

50534-115

01/28/2005

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
401 "M" St., S.W.
Washington, D.C. 20460

NOTICE OF PESTICIDE:

☐ Registration
☒ Reregistration
(under FIFRA, as amended)

EPA Reg. Number:

50534-115

Date of Issuance:

JAN 28 2005

Term of Issuance: Conditional

Name of Pesticide Product:

Tuffgard 404

Name and Address of Registrant (include ZIP Code)

GB Biosciences Corporation
410 Swing Road
P.O. Box 18300
Greensboro, NC 27419

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.

Based on your response to the Reregistration Eligibility Document for Chlorothalonil RED, EPA has reregistered the above name product subject to the comments recorded in the succeeding paragraph. This action is taken under the authority of section 4(g)(2)(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. EPA may require submission of data at any time to maintain the registration of your product.

1. Make the following label changes:

- a. Revise the EPA Registration Number to read "EPA Reg. No. 50534-115".

Signature of Approving Official:

Marshall Swindell, PM 33
Regulatory Management Branch 1
Antimicrobial Division (7510W)

Date:

JAN 28 2005

b. In the Storage and Disposal section, change the subheading "STORAGE" TO PESTICIDE STORAGE".

c. As per the RED, the following restrictions must be placed in the Directions For Use:

"The product must not be formulated into a product intended as a mildewicidal paint additive designed for direct sale to retail customers, e.g. in "pillow pack" or other small volume or one-use package."

"This product must not be used to formulate products for use as in-container preservatives".

This product may only be formulated into mildewicidal paint additive products that are labeled as follows:

"This product may only be added to paint products that are labeled A) with product specific instructions for the use of a respirator during application, or B) as follows "When applying with a sprayer, wear a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any R, P, or HE filter. If oil is not present in the paint product or recommended for use as an additive in the paint product, add "N" as an additional respirator type."

d. As per the Acute Toxicity Review, the Signal Word must be changed from "WARNING" to "CAUTION".

e. As per the Acute Toxicity Review dated November 8, 2002, the Hazards to Humans and Domestic animals must be revised to read as follows:

"CAUTION

Harmful if inhaled. Harmful if swallowed or absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Avoid breathing spray mist. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals".

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f. Please list the correct EPA Registration No. on your product label. The correct "EPA Registration No. 50534-115" and not "EPA Registration No. 71581-1".

g. On page 5 of 7, remove "...or post-added to a finished product." under the Latex Emulsion section of the use direction. If this is your intent you must provide specific use directions for this use.

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.

Submit two (2) copies of the final printed label for our review. A stamped copy of the label is enclosed for your records.

If you have any questions concerning this letter, please contact Martha Terry at (703) 308-6217.

Sincerely,



Marshall Swindell
Product Manager 33
Regulatory Management Branch 1
Antimicrobial Division (7510C)

Enclosure

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TUFFCIDE® 404

BROAD SPECTRUM FUNGICIDE FOR CONTROL OF FUNGAL GROWTH

*For Use in Aqueous Paints, Stains, Coatings, Adhesives, Caulks, Sealants,
Grouts, Joint Compounds, and Wood Preservative Stains*

For Industrial XXXXXXXXXX Use Only

Active Ingredient:	
Chlorothalonil (tetrachloroisophthalonitrile)	40.4%
Other Ingredients:	59.6%
Total:	100.0%

This product contains 4.17 lbs. of chlorothalonil per gallon.

EPA Reg. No. 50534-115
EPA Est.

Net Contents:

KEEP OUT OF REACH OF CHILDREN.

~~WARNING~~ CAUTION

See additional precautionary statements and directions for use inside booklet.

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in EPA Letter Dated:

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FIRST AID

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.
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 by the 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 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 by mouth-to-mouth, if possible.• Call a poison control center or doctor for further treatment advice.

NOTE TO PHYSICIAN

This product may produce temporary irritation and side effects characterized by redness of the eyes, mild bronchial irritation and redness or rash on exposed skin areas. Persons having these reactions or an allergic reaction respond to treatment with antihistamines or steroid creams and/or systemic steroids.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

HOT LINE NUMBER

For 24 Hour Medical Emergency Assistance (Human or Animal) or
Chemical Emergency Assistance (Spill, Leak, Fire, or Accident)
Call
1-800-888-8372

PRECAUTIONARY STATEMENTS

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HAZARDS TO HUMANS AND DOMESTIC ANIMALS

~~CAUTION~~ CAUTION

Causes eye irritation. May cause skin irritation. May be a potential skin sensitizer.

DO NOT get in eyes, on skin, or on clothing. Wear goggles or face shield, rubber gloves, long sleeved shirt, and long pants when mixing, loading and applying this product. Harmful if inhaled. DO NOT breathe mist. Harmful if swallowed or absorbed through the skin. Remove contaminated clothing and wash before reuse.

Note to User: Exposure to formulations containing chlorothalonil may produce temporary irritation and side effects characterized by redness of the eyes, mild bronchial irritation and redness or rash on exposed skin. Persons having these reactions or allergic symptoms should contact a physician.

Follow manufacturer's instructions for cleaning/maintaining Personal Protective Equipment (PPE). If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

User's should:

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

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and wildlife. **DO NOT** discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. **DO NOT** discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

WILDLIFE: This pesticide is toxic to aquatic invertebrates and wildlife. Do not contaminate water when disposing of equipment washwater or rinsate.

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CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather, presence of other materials or other influencing factors in the use of the product, which are beyond the control of SYNGENTA CROP PROTECTION, Inc. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold SYNGENTA and Seller harmless for any claims relating to such factors.

SYNGENTA 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, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of the product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or SYNGENTA, and Buyer and User assume the risk of any such use. SYNGENTA MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

In no event shall SYNGENTA or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF SYNGENTA AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF SYNGENTA OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

SYNGENTA and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitations of Warranty and of liability, which may not be modified except by written agreement signed by a duly authorized representative of SYNGENTA.

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DIRECTIONS FOR USE

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

Observe all precautions listed under "Precautionary Statements" when handling and using this product.

This product may only be added to interior paint products that are labeled as follows "When applying with a sprayer, wear a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any R, P, or HE filter. If oil is not present in the paint product or recommended for use as an additive in the paint product add "N" as an additional respirator type.

TUFFCIDE 404 MAY NOT be used for food grade coatings and adhesives.

TUFFCIDE 404 is intended for use in aqueous systems only. Before use, thorough mixing of TUFFCIDE 404 is recommended to assure a uniform mixture. Add TUFFCIDE 404 at levels of **0.12% to 3.8%** (wt/wt) depending upon the **substrate** to be protected, the fungal hazard, and the duration of protection desired.

When an in-can preservative is used in combination with TUFFCIDE 404, it should be tested first for compatibility. Further information is available from our Technical Service personnel.

It is the responsibility of the manufacturer to test TUFFCIDE 404 for optimum dosage levels and to determine compatibility and suitability for the intended use.

LATEX EMULSION PAINTS, STAINS, AND COATINGS:

Levels of 5 to 10 pounds of TUFFCIDE 404 per 100 gallons (0.5% to 1.0% wt/wt) are effective for interior applications, while 10 to 25 pounds (1.0% to 2.5%) normally provide sufficient protection for exterior uses. TUFFCIDE 404 can be added during the pigment grind operation, during or after letdown, ~~or post-grind to the finished product~~. TUFFCIDE 404 is compatible with paints and coatings containing zinc oxide.

AQUEOUS ADHESIVES, CAULKS, AND SEALANTS:

Aqueous adhesives - Use 0.12 to 1.25 pounds of TUFFCIDE 404 per 100 pounds (0.12% to 1.25% wt/wt) with dosage rate depending on fungal hazard and duration of protection desired.

Aqueous caulks and sealants - Use 0.25 to 1.25 pounds of TUFFCIDE 404 per 100

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pounds (0.25% to 1.25% wt/wt) to provide mildew control on interior and exterior caulks and sealants.

GROUTS AND JOINT COMPOUNDS:

Add TUFFCIDE 404 to grouts and joint compounds at 1.0 to 3.8% by weight during the blending process, e.g. 1.0 to 3.8 pounds of TUFFCIDE 404 per 100 pounds of **grout or joint compound blend**.

WOOD PRESERVATIVE STAINS:

Above Ground Application: Add TUFFCIDE 404 at the rate of 10 to 25 pounds per 100 gallons of water-based stain formulation to prevent growth of mold, mildew, and wood decay fungi.

TUFFCIDE 404 can be added during the pigment grind operation, during or after letdown, or post-added to a finished product. TUFFCIDE 404 is compatible with stains containing zinc oxide. It is the responsibility of the formulator to determine the suitability of TUFFCIDE 404 for this use and to obtain end-use product registrations.

STORAGE AND DISPOSAL

DO NOT contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

STORAGE

Store in a cool place. Protect from excessive heat.

PESTICIDE DISPOSAL

Pesticide wastes are toxic. Improper disposal of excess pesticide, pesticide formulation 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 DISPOSAL

Triple rinse (or equivalent) and 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.

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For non-emergency (e.g., current product information) call
Syngenta Crop Protection at 1-800-334-9481.

Syngenta Crop Protection, Inc.
Greensboro, North Carolina 27409
www.syngenta-us.com

SCP 50534-115A-L1 XXXX

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