66330-274

021271200



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Washington, D.C. 20460

February 27, 2009

OFFICE OF PREVENTION. PESTICIDES AND TOXIC SUBSTANCES

Bill Washburn Regulatory Manager Arysta LifeScience North America LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513

> RE: Product Name: Bacillus Cereus BP01 Technical EPA Reg. No: 66330-274
> Your Notification dated January 13, 2009, to Update Company's Name, Emergency Telephone Numbers and Warranty per PR Notices 98-10 and 2007-4

Dear Mr. Washburn:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticides Registration Notice (PRN) 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PRN 98-10 and it has been determined that the action(s) requested falls within the scope of PRN 98-10. Our records have been duly noted, and the letter submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

Questions concerning this action should be directed to Ms. Diana Hudson at (703) 308-8713 or email at <u>hudson.diana@epa.gov</u>.

Sincerely,

Sheryl K. Reilly

Sheryl K. Reilly, Ph.D., ChiefMicrobial Pesticides BranchBiopesticides and Pollution PreventionDivision (7511P)

	ſ		•	C .	21-
lease read instructions on reverse befo	re completing form.		Form Approve	(d. OMB No. 2070-(0060, Approval expires 05-31-98
•	United St	tates	☐ Registra		OPP Identifier Number
	ironmental Pro		-		
	Washington, I	•	Ø Other:		
·····			esticide - Section	n l'	l
1. Company/Product Number			Product Manager		3. Proposed Classification
66330-274		PATR			
 Company/Product (Name) BACILLUS CEREUS, STRAIN 	BP01 TECHNI	CAL PM#			None Restricted
5. Name and Address of Applicant (Ir			edited Review. In	accordance wi	th FIFRA Section 3(c)(3)
					composition and labeling
Arysta LifeScience North America, LLC		to:	· •	•	
15401 Weston Parkway, Suit Cary, NC 27513	9 150		Reg. No		
		Produ	ct Name	NOT	IFICATION
Check if this is a new ac	dress			Date Revie	2-27-09
	•	Secti	on - II	Dale nevie	D. Hudson
Amendment – Explain below.			Final printed la	pels in response to	Agency tetter dated
Resubmission in response to A		Me Too" Applic	ation		
Notification - Explain below.		·····	Other - Explain		
Explanation: Use additional					
Notification of label change requirements of EPA's regulations a					
the Confidential Statement of Formu	la for this product.	I understand that it is	s a violation of 18 USC	Sec 1001 to willfull	y make any false statement to
EPA. I further understand that if the this product may be in violation of FI					
Notification of label change					
regulations at 40 CFR 152.46, and n					
understand that it is a violation of 18	USC Sec 1001 to w	villfully make any fal	se statement to EPA. I	further understand	that if this notification is not
consistent with the terms of PR Notice penalties under sections 12 and 14 (R 152.46, this may I	be in violation of FIFRA	and I may be subje	ect to enforcement action and
		Secti	on - III		
1. Material This Product Will Be Page	ckaged in:				
Child-Resistant Packaging	Unit Packaging		Water Soluble Packaging		2. Type of Container
Yes*	🔄 Yes	·	Yes		Metal
No No	If "Yes"	No. per	No	No. per	
* Cartification much	Unit Packaging		Package wgt.	container	Glass
*Certification must be submitted	•				Deper
3. Location of Net Contents Informa	tion 4. S	Size(s) Retail Conta	l	5. Location of	Label Directions
Label Container		· · · · · · · · · · · · · · · · · · ·	On L		
		55.0 gal. :	and Bulk	On labeli	ng accompanying product
6. Manner in Which Label is Affixed		Lithograph	Other		(CCC
		Paper glued Stenciled			
	<u></u>		on - IV		<u>č. uči</u> c
1. Contact Point (Complete items di	rectly below for iden				
Name		Title			Telephone No. (Include Area
Bill Washburn		Regulato	ry Manager		Code)
			- <u> </u>		
I certify that the statements I have n		tification	ereto are true, accurate		6. Date Application
acknowledge that any knowingly fals					(Stamped)
under applicable law.		0 TU			
2. Signature		3. Title	ry Manager		
Bier Was		., manayer			
4. Typed Name Bill Washburn		5. Date			
	<u> </u>	01/13/09			



 $_{\scriptscriptstyle \rm L} {\cal V}$

Arysta LifeScience

January 13, 2009

Ms. Patricia Moe Document Processing Desk (NOTIF) Office of Pesticide Programs – 750PC U.S. Environmental Protection Agency One Potomac Yard, Room S-4900 2777 South Crystal Drive Arlington, VA 22202

Subject: BACILLUS CEREUS, STRAIN BP01 TECHNICAL EPA Reg. No. 66330-274

Notification of Label Change per PR Notice 2007-4 and PR Notice 98-10

Dear Ms. Moe:

Please find the following enclosed:

- Application for Pesticide Registration (Other) dated 01/13/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140. 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 USC Sec 1001 to willfully make any false statement to EPA. I further understand that if the amendment is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

Also in this submission, we are using PR Notice 98-10 to update the name of the company, emergency telephone numbers and warranty. Arysta LifeScience North America Corporation was changed to Arysta LifeScience North America, LLC.

Please acknowledge acceptance of this notification by stamping the extra copy of this letter and returning in the enclosed self-addressed stamped envelope. Should you have any questions of the comments, please do not hesitate to contact me at 901-432-5118 or by e-mail at the contact me at 901-432-5118 or b

Sincerely,

(1205 aun

Bill Washburn Regulatory Manager

Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150, Cary, NC 27513 Phone 919-678-4900 Fax 919-678-2194 www.arystalifescience.com (COC

....

PR Notice 2007-4

BACILLUS CEREUS, STRAIN BP01 TECHNICAL	· ·
FOR MANUFACTURING USE ONLY	NOTIFICATION
FOR MANUFACTORING USE ONLY	Date Reviewed: 2-27-09
GREDIENT: Bacillus cereus, Strain BP01 t less than 2 x 101° colony forming units per gram)10.	

ACTIVE INGREDIENT: Baci (contains not less than 2 x 1 INERT INGREDIENTS:.... TOTAL:....

KEEP OUT OF REACH OF CHILDREN

CAUTION

See [Side] [Back] Panel For Additional Precautions

. . EPA Reg. No. 66330-274 EPA Est. No., Deleted: 51036-282 AD 082305

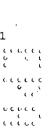
NET CONTENTS:

Manufactured <u>For</u>: <u>Arysta LifeScience North America, LLC</u> 15401 Weston Parkway, Suite 150 Cary, NC 27520

Deleted: By Deleted: MICRO FLO COMPANY LLC¶ P.O. BOX 772099¶ MEMPHIS, TN 38117

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. 			
IF ON SKIN OR CLOTHING:	 Take off contaminated clothing. 			

BPO1 MUP (282) First Aid Clean EPA Approved 082305



1

cui

eccie

ιιι

ι ί

ιαζυ

Rinse skin immediately with • plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice. EMERGENCY TELEPHONE NUMBERS: Have the product container or label with you when calling a poison control center or doctor, or going for treatment. FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE CALL: 1-866-303-6952 FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC 1-800-424-9300

PRECAUTIONARY STATEMENTS

CAUTION

Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

For Reformulating Use: Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless this product is specifically identified and addressed in 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 into sewer systems without previously notifying in writing the sewage treatment plant authority. For guidance contact your State Water Board or the nearest EPA Regional Office.

DIRECTIONS FOR USE

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

STORAGE AND DISPOSAL

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

STORAGE: Store in original container with lid tightly closed. Store separately from other pesticides and fertilizers, food and feed to prevent contamination. Use care to avoid puncturing container during storage or transit. In case of a spill or leaking container, call CHEMTREC at 1-800-424-9300.

BPO1 MUP (282) First Aid Clean EPA Approved 082305

Formatted: Bullets and Numbering Deleted: EMERGENCY TELEPHONE NUMBERS : Have TELEPHONE NUMBERS: Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may for treatment. also contact: (800) 424-9300 CHEMTREC (transportation and spills)¶ (800) 832-HELP (4357) (human health)¶ (800) 345-4735 ASPCA (animalhealth)

....

. . . .

.....

.

> ŧ

2

((

cece

PR Notice 2007-4

3

cric: a

1.050 1. 1.

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

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty package by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into mixing equipment. Offer for recycling if available or dispose of package in a sanitary landfill or by incineration if allowed by State and local authorities.

GENERAL INFORMATION

BP01 TECHNICAL may be used only for formulation into end-use products for uses accepted by the United States Environmental Protection Agency. Because of their properties and intended uses, end use formulations containing BP01 TECHNICAL will require precautionary labeling differing from that given. Formulators should develop their own use and precautionary labeling, based on the properties and intended use of their own finished formulations, and are responsible for obtaining EPA registration of these products.

BP01 TECHNICAL is intended for formulation into end-use products intended for:

Terrestrial Food Uses On: Cotton.

Warranty and Disclaimer Statement

The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Such risks may arise from weather conditions, soil factors, off-target movement, unconventional farming techniques, the presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of Arysta LifeScience North America, LLC ("Arysta"), and can cause crop injury, injury to non-target crops or plants, ineffectiveness of the product, or other unintended consequences. To the extent consistent with applicable law, all such risks shall be assumed by the user or buyer.

Arysta warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions. This warranty does not extend to the use of this product contrary to label instructions or under

BPO1 MUP (282) First Aid Clean EPA Approved 082305 Deleted: Then

Deleted: Dispose of box in the same manner. Do not reuse package or box.

PR Notice 2007-4

Deleted: CONDITIONS OF SALE AND LIMITED WARRANTY: ¶

The Directions For Use of

this product reflects the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully.

However, it is impossible to eliminate all risks

inherently associated with use of this product. Crop injury, ineffectiveness or other unintended

consequences may result because of such factors as

of other materials, or use of the product in a manner inconsistent with its

labeling, all of which are beyond the control of MICRO FLO COMPANY (MICRO FLO) or the SELLER. All such risks

MICRO FLO warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions For Use, subject to the inherent risks, referred to above.

MICRO FLO MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT PERMITTED BY FEDERAL AND/OR STATE LAW,

MICRO FLO AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING

INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT WHICH IS INCONSISTENT WITH ITS LABELING. MICRO FLO and the SELLER offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warraty, which may be

and Warranty which may be varied only by agreement in writing signed by a duly authorized representative of MICRO FLO.¶

....

ι ι ι ειτιί

Leec

ecce

ι((((())

ι

4

> ιιίιι ((ιι

ECCUP

shall be assumed by the Buyer.

conditions not reasonably foreseeable to Arysta, and is subject to the inherent risks described above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ARYSTA, MANUFACTURER, AND SELLER DISCLAIM AND SHALL NOT BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE, HANDLING, APPLICATION, STORAGE, OR DISPOSAL OF THIS PRODUCT OR FOR DAMAGES IN THE NATURE OF PENALTIES, AND THE USER AND BUYER WAIVE ANY RIGHT THAT THEY MAY HAVE TO SUCH DAMAGES. NO AGENT, REPRESENTATIVE OR EMPLOYEE OF ARYSTA IS AUTHORIZED TO MAKE ANY WARRANTY, GUARANTEE OR REPRESENTATION BEYOND THOSE CONTAINED HEREIN OR TO MODIFY THE WARRANTIES CONTAINED HEREIN. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE TOTAL LIABILITY OF ARYSTA, MANUFACTURER, AND SELLER, SHALL BE LIMITED TO THE PURCHASE PRICE PAID, OR AT ARYSTA'S ELECTION, THE REPLACEMENT OF THE PRODUCT.

BPO1 MUP (282) First Aid Clean EPA Approved 082305