59639-191

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# United States Environmental Exotection Agency Washington, DC 20460

OFFICE OF CHÉMICAL SAFETY AND POLLUTION PREVENTION

Linda Obrestad Valent U.S.A. Corporation 1600 Riviera Ave., Suite 200 Walnut Creek, CA 94596-8025

MAY 0 9 2013

**Product Name:** 

Metlock CT Fungicide

EPA Reg. No.:

59639-191

Subject:

Application for Notification dated 4/17/2013

**EPA Decision Number:** 

478189

Dear Ms. Obrestad.

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10.

The Agency acknowledges the revised labeling to include early season leaf and strip rust to the wheat table.

The label submitted with the application has been stamped "Notification" and will be placed in our records. If you have questions concerning this letter, please contact Erin Malone at 703-347-0253 or by email at malone.erin@epa.gov.

Sincerely,

Hope Johnson

**Acting Product Manager 21** 

Fungicide Branch

Registration Division (7504P)

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. Company/Product (Name) V-10135 4 SC Fungicide			PM# 07_1	<u> </u>			, nosulotos
/alent U.S.A. Co 1600 Riviera Ave Walnut Creek, C	e., Suite 200	odej	(b)(i), m to: EPA R	y product is		tical in co	FIFRA Section 3(c)(3) mposition and labeling
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Notification - Exp	response to Agency letter lain below. litional page(s) if necessar of a disease to the Whe	ry. (For section I	and Section II.)	"Me Too" App			
			Section - II	l			
Material This Product	Will Be Packaged In:						
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1600 Riviera Ave. Suite 200 P. O. Box 8025 Walnut Creek, CA 94596-8025



April 17, 2013

METLOCK™ CT Fungicide EPA Reg. No. 59639-191 NOTIFICATION

Ms. Cynthia Giles-Parker, Acting Product Manager (Team 21)
Fungicide Branch, Registration Division (7504P)
Document Processing Desk (NOTIF)
U.S. Environmental Protection Agency
Room S4900 - One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202

Dear Ms. Giles-Parker:

Valent U.S.A. Corporation is respectfully submitting this label Notification to inform the agency of a change to our product label for *METLOCK™* CT Fungicide (EPA Reg. No. 59639-191) as follows:

Addition of a disease to Wheat "Early Season Leaf and Stripe Rust (Suppression)"

Enclosed are the following documents to support this Notification submission:

Pesticide Application (Form 8570-1)

Certification Statement consistent with the provisions of PR-Notice 98,100

One (1) copy of proposed label with redline addition

One (1) copy of proposed label clean

If you should have any questions please contact me at 925-256-2791 or email: [inda.obrestad@valent.com] or Ms. Sue Shen at 972-244-6543 or email: [inda.obrestad@valent.com]

Sincerely,

Linda Obrestad

Labeling Specialist

Registration and Regulatory Affairs

**Enclosures** 



GROUP	3	FUNGICIDE
GROUP	4	FUNGICIDE

# NOTIFICATION MAY 0 9 2013

# **METLOCK™ CT Fungicide**

# A FUNGICIDE SEED TREATMENT PRODUCT PROVIDING SYSTEMIC SEED AND SEEDLING PROTECTION AGAINST LISTED EARLY SEASON SEEDLING DISEASES

Active Ingredient	By Wt.
Metalaxyl <sup>1</sup>	4.51%
Metconazole <sup>2</sup>	2.25%
Other Ingredients	93.24 %
Total	100.00%

<sup>&</sup>lt;sup>1</sup>N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester

METLOCK™ CT Fungicide contains 0.387 lbs metalaxyl and 0.193 lbs metconazole per gallon.

### KEEP OUT OF REACH OF CHILDREN

## **CAUTION**

SEE NEXT PAGE FOR PRECAUTIONARY STATEMENTS AND FIRST AID.

#### **NET CONTENTS**

EPA Reg. No. 59639-191 EPA Est. No.

<sup>&</sup>lt;sup>2</sup>5-[(4-chlorophenyl)methyl]-2,2-dimethyl-1-(1*H*-1,2,4-triazol-1-ylmethyl)cyclopentanol

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FIRST AID				
If swallowed:	<ul> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Have a person sip a glass of water if able to swallow.</li> <li>Do not induce vomiting unless told to by a poison control center or doctor.</li> <li>Do not give anything to an unconscious person.</li> </ul>			
If in eyes:	<ul> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>			

#### **NOTE TO PHYSICIAN**

No specific antidote. Supportive care. Treatment based on judgment of the physician in response to reactions of the patient.

#### **HOT LINE NUMBER**

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 800-892-0099 for emergency medical treatment information.

# PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS CAUTION

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

## PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear: Long-sleeved shirt and long pants, chemical resistant gloves made of any waterproof material, socks and shoes.

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE saparately from other laundry.

#### **USER SAFETY RECOMMENDATIONS**

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE 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**

This pesticide is toxic to birds, mammals, fish and aquatic 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 by disposing of equipment washwater or rinsate.

Metalaxyl and Metconazole have properties and characteristics associated with chemicals detected in ground water. These chemicals may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow. Therefore contain any product spills or equipment leaks and dispose of wastes according to the disposal instructions on this label.

Metconazole may impact surface water quality through runoff of rain water. 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 produce 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 to occur within 48 hours.

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## **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: Once the seeds are planted in soil, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area without restriction if there will be no worker contact with the soil subsurface or treated seed.

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: long-sleeved shirt and long pants; chemical-resistant gloves such as barrier laminate, butyl rubber, nitrile rubber, or Viton; shoes plus socks.

#### **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 State or Tribal agency responsible for pesticide regulation.

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#### DISCLAIMER, RISKS OF USING THIS PRODUCT, LIMITED WARRANTY AND LIMITATION OF LIABILITY

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THE PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

#### **RISKS OF USING THIS PRODUCT**

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests, resistance of the target pest to this product. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN DO NOT APPLY PRODUCT. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND AGREES THAT TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

To the extent consistent with applicable law, Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. To the extent consistent with applicable law, Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

#### LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

#### LIMITATION OF LIABILITY

To the extent consistent with applicable law, Valent or Seller shall not be liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. TO THE FULLEST EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR 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 THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

#### PROMPT NOTICE OF CLAIM

To the extent consistent with applicable law, Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

To the extent consistent with applicable law, if Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

#### NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be modified by any oral or written agreement.

#### **APPLICATION INSTRUCTIONS**

Read entire label. Use strictly in accordance with precautionary statements and directions and with applicable state and federal regulations.

#### RESTRICTIONS

METLOCK CT Fungicide must be used only in accordance with use instructions on this label utilizing mechanical, slurry or mist-type seed treating equipment, provided that the equipment can be calibrated to accurately and uniformly apply the product to seed. This product is for commercial application only. Always mix product thoroughly before use.

As stated by regulations specified in 40 CFR 153.155, all seed treated with METLOCK CT Fungicide must be colored with an EPA-approved dye or colorant to visually distinguish seed is treated with a pesticide. It is mandatory that such dve or colorant be added into the slurry mixture containing METLOCK CT Fungicide, prior to application. This regulation is necessary to prevent treated seed from accidental use as a food for man or feed for animals.

#### Seed Quality and Storage of Treated Seed

Seed treatments applied to low vigor or poor quality seed or to mechanically damaged seed may result in loss of seed germination or reduced seedling vigor. To verify seed safety, treat a small portion of seed with the desired slurry mixture (METLOCK CT Funcicide alone or in combination with other commercial seed treatment products) prior to treatment of an entire seed lot. Utilize standard seed germination methodologies to determine and verify seed safety. Proper storage conditions of treated seed are recommended. Due to seed quality and seed storage conditions beyond the control of Valent U.S.A. Corporation, no claims are made to guarantee the germination of carry-over treated seed.

#### Seed Bag Label Requirement of Treated Seed

The Federal Seed Act requires that bags containing treated seed be labeled or tagged with the following information:

- This seed has been treated with METLOCK CT Fungicide containing metconazole and .... metalaxvl. CCLE
- Do not use for feed, food or oil processing.
- Store away from feeds and other foodstuffs.
- Wear long sleeved shirt, long pants and waterproof gloves when handling treated seed.
- Dispose of all excess treated seed. Left over treated seed may be double-sown around the headland or buried away from water sources in accordance with local requirements. Do not contaminate water bodies when disposing of planting equipment washwaters.
- Dispose of seed packaging in accordance with local requirements.
- Treated seeds exposed on soil surface may be hazardous to wildlife. Cover or collect treated seeds spilled during loading.
- No plant back restriction for Barley, Canola, Corn (including field, sweet and pop) Oat, Peanut, Rye, Soybean, Sugar Beet, Triticale and Wheat. A 30-day plant back interval for Brassica Leafy Vegetables and Leafy Vegetables. A 120-day plant back interval for all other crops.

#### **USE INFORMATION**

METLOCK CT Fungicide is a systemic fungicide formulated for seed treatment use to provide protection against seed-borne and soil-borne diseases, enhancing plant health and plant stand establishment of seed/seedlings. The fungicide active ingredients in METLOCK CT Fungicide are metconazole, a broad-spectrum, systemic, triazole fungicide and metalaxyl, an oomycete-active, systemic acylalanine fungicide. The fungicide components provide activity against Pythium spp., Rhizoctonia solani, Fusarium spp. and other Deuteromycete and Basidomycete (smut and bunt) fungi.

#### **MODE OF ACTION**

Metalaxyl fungicide contained in *METLOCK* CT Fungicide is a member of the acylalanine chemical group (FRAC Code 4) and interrupts fungal nucleic acid synthesis. Metconazole belongs to the sterol biosynthesis inhibitor group of fungicides (FRAC Code 3).

#### **APPLICATION DIRECTIONS**

Accurate application of *METLOCK* CT Fungicide to seed is required for best performance. Application to seed by commercial seed treatment equipment utilizing standard liquid or slurry treaters, is necessary. Thoroughly mix *METLOCK* CT Fungicide in the desired seed slurry mixture, prior to application to seed.

Always pre-test tank mixtures with other seed treatment products to evaluate formulation compatibility and to ensure proper physical compatibility of products. Follow more restrictive limitations or cautions documented on labels of all products used in a seed treatment mixture. Do not tank mix with any products which contain a prohibition on tank mixing.

#### **ROTATIONAL RESTRICTIONS**

- No plant back interval for Barley, Canola, Corn (including field, sweet and pop), Oat, Peanut, Rye, Soybean, Sugar Beet, Triticale and Wheat.
- A 30-day plant back interval for Brassica Leafy Vegetables and Leafy Vegetables.
- A 120-day plant back interval for all other crops.



The following tables provide use rates of *METLOCK* CT Fungicide by labeled crop, with disease protection guidelines:

Table 1.

BARLEY						
·	METLOCK CT Fungicide Use Rates					
Seed/Seedling Diseases	fl oz/100 lbs seed	Active Ingredient (mg ai/seed) <sup>3</sup>	Total Active Ingredient (mg ai/seed) <sup>3</sup>			
Covered Smut	1.0–1.5	Metalaxyl	0.0015-0.00225			
Early Season Common Root Rot Early Season Fusarium Seedling Dieback Early Season Rhizoctonia Root Rot Fusarium Seed Scab Loose Smut Pythium Seed Rot and		(0.001-0.0015)  Metconazole (0.0005-0.00075)				
Seedling Dieback Seed Decay Fungi						

<sup>&</sup>lt;sup>3</sup>mg active ingredient per seed is based on 13,605 seeds per pound.

Table 2.

CORN (FIELD, POP, SWEET, includes seed production)						
Cood/Coodling	METLOCK CT Fungicide Use Rates ್ಷೇಟ್ಟ್					
Seed/Seedling Diseases	fl oz/100 lbs seed	fl oz/80,000 Kernal Count	Active Ingredient (mg ai/seed) <sup>4</sup>	Total Active Ingredient (mg ai/seed) <sup>4</sup>		
Fusarium Seed/Seedling Dieback Pythium Seed Rot and Seedling Dieback Rhizoctonia Damping-off Seed Decay Fungi	1.0–1.5	0.49-0.74	Metalaxyl (0.0084-0.0126) Metconazole (0.0042-0.0063)	0.0126-0.0189		

<sup>&</sup>lt;sup>4</sup>calculation is based on 1,630 seeds per pound.

Table 3.

COTTON						
and the second s	METLOCK CT Fungicide Use Rates					
Seed/Seedling Diseases	fl oz/100 lbs seed	Active Ingredient (mg ai/seed) <sup>5</sup>	Total Active Ingredient (mg ai/seed) <sup>5</sup>			
Fusarium Seed/seedling Dieback Pythium Seed Rot and	5.0–6.5	Metalaxyl (0.015235-0.0198)	0.022833-0.029677			
Seedling Decay Rhizoctonia Damping-off Seed Decay Fungi		Metconazole (0.007598-0.009877)				
Thielaviopsis Black Root Rot						

<sup>&</sup>lt;sup>5</sup>mg active ingredient per seed is based on 4,500 seeds per pound.

Table 4.

OATS					
	METLOCK CT Fungicide Use Rates				
Seed/Seedling Diseases	fl oz/100 lbs seed	Active Ingredient (mg ai/seed) <sup>6</sup>	Total Active Ingredient (mg ai/seed) <sup>6</sup>		
Early Season Common Root Rot	1.0–1.5	Metalaxyl (0.00072-0.00107)	0.00108-0.00161		
Early Season Fusarium Seedling Dieback Early Season Rhizoctonia Root Rot		Metconazole (0.00036-0.00054)	( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( ( (		
Fusarium Seed Scab Loose Smut					
Pythium Seed Rot and Seedling Dieback Seed Decay Fungi					

<sup>&</sup>lt;sup>6</sup>mg active ingredient per seed is based on 19,047 seeds per pound

Table 5.

WHEAT					
	METLOCK CT Fungicide Use Rates				
Seed/Seedling Diseases	fl oz/100 lbs seed	Active Ingredient (mg ai/seed) <sup>7</sup>	Total Active Ingredient (mg ai/seed) <sup>7</sup>		
Common Bunt	1.0–1.5	Metalaxyl	0.0018-0.0027		
Early Season Common Root Rot		(0.0012-0.0018)			
Early Season Fusarium		Metconazole			
Seedling Dieback Early Season Rhizoctonia Root Rot		(0.0006-0.0009)			
Early Season Leaf and Stripe Rust (Suppression)					
Flag Smut					
Fusarium Seed Scab					
Loose Smut					
Pythium Seed Rot and Seedling Dieback					
Seed Decay Fungi					

<sup>7</sup>mg active ingredient per seed is based on 11,338 seeds per pound.

#### STORAGE AND DISPOSAL

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

#### **PESTICIDE STORAGE**

Store in a dry place away from excessive heat.

Do not store near food or feed.

Store in original container only.

To close package, replace and tighten cap to form an airtight seal.

#### PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

#### **CONTAINER HANDLING**

[Use the following statement for containers equal to or less than 5 gallons]

Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. 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 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. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

[Use the following statement for containers greater than 5 gallons]

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse 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. 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. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incinerator.

[Use the following statement for all formulation types/all refillable container types] Refillable container. 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. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incineration.

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Walnut Creek CA 94596-8025
(800)-682-5368

Made in U.S.A. EPA Reg. No. 59639-191 EPA Est. No.

059639-00191.20130417.METLOCKCT.NOTIF SAL20130214