be labeled in accordance with all applicable requirements of the Federal Seed Act.

Labels for commercially treated seed should include the following addition to the Environmental Hazards statements:

Exposed treated seed may be hazardous to birds. Dispose of all excess treated seed and seed packaging by burial away from bodies of water. Cover or incorporate spilled treated seeds.

**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

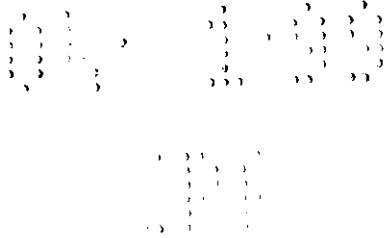
committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of Gustafson LLC, no claims are made to guarantee germination of carry-over seed.

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.

**IN CASE OF AN EMERGENCY ENDANGERING
LIFE OR PROPERTY INVOLVING THIS PRODUCT,
CALL (800) 424-9300**

A quality product manufactured by:
Gustafson LLC
1400 Preston Road, Suite 400
Plano, Texas 75093
Questions? (972) 985-8877



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