

264-1108

04-21-2010

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Biopesticides and Pollution Prevention Division (7511P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

EPA Reg. Number:

264-1108

Date of Issuance:

APR 21 2010

Term of Issuance:

Unconditional

Name of Pesticide Product:

VOTIVO™ FS

Name and Address of Registrant (include ZIP Code):

Ms. Danielle A. Laroche
Registration Product Manager
Bayer CropScience LP
2 T.W. Alexander Drive,
P.O. Box 12014
Research Triangle Park, NC 27709, USA

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Biopesticides and Pollution Prevention 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.

This registration does not eliminate the need for continual reassessment of the pesticide. If EPA determines at any time, that additional data are required to maintain in effect an existing registration, the Agency will require submission of such data under Section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

This pesticide product, containing *Bacillus firmus* isolate 1582, is registered in accordance with FIFRA Section 3(c)(5) provided that you do the following:

- 1- Submit/cite all data required for registration and registration review of your product under FIFRA when the Agency requires all registrants of similar products to submit such data.

Signature of Approving Official:

WMM

Date:

APR 21 2010

(See second page for signature)

CONCURRENCES

SYMBOL	7511P	7511P					
SURNAME	Bacchus	Rully					
DATE	4/19/10	4/19/10					

2. Submit three (3) copies of the revised final printed labeling before you release the product for shipment. Refer to the A-79 enclosure for a further description of final printed labeling.

A stamped copy of the final draft label is enclosed for your records. If you have further questions, please email Shanaz Bacchus at bacchus.shanaz@epa.gov or call her on 703-308-8097.

Sincerely,



W. Michael McDavit, Associate Director
Biopesticides and Pollution Prevention Division (7511P).

APR 21 2010

Enclosure: Approved Draft Label 264-RRNI- B. firmus

ACCEPTED

APR 21 2010

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for
the pesticide registered under
EPA Reg. No. 264-1108

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VOTIVO™ FS

A biological seed treatment for the protection against soil plant pathogenic nematodes.

ACTIVE INGREDIENT:

Bacillus firmus I-1582† 21.5%

OTHER INGREDIENTS: 78.5%

TOTAL 100.0%

† Contains 2.0 pounds *Bacillus firmus* I-1582 per U.S. gallon (or 240 grams per liter)
Contains a minimum of 4.8 x 10⁹ cfu/ml

EPA Reg. No. 264-~~XXX~~ 1108

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 IN EYES:

- 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

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

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

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Workers involved with treating the seed (e.g. connecting and disconnecting hoses and transfer pumps, mixing, equipment calibration, etc.) and others exposed to the concentrate, and cleaners/repairers of seed treatment equipment must wear a long-sleeve shirt and long pants, shoes plus socks, chemical-resistant (such as barrier laminate, butyl rubber ≥ 14 mils, nitrile rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, polyvinyl chloride (PVC) ≥ 14 mils, or viton ≥ 14 mils) gloves, and a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95 or P-95.

Baggers and bag sewers must wear a long-sleeve shirt and long pants, shoes plus socks, and a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95 or P-95.

ENGINEERING CONTROLS STATEMENT

When handlers use closed systems in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

IMPORTANT: When reduced PPE is worn because a closed system is being used, handlers must be provided all PPE specified above for workers and have such PPE immediately available for use in an emergency, such as a spill or equipment break-down.

User Safety Recommendations

- Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should 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

Do not contaminate water when disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

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

For use only in commercial seed treatment equipment. Not for use in hopper box, planter box, slurry box, or other on-farm seed treatment applications.

Read the entire label and observe all label directions and precautions before use. Do not use this product except as directed on this label or on other Bayer CropScience supplemental labeling for this product.

GENERAL INFORMATION

VOTIVO™ FS is a biological seed treatment that, when applied to seed, colonizes the developing root system and provides early season protection from plant pathogenic nematodes that attack the root. As a result of this biological protection, a vigorous root system is established by the plant, which often results in more uniform plants and greater yields. VOTIVO™ FS is recommended for use with Bayer CropScience seed applied insecticides and fungicides for complete pest protection. In areas of high nematode infestation additional control measures may be warranted.

DIRECTIONS FOR SEED TREATMENT

All seed treated with this product must be colored with an EPA-approved dye or colorant that imparts an unnatural color to the seed to help prevent the inadvertent use of treated seed for food, feed or oil purposes.

Treated seed must be labeled in accordance with the requirements of the Federal Seed Act.

FOR USE AS A SEED TREATMENT

Apply VOTIVO™ FS as a water-based slurry either alone or with other registered seed treatment insecticides and fungicides through standard slurry or mist commercial seed treatment equipment. VOTIVO™ FS can be tank mixed with other seed treatments in accordance with the most restrictive label limitations and precautions of all products used in the mixture. Do not exceed any label dosage rates. This product cannot be mixed with any product containing a label prohibition against such mixing. Pre-test for compatibility with other seed treatment products.

COMPATIBILITY

To determine the physical compatibility with other seed-applied products use a jar test. Add VOTIVO™ FS at the recommended label rate to a clean quart jar containing approximately one-half the amount of water intended for a final slurry application rate. Next, follow with all other tank mix components that will be used in the total slurry application. Add last the remaining balance of water. The total amount of volume is determined by the seed size and how much is necessary to ensure complete and uniform coverage and distribution on the seed, as well as the type of commercial seed treating application equipment that will be used.

MIXING INSTRUCTIONS

When applied with seed treatment application equipment designed to treat seed utilizing a treatment slurry mixture, add approximately 1/2 to 2/3 of the required water to the treatment slurry tank followed by the accompanying seed treatment products and VOTIVO™ FS. The order of product addition is dependant on the accompanying seed treatment products used. Allow each slurry component to disperse completely prior to the next addition until a uniform suspension is obtained. After all slurry components have been added and dispersed completely add the remaining 1/2 to 1/3 of required water for proper slurry volume and mix until uniform. Do not store mixed slurries for greater than 72 hours. Maintain adequate agitation until treatment slurry is applied. For additional instructions for use, slurry component mixing order, and other application suggestions contact your Bayer CropScience representative.

APPLICATION RATES

Cereal Grains and Forage, Fodder, and Straw of Cereal Grains	Barley, Buckwheat, Corn (field, sweet and pop), Millet, Oats, Rice, Rye, Sorghum, Teosinte, Triticale, Wheat, Wild Rice. Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Cotton	Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Peanuts	Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Soybeans	Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Sunflowers	Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Turf and Forage Grasses	Turf grasses for golf courses and home lawns. Grasses grown for hay, grazing or silage, corn (fodder or silage), sorghum (hay or silage), and small grain grown for hay, grazing or silage. Apply at 0.0002 fl oz/1,000 seeds (0.006 mls/1,000 seeds).
Canola, Mustard Seed and Rapeseed	Apply at 0.0008 fl oz/1,000 seeds (0.024 mls/1,000 seeds).
Forage Legumes (except Alfalfa)	Clover, lespedeza, beans (for forage), soybeans (for forage), soybean hay, peanuts (for forage), peanut hay, peas (for forage), pea vine hay, cowpeas (for forage), cowpea hay, trefoil, vetch and velvet beans (for forage). Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Alfalfa	Apply at 0.0008 fl oz/1,000 seeds (0.024 mls/1,000 seeds).
Tobacco	Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Legume Vegetables (except soybean)	Adzuki bean, asparagus bean, blackeyed pea, broad bean (fava), catjang, chickpea (Garbanzo bean), Chinese longbean, cowpea, Crowder pea, dwarf pea, edible-pod bean, English pea, field bean, field pea, garden pea, green pea, Guar, Jackbean, kidney bean, lima bean, lentil, Lupin (grain, sweet, white and white sweet), moth bean, mung bean, navy bean, pigeon pea, rice bean, runner bean, snap bean, snow pea, Southern pea, sugar snap pea, tepary bean, urd bean, yardlong bean, wax bean. Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Brassica (Cole) Leafy Vegetables	Broccoli (including Chinese and raab), Brussels sprouts, cabbage (including Chinese bok choy, Chinese napa and mustard), cauliflower, cavalo broccoli, collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Cucurbit Vegetables	Chayote (fruit), Chinese waxgourd, citron melon, cucumber, gherkin, edible gourd (includes hyotan, cucuzza, Chinese okra, and hechima), Momordica spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber), muskmelon (includes true cantaloupe, cantaloupe, casaba, Crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, and snake melon), pumpkin, summer squash (includes crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini), winter squash (includes butternut squash, calabaza, hubbard squash), Cucumis mixtar, Cucumis pepo (includes acorn squash, spaghetti squash), watermelon (includes hybrids and/or varieties of Citrullus lanatus.). Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Leafy Vegetables	Amaranth (leafy, Chinese spinach, tampala, cardoon, celery (including Chinese), celtuce, chervil, chrysanthemum (edible-leaved and garland), corn salad, cress (garden and upland), dandelion, dock, endive, Florence fennel (finocchio), lettuce (head and leaf), orach, parsley, purslane (garden and winter), radicchio, rhubarb, spinach* (including new Zealand and vine), and Swiss chard. Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Fruiting Vegetables	Eggplant, groundcherry, pepino, pepper (including bell pepper, chili pepper, cooking pepper, pimento, sweet pepper), tomatillo, and tomato. Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Bulb Vegetables	Garlic, Leek, Onion (dry bulb and green), Shallot. Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).
Root and Tuber Vegetables	Arracacha, arrowroot, artichoke (Chinese and Jerusalem), beet (garden and sugar), burdock (edible), canna (edible), carrot, cassava (bitter and sweet), celery root, chayote, chervil, chicory, chufa, dasheen, ginger, ginseng, horseradish, leren, parsley (turnip-rooted), parsnip, potato, radish (includes oriental dalkon), rutabaga, salsify (includes black and Spanish), skirret, sweet potato, tanier, tumeric, turnip, yam bean (jicama, manioc pea), yam. Apply at 0.007-0.014 fl oz/1,000 seeds (0.21-0.42 mls/1,000 seeds).

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE

Store in cool, dry conditions.

PESTICIDE DISPOSAL

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

CONTAINER DISPOSAL

Containers with capacities equal to or less than 5 gallons

Non-refillable container. Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) 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 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.

Pressure rinse as follows: 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 or 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.

Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or burning if allowed by state and local authorities. If burned stay out of smoke.

Containers that are too large to shake (i.e., with capacities greater than 5 gallons)

Non-refillable container - Do not reuse or refill this container. After emptying product from container, either return container to Bayer CropScience per instructions from Bayer CropScience Customer Service Center (1-800-527-4781), or rinse and either recycle or dispose of the container as follows:

Bottom Discharge IBC (e.g. – Schuetz Caged IBC or Snyder Square Stackable)

Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. To pressure rinse the container before final disposal, empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inch on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely remove the top lid of the IBC. Use water pressurized to at least 40 PSI to rinse all interior portions.

Continuously pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g.– Snyder 120 Next Gen, Bonar B120, Drums, and Kegs).

Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. To triple rinse the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container at least 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

Once container is rinsed, offer for recycling if available or puncture and dispose of in a sanitary landfill.

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 the user must follow directions. 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: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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:

Produced for



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)**

VOTIVO™ FS (PENDING) SUBMITTED 08/07/09, resubmitted 02/19/10, 04/14/10, 04/15/10, 4/19/10