

264-952

07/15/2005

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 264-952	2. EPA Product Manager L. Arrington	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Kodiak HB Biological Fungicide	PM# Notifications	
5. Name and Address of Applicant (Include ZIP Code) Bayer CropScience 1400 Preston Road, Suite 400 Plano, Texas 75093 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

NOTIFICATION

Section - II

JUL - 5 2005

<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.

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

Notification to change from Gustafson to Bayer CropScience emergency numbers and warranty statement.
Formerly 7501-146.

This notification is consistent with the provisions of FR Notice 98-16 and EPA regulations at 40 CFR 152.66, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of FR Notice 98-16 and 40 CFR 152.66, 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
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information Label <input type="checkbox"/> Container <input type="checkbox"/>		4. Size(s) Retail Container		5. Location of Label Directions <input 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 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) 972-985-8877
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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.

2. Signature <i>Dennis McFadden</i>	3. Title Reg. Mgr. - Seed Treatment Products	6. Date Application Received (Stamped)
4. Typed Name Dennis McFadden	5. Date 6/15/05	

changes added

KODIAK® HB Biological Fungicide

NOTIFICATION

JUL 5 2005

FOR USE AS A SEED TREATMENT

ACTIVE INGREDIENT:

Bacillus subtilis GB03 (nominal concentration of 6.0 X 10⁹ viable spores per gram) 0.3%

INERT INGREDIENTS: 99.7%

TOTAL 100.00%

EPA Reg. No. 264-952

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.

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.

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if inhaled. Avoid contact with eyes, skin or clothing. Repeated or prolonged excessive exposure may lead to respiratory sensitization in susceptible individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: Long-sleeved shirt and long pants, waterproof gloves and shoes plus socks. Repeated exposure to high concentrations of microbial proteins may cause allergic sensitization. Handlers must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95, or P-95.

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.

ENVIRONMENTAL HAZARDS

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.

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.

STORAGE AND DISPOSAL

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

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 product 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, waterproof gloves, and shoes plus socks.

KODIAK HB 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.

INSTRUCTIONS FOR USE (HOPPER BOX)

Fill hopper half full of seed, pour approximately half of the desired amount of KODIAK HB on the seed and stir. The amount of KODIAK HB held by the container lid is 1.8 oz. (level) to 2.0 oz. (heaping) or use as many 2.0 oz. packets as necessary. Finish filling hopper to desired level and pour on remainder of KODIAK HB to balance of seed and stir. Movement of planter across the field will help mix the KODIAK HB with the seed.

FOR USE AS A SEED TREATMENT

COTTON:

For suppression of *Rhizoctonia* and *Fusarium* seedling diseases, apply 4.0 to 8.0 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 suppression of root disease caused by *Rhizoctonia* and *Fusarium*, apply 3.0 to 6.0 ounces per 100 lbs. of seed. For improvement of nodulation by *Rhizobium* in fields where appropriate strains are detectable, apply 1.5 to 3.0 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 2.0 to 4.0 ounces per 100 lbs. of seed.

CORN:

For suppression of root diseases caused by *Fusarium* and *Pythium*, apply 4.0 ounces per 100 lbs. of seed.

ALL OTHER SEEDS (AGRICULTURAL, VEGETABLE, FLOWER, ORNAMENTAL):

For suppression of root diseases caused by *Fusarium*, *Rhizoctonia* and *Pythium*, apply 4.0 to 8.0 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.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms 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:

KODIAK is a registered trademark of Bayer



Bayer CropScience

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 HB Biological Fungicide approved ___/___/___

S/S

May 27, 2005

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

Subject: Kodiak HB Biological Fungicide, 264-952 (formerly 7501-146)

Dear Ms. Arrington,

We are submitting a notification to change from Gustafson to Bayer CropScience emergency phone numbers and warranty statement.

Sincerely,

Dennis McFadden

Dennis McFadden

Reg. Mgr. – Seed Treatment Products