

34704-933

08-27-2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. John Tice
Manager Registrations
Loveland Products, Inc.
P.O. Box 1286
Greeley, Colorado 80632-1286

AUG 27 2009

RE: Notification to change Manufacturer's Warranty Statement and Primary Brand Name
Change to: **"Dyna-Shield Small Grains Fungicide"**
EPA Registration Number: 34704-933
Date of Submission: July 15, 2009

Dear Mr. Tice:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated July 15, 2009, for the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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United States
Environmental Protection Agency
 Washington, DC 20460

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

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 34704-933	2. EPA Product Manager Mary Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) DYNA-SHIELD® TEBUCONAZOLE & METALAXYL FUNGICIDE	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Loveland Products, Inc. P.O. Box 1286 Greeley, Colorado 80632-1286 <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 _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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.

NOTIFICATION

AUG 31 2009

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

This Notification permitted by PRN 98-10 Sections II A & J changes the Primary Brand Name and Manufacturer's Warranty statement. The Brand name is being changed to, "Dyna-Shield Small Grains Fungicide. The Warranty was approved by EPA Letter dated May 11, 2009 (see attached).

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	Other (Specify) _____	
N/A		N/A			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gal or 2.5 gal		5. Location of Label Directions <input checked="" type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input checked="" type="checkbox"/> Other Pressure sensitive label		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name John T. Tice	Title Manager Registrations	Telephone No. (Include Area Code) 970-534-3415
2. Signature 		6. Date Application Received (Stamped)
3. Title Manager Registrations		
4. Typed Name John T. Tice John.Tice@cpsagu.com	5. Date 07/15/2009	



Performance Quality Value

July 15, 2009

Document Processing Desk (NOTIF)
 Office of Pesticide Programs (7504-P)
 U. S. Environmental Protection Agency
 2777 S. Crystal Drive, Room S-4900,
 Arlington, VA 22202-4501

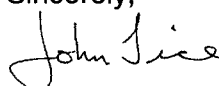
RE: Dyna-Shield Tebuconazole & Metalaxyl Fungicide (EPA Reg. No. 34704-933):
 Notification to change the Primary Brand Name and Change the Manufacturer's
 Warranty.

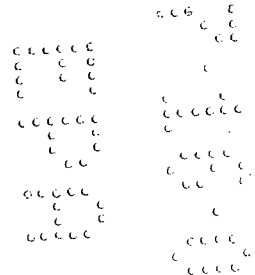
Dear Sir or Madam:

Loveland Products, Inc. is submitting a Notification permitted by PRN 98-10 which
 1) establishes a new Primary Brand Name for the product named above and 2) changes the
 Manufacturer's Warranty for this product. This action is permitted by PRN 98-10 in sections
 II (A) and II (J) respectively. The new Primary Brand Name will be "Dyna-Shield Small
 Grains Fungicide". The Warranty language has been approved by EPA letter dated May 11,
 2009 (see attached). To complete this action, please find: EPA Form 8570-1, 5 copies of
 the revised label containing the new Brand Name and warranty language, a copy of the EPA
 Letter dated May 11, 2009.

As an authorized agent for Loveland Products, I certify this notification is consistent with the guidance
 in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140,
 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential
 Statement of Formula for 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 the amended label is not
 consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

If you have any questions, please feel free to call or contact me at 970-534-3415 or email at
John.Tice@cpsagu.com.

Sincerely,

 John Tice
 Manager Registrations
 Loveland Products, Inc.





Dyna-Shield

SMALL GRAINS FUNGICIDE

NOTIFICATION
AUG 31 2009

Contains 0.039 pounds Tebuconazole and 0.051 pounds Metalaxyl per U.S. Gallon.

ACTIVE INGREDIENTS:

Tebuconazole: Alpha-[2-(4-chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol 0.48%

Metalaxyl: N-(2,6-dimethylphenyl)-N-(methoxyacetyl) alanine methyl ester 0.64%

INERT INGREDIENTS: 98.88%
TOTAL 100.00%

KEEP OUT OF REACH OF CHILDREN CAUTION

EPA REG. NO. 34704-933

EPA EST. NO. 34704-MS-001

NET CONTENTS 1 GAL. (3.78 L)

FOR A MEDICAL EMERGENCY INVOLVING
THIS PRODUCT CALL: 1-866-944-8565.

IHT 071206 V5D 07G09

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear:

- Long-sleeved shirt, long pants,
- Shoes plus socks.

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.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothes.
- 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

This pesticide product is highly toxic to fish, estuarine and marine invertebrates. 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 the 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.

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,
- Chemical-resistant gloves made of any waterproof material,
- Shoes plus socks.

Dyna-Shield® Small Grains Fungicide is a combination of the systemic fungicides, tebuconazole and metalaxyl which, aids in the control or suppression of the following seed, seedling and soilborne diseases of wheat, barley, oats and triticale: stinking smut, flag smut, loose smut, early season *Septoria* disease complex, general seed rots, *Pythium* damping-off, early season *Rhizoctonia* root rot, early season common root rot, seedborne *Fusarium* scab, early season *Fusarium* foot rot, early season suppression of powdery mildew and rust.

In California - Registered only for use in commercial seed treating establishments. Not allowed for "on-farm" use.

APPLICATION DIRECTIONS

Use 5 - 6.5 fluid ounces of Dyna-Shield Small Grains Fungicide per 100 pounds of seed. Applications should be made using standard slurry or mist-type seed treatment equipment. In some instances, a water and chemical slurry dilution may enhance coverage. A 1 part Dyna-Shield Small Grains Fungicide with 1 part water dilution may be used. This product is for commercial or on-farm application. This product is not intended for direct application into a planter box. Uniform application to seed is necessary to ensure seed safety and best disease control: Seed should be sound and well cured prior to treatment. Consult your area agronomist regarding planting depth recommendations for the particular variety to be planted.

NOTE: If this product is undyed, 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 a food for man or feed for animals. Refer to 21 CFR, Part 2.25. Any dye added to treated seed must be cleared for use under 40 CFR, part 180.1001.

SEED LABELING

To meet U.S. *Federal Seed Act* requirements, all seed treated with Dyna-Shield Small Grains Fungicide should be labeled:

TREATED SEED

DO NOT USE FOR FOOD, FEED OR OIL PURPOSES

Treated with Alpha-[2-(4-Chlorophenyl)ethyl]-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol (Tebuconazole) and Metalaxyl: Barley, wheat, oat and triticale green forage may be grazed or harvested for hay 31 days after seeding.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal. Do not clean or by cleaning of equipment.

PESTICIDE STORAGE: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat.

PESTICIDE DISPOSAL: This pesticide's 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 HANDLING:

Nonrefillable container. Do not reuse this container to hold materials other than pesticides or dilute pesticides (rinsate). After emptying and cleaning, it may be allowable to temporarily hold rinsate or other pesticide-related materials

**DYNA-SHIELD® SMALL GRAINS
FUNGICIDE
EPA REG. NO. 34704-933**

Storage & Disposal cont'd.:

the container. Contact your state regulatory agency to determine allowable practices in your state. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact The Agricultural Container Recycling Council (ACRC) at www.acrcycle.org. If not recycled, then 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.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **(For packages up to 5 gallons:) Triple rinse 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 ¼ 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. **Pressure rinse as follows:** Empty the remaining contents into application equipment or a 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.

(For packages greater than 5 gallons or 50 lbs.) Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ 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 a 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.

(For square bottom caged totes greater than 55 gals.) Triple rinse or pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Fill the container about 1/4 full with water, rinsing down all sides inside the container thoroughly. Recirculate water with the pump for 2 minutes. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

(For refillable containers:) Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container.

Cleaning before refilling is the responsibility of the refiller. 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 percent 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.

For help with any spill, leak, fire or exposure involving this material, call day or night CHEMTREC - 1-800-424-9300.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY BEFORE BUYING OR USING THIS PRODUCT. read the entire Directions for Use and the following Conditions of Sale and Limitation of Warranty and Liability. By buying or using this product, the buyer or user accepts the following Conditions of Sale and Limitation of Warranty and Liability, which no employee or agent of LOVELAND PRODUCTS, INC. or the seller is authorized to vary in any way.

Follow the Directions for Use of this product carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop or other plant injury, ineffectiveness, or other unintended consequences may result from such risks as weather or crop conditions, mixture with other chemicals not specifically identified in this product's label, or use of this product contrary to the label instructions, all of which are beyond the control of LOVELAND PRODUCTS, INC. and the seller. The buyer or user of this product assumes all such inherent risks.

Subject to the foregoing inherent risks, LOVELAND PRODUCTS, INC. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use when the product is used in strict accordance with such Directions for Use under normal conditions of use. EXCEPT AS WARRANTED IN THIS LABEL AND TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THIS PRODUCT IS SOLD "AS IS," AND LOVELAND PRODUCTS, INC. MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ELIGIBILITY OF THIS PRODUCT FOR ANY PARTICULAR TRADE USAGE.

IN THE UNLIKELY EVENT THAT BUYER OR USER BELIEVES THAT LOVELAND

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PRODUCTS, INC. HAS BREACH A WARRANTY CONTAINED IN THIS LABEL AND TO THE EXTENT REQUIRED BY APPLICABLE LAW, BUYER OR USER MUST SEND WRITTEN NOTICE OF ITS CLAIM TO THE FOLLOWING ADDRESS: LOVELAND PRODUCTS, INC., ATTENTION: LAW DEPARTMENT, P.O. BOX 1286, GREELEY, CO 80632-1286.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE BUYER'S OR USER'S EXCLUSIVE REMEDY FOR ANY INJURY, LOSS, OR DAMAGE RESULTING FROM THE HANDLING OR USE OF THIS PRODUCT, INCLUDING BUT NOT LIMITED TO CLAIMS OF BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, STRICT LIABILITY, OR OTHER TORTS, SHALL BE LIMITED TO ONE OF THE FOLLOWING, AT THE ELECTION OF LOVELAND PRODUCTS, INC. OR THE SELLER: DIRECT DAMAGES NOT EXCEEDING THE PURCHASE PRICE OF THE PRODUCT OR REPLACEMENT OF THE PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LOVELAND PRODUCTS, INC. AND THE SELLER SHALL NOT BE LIABLE TO THE BUYER OR USER OF THIS PRODUCT FOR ANY CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES, OR DAMAGES IN THE NATURE OF A PENALTY.

Dyna-Shield is a registered trademark of Loveland Products, Inc.

FORMULATED FOR


Loveland
PRODUCTS INC.

P.O. BOX 1286, GREELEY, COLORADO 80632-1286