

 United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
---	--	-----------------------

Application for Pesticide - Section I

1. Company/Product Number 264-951	2. EPA Product Manager J. Edwards	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) KODIAK Concentrate Biological Fungicide	PM# Notifications	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience 2 T.W. Alexander Drive Research Triangle Park, NC 27709 <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

NOV 17 2005

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

Resubmission of notification dated 9/21/05 which did not have a certification statement. Notification to mark which crops are not registered in California per PR Notice 98-10. "This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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." *Dennis McFadden*

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input 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	<input type="checkbox"/> Other (Specify) _____	
3. Location of Nat Contents Information Label _____ Container _____		4. Size(s) Retail Container _____		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Dennis McFadden		Title Reg. Mgr.-Seed Treatment Products		Telephone No. (Include Area Code) 919-549-2427	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature <i>Dennis McFadden</i>			3. Title Reg. Mgr.-Seed Treatment Products		
4. Typed Name Dennis McFadden			5. Date 11/01/05		

KODIAK[®] Concentrate Biological Fungicide

FOR FORMULATING INTO REGISTERED END-USE PRODUCTS AND FOR USE AS A SEED TREATMENT

ACTIVE INGREDIENT:	
<i>Bacillus subtilis</i> GB03 (not less than of 5.5 X 10 ¹⁰ viable spores per gram)	2.75%
INERT INGREDIENTS:	97.25%
	TOTAL 100.00%

EPA Reg. No. 264-951

EPA Est.

KEEP OUT OF REACH OF CHILDREN CAUTION

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577
For PRODUCT USE Information Call 1-866-99BAYER (1-866-992-2937)

FIRST AID

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 – 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.
<p>In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577. Have a product container or label with you when calling a poison control center or doctor, or going for treatment.</p>	

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes skin irritation. Avoid contact with eyes, skin or clothing. In case of contact, flush affected area with plenty of water. Repeated or prolonged excessive exposure may lead to sensitization of skin and lungs in susceptible individuals. When applying or handling concentrate or in the absence of adequate ventilation, wear a paper dust mask, which covers at least one-third of the face. Wash face, hands and arms thoroughly with soap and water after handling and before eating or smoking.

ENVIRONMENTAL HAZARDS

For Reformulating Use: 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 EPA.

For Seed Treatment Use: 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 washwater or rinsate. Cover or incorporate spilled seed or seed on soil surface.

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.

STORAGE AND DISPOSAL

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

STORAGE

Store in a dry place.

PRODUCT DISPOSAL

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

CONTAINER DISPOSAL

Completely empty package by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into mixing equipment. Then dispose of package in a sanitary landfill or by incineration if allowed by State and local authorities. Dispose of box in the same manner. Do not reuse package or box.

KODIAK Concentrate contains bacteria which colonize the developing root system, suppressing disease organisms such as *Fusarium*, *Rhizoctonia*, *Alternaria* and *Aspergillus* that attack root systems. When used with a chemical seed treatment, the combination of chemicals and KODIAK provides protection to the root for a much longer time than with chemicals alone. As the root system develops, the bacteria grow with the roots extending the protection throughout the growing season. As a result of this biological protection, a vigorous root system is established by the plant, which often results in more uniform stands and greater yields.

In addition, KODIAK has been shown to increase the amount of nodulation by nitrogen-fixing bacteria when used on many legumes. This improvement in nodulation is a result of a healthier root system allowing more sites for nodules to form from naturally-occurring soilborne nitrogen-fixing bacteria.

FOR REFORMULATION INTO REGISTERED END-USE PRODUCTS

USE PATTERN: This product is for use by formulators in the manufacture of agricultural fungicide products, offered for sale to the public, and which are duly registered with the Environmental Protection Agency, Washington, D.C.

FORMULATION ASSISTANCE: Additional information regarding specific problems in formulations, involving this product may be obtained by writing: Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, North Carolina 27709.

FOR USE AS A SEED TREATMENT

KODIAK Concentrate may be applied as a water-based slurry with other registered seed treatment insecticides and fungicides through standard slurry or mist commercial seed treatment equipment. To mix, first add the chemical insecticides and/or fungicides to the slurry mix with approximately 1/2 of the required water. Slowly add the KODIAK Concentrate to the slurry until a uniform suspension is obtained. Add the remainder of the required water and maintain continuous agitation. Do not store mixed slurries for longer than 72 hours.

APPLICATION RATES

May be used in combination with other registered Bayer CropScience seed treatment fungicides and insecticides. Pre-test for compatibility with other seed treatment products.

COTTON:

For suppression of *Rhizoctonia* and *Fusarium* seedling diseases, apply 0.25 ounces per 100 lbs. of seed.

SEED AND POD VEGETABLES (such as) green beans, snap beans, lima beans, kidney beans, navy beans, pinto beans, wax beans pole beans, garden peas, peas and field beans:

For treating of seed and pod vegetable seed destined for planting in states other than California. Treated seed is not to be planted in California.

For suppression of root disease caused by *Rhizoctonia* and *Fusarium*, apply 0.125 ounces per 100 lbs. of seed. For improvement of nodulation by *Rhizobium* in fields where appropriate strains are detectable, apply at 0.125 ounces per 100 lbs. of seed.

PEANUTS*:

For suppression of root diseases caused by *Rhizoctonia*, *Fusarium* and *Aspergillus* and for improvement of nodulation by *Rhizobium*, apply 0.125 ounces per 100 lbs. of seed as a dry blend with other registered seed treatment fungicides.

SOYBEANS*:

For suppression of root diseases caused by *Rhizoctonia* and *Fusarium* and for improvement of nodulation by *Bradyrhizobium*, 0.125 ounces per 100 lbs. of seed.

WHEAT AND BARLEY*:

For suppression of root diseases caused by *Rhizoctonia* and *Fusarium* seedling diseases, apply 0.05-0.1 ounces per 100 lbs. of seed.

CORN (Field and sweet)*:

For suppression of root diseases caused by *Fusarium* and *Pythium*, apply 0.1-0.5 ounces per 100 lbs. of seed.

ALL OTHER AGRICULTURAL SEEDS*:

For suppression of root diseases caused by *Fusarium* and *Pythium*, apply 0.1-0.5 ounces per 100 lbs. of seed. Adjust rate accordingly to provide good coverage. Larger seed, because of reduced surface area, require less product per 100 pounds than smaller seed.

* Not for use in California.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, disclaimer of Warranties and Limitations of Liability.

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 Bayer CropScience, no claims are made to guarantee germination of carry-over seed.

CONDITIONS: The directions for use of this product are believed to be adequate and should be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: BAYER CROPSCIENCE MAKES NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.

NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside of the United States.

NET CONTENTS: 1 Pound

KODIAK is a registered trademark of Bayer



Listed by the Organic Materials Review Institute (OMRI) for use in organic production



Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709
1-866-99BAYER (1-866-992-2937)

KODIAK Concentrate Biological Fungicide (MASTER) Approved 07/07/05, Notification 09/21/05

575

Bayer CropScience



November 1, 2005

Joyce Edwards, Notifications
Office of Pesticide Programs
Document Processing Desk (NOTIF)
Room 266A, Crystal Mall 2
1801 S. Bell St.
Arlington, VA 22202

Subject: KODIAK Concentrate Biological Fungicide, 264-951

Dear Ms. Edwards,

This is a resubmission to replace the one made 9/21/05 which did not have the certification statement.

Bayer CropScience
2 T.W. Alexander Drive
Research Triangle Park, NC 27709
Phone: 919 549-2000

We are submitting a notification for the above named product to indicate crops that are not registered for use in California. Also the sentences, "For treating of seed and pod vegetable seed destined for planting in states other than California. Treated seed is not to be planted in California." was inadvertently left off the notification label submitted in June changing from Gustafson to Bayer CropScience wording.

Sincerely,

Dennis McFadden

Reg. Mgr.-Seed Treatment Products

