

42750-130

10/19/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Morris Gaskins
Registrations Manager
Albaugh, Inc.
P.O. Box 2127
Valdosta, GA 31604

OCT 19 2010

Subject: Tebuconazole 28% FL ST
EPA Reg. No. 42750-130
Your amendment dated September 29, 2010
EPA Decision Number 439941

Dear Mr. Gaskins:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following changes are made:

1. On page 1 in the line immediately above the list of ingredients change "...Wheat, Barley and Oats" to "Wheat, Barley, Oats and Corn"
2. On page 2 add the following paragraphs to the end of the section ENVIRONMENTAL HAZARDS:

"Ground Water Advisory: Tebuconazole is known to leach through soil into groundwater under certain conditions as a result of label use. Use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground-water contamination.

Surface Water Advisory: This product may contaminate water through drift of spray in wind. This product has a high potential for runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to runoff that contains this product. A level, well maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential for contamination of water from rainfall-runoff. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted within 48 hours."

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3. On page 2 in the third paragraph following the header DIRECTIONS FOR USE change "...wheat, barley and oats." to "...wheat, barley, oats and corn."
4. In the note at the bottom of page 2 change "...CFR Section 180.1001 (c) and (d)...." to "CFR Sections 180.910 and 180.920...."
5. On page 4 in the first line following the header SEED LABELING REQUIREMENTS change "...FL ST should be labeled: "Treated with Do not use treated seed...." to "...FL ST must be labeled: "Treated with tebuconazole. Do not use treated seed...."
6. On page 4, delete the following text from the first row of the table for corn seed treatment: "For control of soilborne and seedborne Fusarium. . . at or immediately before planting."
7. On page 5, in the next to last sentence in the Storage and Disposal section, revise "rinseate" to read "rinsate".
8. On page 5 in the second paragraph following the header CONDITIONS OF SALE AND LIMITED WARRANTY STATEMENT change "ONLY AS PERMITTED BY APPLICABLE LAW," to "TO THE EXTENT CONSISTENT WITH APPLICABLE LAW,"

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label that incorporates the required changes before the product is released for shipment.

If you have any questions, please contact Robert Westin by phone at (703) 305-5721 or via email at westin.robert@epa.gov.

Sincerely,



Mary L. Waller
Product Manager (21)
Fungicide Branch
Registration Division (7504P)

Enclosure

3047

TEBUCONAZOLE 28% FL ST
Seed Treatment Fungicide

For Use Only by Commercial Seed Treaters

For Control of Specified Diseases on Wheat, Barley and Oats

ACTIVE INGREDIENT:

Tebuconazole, Alpha-[2-(4-Chlorophenyl) ethyl]-alpha-(1, 1-Dimethylethyl)-
1H-1,2,4-triazole-1-ethanol 28.3%

OTHER INGREDIENTS: 71.7%

TOTAL: 100.0%

Contains 2.5 lbs. tebuconazole per gallon

STOP-READ THE LABEL BEFORE USE

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

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 poison control center or doctor.• Do not give anything by mouth to an unconscious person.
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.
IF IN EYES:	<ul style="list-style-type: none">• Hold eye 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 eye.• Call a poison control center or doctor for treatment advice.
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.
For Chemical Emergency ONLY (spill, leak, fire, exposure or accident), call CHEMTREC at 1-800-424-9300. Have product container or label with you when calling a poison control center or doctor, or going for treatment.	

For all other inquiries about this product contact Albaugh at 1-800-247-8013.

EPA Reg. No. 42750-130

EPA Est. No. xxxxxx-xx-xxx

NET CONTENTS:

ACCEPTED
with COMMENTS
In EPA Letter Dated:

10/19/2010

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

Manufactured For:
ALBAUGH, INC.
121 NE 18th St
ANKENY, IA 50021

42750-130

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, inhaled or absorbed through the skin. Avoid contact with skin, eyes and clothing. Avoid breathing vapor or spray mist. Wear long sleeved shirt, long pants or coveralls, and chemical-resistant gloves made of waterproof material. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

This product is toxic to estuarine 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 or rinsate.

DIRECTIONS FOR USE

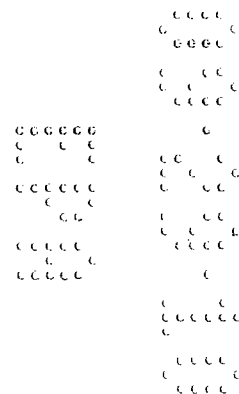
It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.

IMPORTANT: Read these entire Directions and Warranty before using TEBUCONAZOLE 28% FL ST.

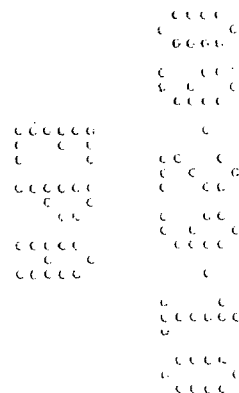
TEBUCONAZOLE 28% FL ST controls or suppresses certain designated seed and soilborne diseases of wheat, barley and oats.

SEED TREATMENT: Apply TEBUCONAZOLE 28% FL ST as a water-based slurry through standard slurry or mist-type commercial seed treatment equipment. Prepare a slurry by mixing the specified dosage in 9 to 20 fl. oz. of water per 100 lb of seed. Add dye** to the resulting slurry. Mix the slurry thoroughly with the seeds to provide uniform coverage.

**21CFR Chapter I, Section 2.25 requires grain seed treated with poisonous substances in excess of recognized tolerances be suitably colored with an EPA approved dye, such as one of the dyes listed in 40 CFR Section 180.1001 (c) and (d), to prevent their subsequent inadvertent use as a food for man or feed for animals.



APPLICATION RATE		
CROP & DISEASE	RATE OF TEBUCONAZOLE 28% FL ST	APPLICATION DIRECTIONS
<p>Wheat:</p> <p>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, Early Season Suppression of Wheat Leaf Rust</p> <p>Barley:</p> <p>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, Early Season Suppression of Barley Leaf Rust</p> <p>Oats:</p> <p>Loose Smut , Pythium Damping-off, Early Season Rhizoctonia Root Rot, Early Season Common Root Rot, Early Season Fusarium Foot Rot, Early Season Suppression of Powdery Mildew, Early Season Suppression of Crown rust</p>	0.1 fluid ounce per 100 pounds of seed	Refer to the SEED TREATMENT section on this label for the method of treating seed.



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SEED TREATMENT – Corn (Sweet Corn, Field Corn, Field Corn Grown For Seed and Popcorn)		
For control of soilborne and seedborne Fusarium and soilborne and Seedborne head smut. Not for use on agricultural establishments in hopper-box, slurry-box or other seed treatment applications at or immediately before planting.		
DISEASE	RATE FLUID OUNCES/CWT	DIRECTIONS FOR USE
Soilborne and Seedborne Fusarium	0.075 - 0.10	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 TEBUCONAZOLE 28% FL. The length of control will vary depending on the rate used.
Soilborne and Seedborne Head smut (<i>Sphacelotheca reiliana</i>)	0.37 – 0.74	

SEED LABELING REQUIREMENTS

To meet U.S. Federal Seed Act requirements, all seed treated with TEBUCONAZOLE 28% FL ST should be labeled: "Treated with Alpha-[2-(4-Chlorophenyl) ethyl]-alpha-(1, 1-Dimethylethyl)-1H-1,2,4-triazole-1-ethanol (TEBUCONAZOLE 28% FL ST). Do not use treated seed for feed, food or oil purposes. Barley, wheat and oat 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 or disposal.

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

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:

Non-refillable containers (1, 2.5, 30 & 55 gallon): Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

(non-refillable <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.

(non refillable >5 gallons): 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. 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 (all sizes): 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 for 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 (250 gallon & bulk): 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 the 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 process two more times.

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 ALBAUGH, INC., no claims are made to guarantee germination of carry-over seed.

As its sole express warranty, ALBAUGH, 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, ALBAUGH, INC., SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES, SUBJECT TO APPLICABLE LAW. ALBAUGH, 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 ALBAUGH, INC. If these terms are not acceptable, return all products to the place of purchase, unopened for a full refund.

