

7969-387

8/13/2009

10f9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Edward G. Jordan, Ph.D.
Product Registration Manager
BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709-3528

AUG 13 2009

Subject: Label amendment dated 1/23/09
Charter PB Seed Treatment Fungicide
EPA registration No. 7969-387; Decision number 405175

Dear Dr. Jordan,

The amendment referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to increase the application rate; is acceptable provided the following corrections are made.

1. On page 2, "First Aid" and "Hazards to Humans and Domestic Animals," the eye, oral, skin, and inhalation statements should parallel in the order of toxicity as reflected in the Acute Toxicity Review.
2. On page 2, "Hazards to Humans and Domestic Animals," revise the first sentence to read: Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, **or the toilet.**
3. On page 2, "Applicators and other handlers must wear;" remove the first bullet (dust/midst filtering respirator) as it is not required by the RED. However, please revise by adding "chemical resistance apron when cleaning up spills, or cleaning equipment."
4. On page 2, the "User Safety Requirements" should appear after the "Applications and other handlers must wear" and before "User Safety Recommendations." Please insert the following text: *"Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions exist for washables, use detergent and hot water. Keep and wash PPE separately from other laundry."* Additionally, this language should appear inside a text box.
5. On page 2, "Endangered Species" subheading must be sited after the "User Safety Recommendations" and before "Environmental Hazards" sections with the following text: "This bag contains seed treated with thiram. This product may have effects on federally listed threatened endangered species or their critical habitat in some counties.

It is a violation of federal law to kill, harm or harass listed animal species without authorization. To limit the potential for such impacts when using this product, consult and follow the instructions provided in the EPA Endangered Species Bulletin for the County or Parish in which you are applying the seed. To determine whether your County or Parish has a Bulletin consult <http://www.epa.gov/espp> before each season's use of this product."

6. On page 2, "Environmental Hazards," first paragraph, first sentence, revise by adding: "This chemical is toxic to fish, aquatic invertebrates, and oysters." Further, revise the last sentence to read: "Do not contaminate water when cleansing equipment or disposing of equipment **washwater or rinsate**."

Additionally, revise the second paragraph, first sentence to read: Treated seed exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading and planting.

7. On page 3, "Agricultural Use Requirements" revise the REI to "24 hour" as stated in the RED. Moreover, for "PPE" revise to the first bullet to "coveralls" (deleting long sleeved shirt and long pants), and add "protective eyewear" as the last bullet. Please note, shoes plus socks, and chemical-resistance gloves made of waterproof material are to remain as shown on the current label.
8. On page 4, "General Information," revise the statement "See the following table for diseases controlled or suppressed by Charter" to appear prior to the chart. Note: reverse the order of this sentence with "When handling Charter well-ventilated area."
9. On page 5, "Use Restrictions," revise the second bullet to read: "Store treated seed away from food and feedstuffs." You may delete the third bullet, as the revised statement should prevent contamination.
10. On page 5, "Methods of Application," second paragraph which contains crop specific instructions, please include the following statement: "Plant barley and wheat seed a minimum of 1 inch deep."
11. On page 5, "Use Restrictions," revise the fifth bullet to read: "Do not contaminate bodies of water when disposing of planting equipment washwater."
12. On page 5, "Treated Seed Must be Labeled as Follows," add the following statements:
 "Do not allow children, pets, or livestock to have access to treated seeds"
 "Wear long pants, long-sleeved shirt and protective gloves when handling treated seed"
 "Dispose of seed packaging or containers in accordance with local requirements."

This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed labeling before the product is released for shipment.

For your records, a copy of the label stamped "Accepted with Comments" is enclosed. If you have questions concerning this letter, please contact Shaunta Hill via phone 703-347-8961, or email at hill.shaunta@epa.gov.

3089

Sincerely,



Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7505P)

Enclosure: Stamped label

4089



The Chemical Company

ACCEPTED
with COMMENTS
In EPA Letter Dated

AUG 13 2009

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

7969-387



CHARTER[®]PB

FUNGICIDE SEED TREATMENT

A liquid flowable for control of various seedborne diseases in wheat and barley

Active Ingredients:

triticonazole*	1.25%
thiram	12.50%

Other Ingredients:	<u>86.25%</u>
---------------------------	---------------

Total:	100.00%
---------------	---------

*Contains 0.12 lb of the active ingredient triticonazole and 1.2 lbs of the active ingredient thiram per U.S. gallon.

EPA Reg. No. 7969-387

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

See inside booklet for complete **First Aid, Precautionary Statements, Directions For Use, and Conditions of Sale and Warranty.**

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents:

FIRST AID	
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.
If in eyes	<ul style="list-style-type: none"> • Hold eyes open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes; then continue rinsing. • Call a poison control center or doctor for treatment advice.
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 swallowed	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor for treatment advice. • DO NOT induce vomiting unless told to do so by a poison control center or doctor. • Have a person sip a glass of water if able to swallow. • DO NOT give anything by mouth to an unconscious person.
HOT LINE NUMBER	
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).</p> <p>NOTE TO PHYSICIAN: No specific antidote is available. Treat symptomatically. Consumption of alcoholic beverages increases the toxic effects of thiram.</p>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING

May be fatal if inhaled. Harmful if swallowed or absorbed through the skin. DO NOT breathe vapor or spray mist. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before use. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Personal Protective Equipment (PPE)

Some materials that are chemically resistant to this product are barrier laminate, butyl rubber > 14 mils, nitrile rubber > 14 mils, neoprene rubber > 14 mils, polyvinyl chloride (PVC) > 14 mils, viton > 14 mils. 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:

- A dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C) or a NIOSH-approved respirator with any N, R, P or HE filter
- Long-sleeved shirt and long pants
- Shoes plus socks
- Chemical-resistant gloves made of barrier laminate, butyl rubber > 14 mils, nitrile rubber > 14 mils, neoprene rubber > 14 mils, polyvinyl chloride (PVC) > 14 mils, viton > 14 mils

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- 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.

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. Drift and runoff from treated areas may be hazardous to fish and aquatic organisms in adjacent aquatic sites. **DO NOT** contaminate water when cleaning equipment or disposing of equipment washwaters. If treated seed is spilled outdoors or in areas accessible to birds or endangered species, promptly clean up and dispose of properly to prevent ingestion. Dispose of all excess treated seed by burying seed away from bodies of water.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Read entire label before using this product. **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.

6099

Agriculture 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 intervals. 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 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 permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Chemical-resistant gloves made of waterproof material

Storage and Disposal

DO NOT contaminate water, food, or feed by storage or disposal.

Pesticide Storage

Store in original container. Keep container closed and in a secure place. Store in an area that is out of reach of children and animals, away from food, feedstuffs, fertilizers and seed. Protect from frost and freezing.

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

Nonrefillable Container. DO NOT reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

(continued)

Storage and Disposal (continued)

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Triple rinse containers too large to shake (capacity > 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable Container. Refill this container with **Charter® PB fungicide seed treatment** only. **DO NOT** reuse this container for any other purpose. Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

Triple rinse as follows: To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

(continued)

Storage and Disposal *(continued)*

Returnable Containers. After use, return cleaned container to point of purchase or designated locations. **DO NOT** reuse container for any other purpose. Refill only with **Charter® PB fungicide seed treatment**. For information on the disposal of unused or unwanted product, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA regional office for guidance.

In Case of Spill

In case of large-scale spillage regarding this product, call:
CHEMTREC 1-800-424-9300
BASF Corporation 1-800-832-HELP (4357)

GENERAL INFORMATION

Charter PB is a liquid seed treatment used for control or suppression of certain seedborne and soilborne diseases of wheat and barley. **Charter PB** will increase emergence and plant stands by controlling or suppressing these diseases.

See the following table for diseases controlled or suppressed by **Charter PB**.

When handling Charter PB and when treating seed or while augering or handling treated seed, work in a well-ventilated area.

8099

Charter® PB fungicide seed treatment Crop-specific Instructions

Crop	Disease Controlled	Disease Suppressed¹	Product Use Rate fl ozs/100 lbs seed
Barley	True loose smut General seed rots ² Covered smut False loose smut <i>Fusarium</i> seed rot <i>Fusarium</i> seedling blight	Common root rot (<i>Cochliobolus</i> spp.) <i>Rhizoctonia</i> root rot <i>Fusarium</i> crown rot <i>Fusarium</i> root rot <i>Pythium</i> damping-off	5.5 1 gallon treats: 2327 lbs 48.5 bushels ³ (approx)
Wheat	Common bunt Loose smut General seed rots ² <i>Fusarium</i> seed rot <i>Fusarium</i> seedling blight	Common root rot (<i>Cochliobolus</i> spp.) <i>Rhizoctonia</i> root rot <i>Fusarium</i> crown rot <i>Fusarium</i> root rot <i>Pythium</i> damping-off	5.5 1 gallon treats: 2327 lbs 39 bushels ⁴ (approx)

¹Suppression is defined as suboptimal control which is still of commercial benefit.
²General seed rots controlled include those caused by saprophytic organisms, such as *Penicillium* spp.
³Assumes 48 lbs/bu barley.
⁴Assumes 60 lbs/bu wheat.

Method of Application

Seed should be well conditioned and free of chaff before treating with **Charter PB**. Treated seed should not require drying after treatment and can be stored or bagged immediately (provided excessive slurry volumes are not applied to the seed). **Charter PB** may be applied using standard commercial seed treatment equipment (such as, but not limited to, slurry or mist-type equipment) or on-farm seed treatment equipment. **Charter PB** may also be used in on-the-go type air seeder treatment systems.

Charter PB should be applied to wheat and barley at the rate of 5.5 fl ozs of product per 100 pounds of seed. Thorough seed coverage and proper application equipment calibration is essential for good disease control. To achieve thorough coverage, **Charter PB** may be diluted with water, if needed, into a slurry. Direct application into a planter box is prohibited.

Use an EPA-approved dye that imparts an unnatural color to the seed.

Use Restrictions:

- **DO NOT** use treated seed for food, feed or oil processing.
- **DO NOT** store **Charter PB** near feed or foodstuffs.
- **DO NOT** contaminate feed or foodstuffs.
- **DO NOT** contaminate domestic or irrigation waters.
- **DO NOT** plant any crop not listed on this label within 30 days after planting **Charter PB** treated seed.

TREATED SEED MUST BE LABELED AS FOLLOWS: "This seed has been treated with **Charter PB** containing triticonazole and thiram. **DO NOT** use for food, feed or oil processing. **DO NOT** plant any crop other than wheat or barley within 30 days of planting **Charter PB** treated seed." The date of treatment must also be included on the treated seed label.

DO NOT use the same auger for treating seed that will handle commercial or feed grains.

DO NOT store leftover seed where there is a chance of it becoming mixed with untreated seed. Store treated seed in cool, dry conditions.

909

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

ST1108

Charter is a registered trademark of BASF.

© 2009 BASF Corporation
All rights reserved.

007969-00387.20090122.NVA 2009-04-277-0013
Supersedes: NVA 2007-04-277-0209

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709



The Chemical Company