

FEB 07 2013

Ms. Anne Downs
Senior Registration Specialist
Wilbur-Ellis Company
841 W. Elkhorn Boulevard
Rio Linda, CA 95673


Re: Product Name – Wilbur-Ellis BT 320 Dust
EPA Reg. No. 2935-398
Your application dated January 11, 2013 to change the primary brand name from “Wilbur-Ellis BT 320 Dust” to “BT 320 Dust” consistent with Pesticide Registration (PR) Notice 98-10 Decision No. 474458

Dear Ms. Downs:

The Biopesticides and Pollution Prevention Division is in receipt of your application, as indicated above, for notification under PR Notice 98-10. A preliminary screen of this request has been conducted for its applicability under PR Notice 98-10, and it has been determined that the action requested falls within the scope of this document. Our records have been duly noted, and the label submitted with this applications has been stamped “Notification Accepted” and will be placed accordingly in our records.

Questions concerning this action should be directed to Ms. Jeannine Kausch by phone (703-347-8920) or email (kausch.jeannine@epa.gov).

Sincerely,


Sheryl K. Reilly, Ph.D., Acting Chief
Microbial Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)

CONCURRENCES

SYMBOL	7511P	7511P						
SURNAME	KAUSCH	Reilly						
DATE	02/07/2013	2/7/13						



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 2935-398	2. EPA Product Manager Mary Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Wilbur-Ellis B. T. 320 Dust	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Wilbur-Ellis Company 2903 S. Cedar Avenue Fresno, CA 93725 <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 _____	

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.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Notification of change of Primary Brand Name to B. T. 320 Dust as required by provisions in PR Notice 2007-4 and allowed 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 CSF 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 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.

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	* Certification must be submitted		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
If "Yes" Unit Packaging wgt.		No. per container	If "Yes" Package wgt.		No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
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 Anne Downs	Title Senior Registration Specialist	Telephone No. (Include Area Code) 916.991.9816	
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 both under applicable law.			6. Date Application Received (Stamped) _____ _____ _____
2. Signature 		3. Title Senior Registration Specialist	
4. Typed Name Anne Downs		5. Date January 11, 2013	



WILBUR-ELLIS®

January 11, 2013

Ms. Mary L. Waller
Product Manager 21
Fungicide Branch - Registration Division (7504P)
Office of Pesticide Programs
Document Processing Desk (NOTIF)
One Potomac Yard, Room S-4900
2777 S. Crystal Drive
Arlington, VA 22202-4501

RE: Wilbur-Ellis B. T. 320 Dust, EPA Reg. No. 2935-398. **Notification of Change of Primary Brand Name from Wilbur-Ellis B. T. 320 Dust to B.T. 320 Dust**

Dear Ms. Waller:

As allowed for in PR Notice 98-10, Wilbur-Ellis Company requests that the Primary Brand Name for Wilbur-Ellis B. T. 320 Dust, EPA Reg. No. 2935-398, be changed to B. T. 320 Dust. Please find enclosed the following items in support of this request:

- Application for Pesticide Amendment, EPA Form 8570-1 (NOTIFICATION)
- 1 copy of the final printed label for the **new Primary Brand Name product called B. T. 320 Dust** (internal identifier, F Code 022008-2)

If you have any questions, please contact me directly at 916.991.9816. Thank you.

Sincerely,

Anne Downs
Senior Registration Specialist



4/5



BT 320 DUST

(BACILLUS THURINGIENSIS)

ACTIVE INGREDIENTS:

Bacillus thuringiensis subsp. kurstaki strain ABTS-351 solids, spores, and lepidopteran active toxins.....	0.582%
INERT INGREDIENTS	99.418%
Total	100.00%

Potency: 145 Million Cabbage Looper Units per pound of this product.

The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

EPA Reg. No. 2935-398

EPA Est. No. 2935-CA-1

KEEP OUT OF THE REACH OF CHILDREN CAUTION

PRECAUTIONARY STATEMENTS

CAUTION: Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Causes moderate eye irritation. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

ENVIRONMENTAL HAZARDS

This product must not be applied aerially within 1/4 mile of any habitats of endangered or threatened lepidoptera. No manual application can be made within 300 feet of any threatened or endangered lepidoptera.

FIRST AID

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

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 do so by a 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 mouth-to-mouth if possible. Call a poison control center or doctor for further 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.

USER SAFETY RECOMMENDATIONS

- Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
 - Users should remove clothing 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.

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.

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 4 hours.

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: A) Long-sleeved shirt and long pants; B) Waterproof gloves; C) Shoes plus socks.

DIRECTIONS FOR USE continued

Apply appropriate amounts when air is calm, using ground equipment, aircraft or hand duster. Apply at first sign of infestation and repeat at weekly intervals when needed to maintain control. Good underleaf coverage is essential since the insect must ingest BT 320 Dust. After eating BT 320 Dust, some insects stop feeding but may otherwise appear to be unaffected for several days. Use the higher rates against very heavy infestations, or where it is difficult to obtain good coverage due to rank foliage. BT 320 Dust is exempt from tolerance requirements and may be applied at the use rates up to the day of harvest.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment-and-weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Notification Accepted

Date: 02/07/2013

Reviewer: J. KAUSCH

Continued on page 2 of 2

APPLICATION RATES

Thorough coverage essential when using BT 320 Dust.

CROP	PEST	LBS. PER ACRE
Broccoli	Cabbage looper	20 - 40
	Imported cabbageworm	20 - 35
Cabbage	Cabbage looper	20 - 40
	Imported cabbageworm	20 - 35
Cauliflower	Cabbage looper	20 - 50
	Imported cabbageworm	20 - 40
Celery	Cabbage looper	20 - 50
Collards	Cabbage looper	20 - 40
	Imported cabbageworm	20 - 35
Cotton	Tobacco budworm	25 - 50
	Cotton Bollworm	
	Cabbage looper	
Grapes	Grape Leaf Folder	20 - 50
<p>Start treating as soon as possible after hatching and before larvae are protected by leaf folds. Apply by ground equipment to obtain thorough coverage of leaf surfaces. For the control of OMNIVOROUS LEAF ROLLER and GRAPE LEAF FOLDER with a scheduled program of 4 to 6 applications apply 12.5 to 25 lbs. per acre for each application.</p>		
Grapes (California)	Omnivorous Leaf Roller	20 - 50
Kale	Cabbage looper	20 - 40
	Imported cabbageworm	20 - 35
Lettuce	Cabbage looper	20 - 50
Melons	Cabbage looper	20 - 40
Mustard Greens	Cabbage looper	20 - 40
	Imported cabbageworm	20 - 35
Potatoes	Cabbage looper	20 - 40
Spinach	Cabbage looper	20 - 40
Tomatoes	Cabbage looper	20 - 40
	Tomato Hornworm	20 - 35
Turnip Greens	Imported cabbageworm	20 - 35

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 the product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

ALL STATEMENTS MADE HEREIN ARE SUBJECT TO APPLICABLE LAW, AND TO THE EXTENT THERE IS ANY INCONSISTENCY OR CONTENTION, APPLICABLE LAW SHALL GOVERN.

The Directions for Use of the product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of many different factors including, without limitation, manner of use or application, weather, combination with other products, or crop conditions. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Manufacturer and Seller harmless from any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label. EXCEPT FOR THIS WARRANTY, THE PRODUCT IS FURNISHED "AS-IS," AND NEITHER SELLER NOR MANUFACTURER MAKES ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE SELECTION, PURCHASE OR USE OF THIS PRODUCT; SELLER AND MANUFACTURER SPECIFICALLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEYOND WHAT IS STATED ON THE LABEL. Buyer and User accept all risks arising from any use of this product, including without limitation, uses contrary to label instructions, or under conditions not reasonably foreseeable to (or beyond the control of) Seller or Manufacturer.

Neither Manufacturer nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE BUYER OR USER, AND THE EXCLUSIVE LIABILITY OF MANUFACTURER 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 THIS PRODUCT, OR, AT THE ELECTION OF MANUFACTURER OR SELLER, THE REPLACEMENT OF THE PRODUCT.

These Conditions of Sale and Limitation of Warranty and Liability shall be interpreted, unless otherwise required by the law of the state of purchase, in accordance with the laws of the State of California, excluding its conflicts of laws rules, and may not be amended by any oral or written agreement.

WILBUR-ELLIS Logo® is a registered trademark of WILBUR-ELLIS COMPANY.

F-022008-2

STORAGE AND DISPOSAL

- Prohibitions:** Do not contaminate water, food or feed by storage or disposal.
- Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
- Nonrefillable container:** Do not reuse or refill this container. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration. Do not burn, unless allowed by state and local ordinances.
- Storage:** Store in original container only and keep sealed. Store in closed storage areas. Use caution when moving, opening, closing or pouring. Store in cool place.

**IN CASE OF EMERGENCY,
CALL CHEMTREC: (800) 424-9300**

NET CONTENTS: 50 POUNDS

Manufactured in U.S.A. By:

**WILBUR-ELLIS COMPANY
P.O. Box 16458 - Fresno, CA 93755**

Batch code: _____