

	<p>U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505C) Ariel Rios Building 1200 Pennsylvania Ave. NW Washington, D.C. 20460</p> <p>NOTICE OF PESTICIDE: <u> X </u> Registration <u> </u> Reregistration (under FIFRA, as amended)</p>	<p>EPA Reg. Number: 7501-200</p>	<p>Date of Issuance: MAR 7 2005</p>
		<p>Term of Issuance: Conditional</p>	
		<p>Name of Pesticide Product: TOPS 30 Flowable Fungicide</p>	
<p>Name and Address of Registrant (include ZIP Code): Gustafson LLC PO Box 660065 Dallas, TX, 75266 - 0065</p>			
<p>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.</p>			
<p>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.</p> <p>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.</p>			
<p>This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:</p> <p>1. Submit/cite all data required for the registration/ reregistration of your product when the Agency requires all registrants of similar products to submit data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.</p>			
<p>(Continued)</p>			
<p>Signature of Approving Official: <i>Mary L. Waller</i></p> <p>Mary L. Waller, Product Manager 21 Fungicide Branch, Registration Division</p>		<p>Date: 3/5/05</p>	

Continued from first page.

2. Make the following changes:

- a. Change the EPA Registration Number to 7501-200.
- b. Move the heading "Directions for Use" so that it is on the line above the sentence beginning "It is a violation . . .".
- c. Under "Labeling of Treated Seed", change the sentence "This seed has been treated with thiophanate-methyl" to "This seed has been treated with the pesticide thiophanate-methyl".
- d. Under "Storage and Disposal" change the heading "Storage" to "Pesticide Storage".

3. Submit one (1) copy of the revised final printed label before you release the product for shipment.

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

A stamped copy of the label is enclosed for your records. If you have any questions, contact Lisa Jones of my staff at (703) 308-9424 or at jones.lisa@epa.gov.

Sincerely,

Mary L. Waller
Product Manager (21)
Fungicide Branch
Registration Division (7505C)

Enclosures: Stamped copy of label

3/10

TOPS30(S)030805D19

TOPS[®] 30 FLOWABLE FUNGICIDE

ACTIVE INGREDIENT:

Thiophanate-methyl (CAS# 23546-05-8)..... 30%

OTHER INGREDIENTS 70%

TOTAL 100%

EPA Reg. No. 7501-
EPA Est.

NET CONTENTS:

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

SEE ADDITIONAL PRECAUTIONARY STATEMENTS

A quality product manufactured by:



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

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

3/5/05

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No. 7501-200**

4/6

TOPS® 30 FLOWABLE

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

Personal Protective Equipment (PPE): Some materials that are chemical-resistant to this product are listed below. If you want more options, 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 plus shoes, chemical-resistant gloves, such as barrier laminate >14 mils, butyl rubber > 14 mils, nitrile rubber > 14 mils, neoprene rubber > 14 mils, polyvinyl chloride (PVC) > 14 mils and Viton > 14 mils and protective eyewear.

Engineering Controls: When handlers use closed systems in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

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.

ENVIRONMENTAL HAZARDS

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 in accordance with local regulations.

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	<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.
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If on skin or clothing	<ul style="list-style-type: none"> • 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.
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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 by mouth to an unconscious person.
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IN CASE OF SPILL OR TRANSPORTATION EMERGENCY ENDANGERING LIFE OR PROPERTY INVOLVING THIS PRODUCT CALL:

**CHEMTREC: (800) 424-9300 (Toll free - US)
CHEMTREC: (703) 527-3887 (Domestic and International)
HUMAN HEALTH EMERGENCIES CALL: (972) 985-8877**

5/10

TOPS® 30 FLOWABLE

DIRECTIONS FOR USE: It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.

USE RESTRICTION

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

USE PRECAUTION

When using formulations that do not contain dye, to comply with 40 CFR 153.155, all seed treated with an economic poison must be colored with an EPA-approved dye or colorant that imparts an unnatural color to the seed to distinguish and prevent subsequent inadvertent use as a food for man or feed for animals.

LABELING OF TREATED SEED

Seed commercially treated with TOPS 30 Flowable must be labeled in accordance with all applicable requirements of the Federal Seed Act. All bags containing treated seed must be labeled or tagged as follows:

This seed has been treated with thiophanate-methyl.

Do not use for feed, food or oil processing.

Store away from feeds and other foodstuffs.

GENERAL INFORMATION:

Apply as a seed treatment using standard slurry or mist-type seed treatment equipment. Uniform application of seed is necessary to ensure seed safety and best disease protection. Seed should be sound and well cured prior to treatment. Product should be diluted with sufficient water to ensure complete seed coverage. Consult a seed treatment specialist regarding slurry rates recommended for the crop to be treated with TOPS 30 Flowable.

Peanuts: For protection against seed rot organisms including *Aspergillus spp.* that attack germinating seeds and seedlings inciting seed decay and for suppressing *Fusarium spp.* and *Rhizoctonia spp.* causing seedling blight, apply TOPS 30 Flowable at a rate of 0.23 – 0.45 fl. oz. per 100 lbs. of seed.

To provide seed protection against seedborne *Sclerotinia*, apply TOPS 30 Flowable at a rate of 1.5 –1.78 fl.oz. per 100 lbs. of seed.

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool dry location.

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 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 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

6/10

TOPS® 30 FLOWABLE

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.

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

TOPS and Gustafson (logo) are registered trademarks of Gustafson LLC, Plano, Texas