

66330-282

03-11-2009

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

March 11, 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: BP01 1.7
EPA Reg. No: 66330-282
Your Label Notification dated January 22, 2009, to Update Company's Information,
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 HUDSON.DIANA@EPA.GOV.

Sincerely,

Sheryl K. Reilly

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



United States
Environmental Protection Agency
 Washington, DC 20460

- Registration
 Amendment
 Other:

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 66330-282	2. EPA Product Manager PATRICIA MOE	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BP01 1.7	PM# 92	
5. Name and Address of Applicant (Include ZIP Code) Arysta LifeScience North America, LLC 15401 Weston Parkway, Suite 150 Cary, NC 27513 <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. _____ NOTIFICATION Product Name _____ Date Reviewed: 3-11-09	

Section - II

Reviewed By: D. Hudson

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|--|--|
| <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 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.

Notification of label change 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 it is a violation of 18 USC 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 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 checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
		If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 1.0 gal., 2.5 gal, 5.0 gal	5. Location of Label Directions <input checked="" 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"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Bill Washburn	Title Regulatory Manager	Telephone No. (Include Area Code) 901-432-5118
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>Bill Washburn</i>	3. Title Regulatory Manager	
4. Typed Name Bill Washburn	5. Date 01/22/09	



January 22, 2009

Ms. Patricia Moe
Document Processing Desk (NOTIF)
Office of Pesticide Programs – 7504P
U.S. Environmental Protection Agency
One Potomac Yard, Room S-4900
2777 South Crystal Drive
Arlington, VA 22202

Subject: BP01 1.7
EPA Reg No: 66330-282

**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 01/22/09.
- One highlighted copy of subject label, showing all changes.
- One clean copy of the subject label.

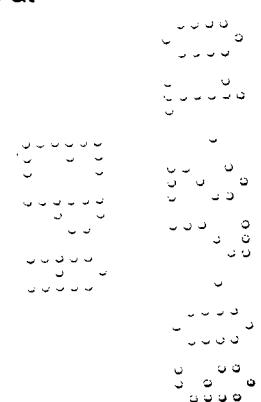
Notification of label change per PR Notice 2007-4. This notification is consistent with guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of 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 or comments, please do not hesitate to contact me at 901-432-5118 or by e-mail at bill.washburn@arystalifescience.com

Sincerely,

Bill Washburn
Regulatory Manager



NOTIFICATION
Date Reviewed: 3-11-09
Reviewed By: D. Hudson

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PR Notice 2007-4

BP01 1.7

Microbial plant growth regulator for use on cotton and soybeans

ACTIVE INGREDIENTS:

Bacillus cereus, Strain BP01..... 1.70%

INERT INGREDIENTS: 98.30%

TOTAL 100.00%

Contains a minimum of 10.5 x 10⁹ colony forming units per fluid ounce.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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.
- Rinse skin immediately with plenty of water for 15-20 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

See Additional Precautionary Statements on rear panel.

EPA Reg. No. 66330-282
AD 0092905

EPA Est. No. 51036-GA-1

NET CONTENTS:

Manufactured For:
Arysta LifeScience North America, LLC
15401 Weston Parkway, Suite 150
Cary, NC 27513

EPA approval for the revised label submitted with revisions from comment letter of 2/27/03

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

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

PERSONAL PROTECTIVE EQUIPMENT

Applicators and other handlers must wear:

- 1. Long-sleeved shirt and long pants
- 2. Waterproof gloves
- 3. Shoes plus socks
- 4. Wear a NIOSH accepted filtering facepiece respirator N-95 or higher.

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

<p>USER SAFETY RECOMMENDATIONS</p> <p>Users should:</p> <ul style="list-style-type: none"> 1. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. 2. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
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ENVIRONMENTAL HAZARDS

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning of equipment or disposing of equipment washwater.

CHEMIGATION PROHIBITION

Do not apply this product through any type of irrigation system.

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.

EPA approval for the revised label submitted with revisions from comment letter of 2/27/03

When exposed to potentially high concentrations of living microbial products such as this, all mixer/loaders and other handlers must wear a NIOSH accepted filtering facepiece respirator N-95 or higher.

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 and restricted-entry intervals. 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 12 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:

1. Coveralls
2. Waterproof gloves
3. Shoes plus socks
4. Wear a NIOSH accepted filtering facepiece respirator N-95 or higher.

STORAGE AND DISPOSAL

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

STORAGE: Store in locked area in original container only, 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.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide spray mixture or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for

guidance.
 CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Triple 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. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

GENERAL INFORMATION

BP01 1.7 is a foliar applied biological plant growth regulator intended to promote root mass growth, earlier fruit initiation, increased fruit retention, and increased nutrient utilization.

BP01 1.7 is water based, and is compatible with most pesticides, and fertilizers. If compatibility is in doubt, perform a standard jar test (mix all ingredients in a clear glass jar in approximate ratios intended for field application) to check for compatibility.

Care should be used when applying with foliar fertilizers under conditions of extreme heat.

MEPIQUAT CHLORIDE TANK MIX FOR COTTON

BP01 1.7 may be tank mixed with either MEPICHLOR 4.2% LIQUID or MEPICHLOR PILL using the following rates:

BP01 1.7 (fluid oz)	MEPICHLOR 4.2% LIQUID (fluid oz)	MEPICHLOR PILL (pills)
0.25	8	0.25
0.50	16	0.50
1.00	32	1.00
1.50	48	1.50
2.00	64	2.00
4.00	128	4.00

APPLICATION TIMING AND RATES

Follow application timing and rate instructions on the mepiquat chloride product used in tank mix with BP01 1.7.

MEPIQUAT CHLORIDE TANK MIX SPRAY MIX VOLUMES

DILUENT	MINIMUM PER ACRE	MAXIMUM PER ACRE	COMMENTS
WATER	2 gallons (aerial) 10 gallons (ground)	10 gallons (aerial) 60 gallons (ground)	Use minimum of 5 gallons in California for aerial.
OIL, petroleum or vegetable Aerial only	2 pints	4 pints	Application in oil is permitted only in AL, AR, FL, GA, LA, MO, MS, NC, OK, SC, TN and TX. If using a vegetable oil, only highly refined concentrates should be used containing sufficient amount of emulsifier to insure adequate mixing. Mix under constant agitation. Pour 1/2 of the required volume of oil into the spray tank, and then pour in the mepiquat chloride and BP01 1.7 before the remainder of the oil is added. Constant agitation is required during mixing and application.

RAIN WASH-OFF PRECAUTION

Thorough coverage of foliage is required for the mepiquat chloride and BP01 1.7 spray mixture to be effective. The use of a high quality surfactant will enhance coverage and the uptake of the spray mixture into the plant. It will allow applications to be made as little as 4 hours prior to rainfall to be effective. Without a surfactant, the product should be used at least 8 hours prior to expected rainfall.

ACEPHATE TANK MIX FOR COTTON

BP01 1.7 may be incorporated with acephate products as part of an insect control program for cotton. Apply 1 to 4 fluid ounces per acre with the labeled rate of acephate as a foliar application. Use the higher rates as plant size increases during growing season.

EPA approval for the revised label submitted with revisions from comment letter of 2/27/03

BP01 1.7 COTTON RESTRICTIONS AND LIMITATIONS

- For use on short-staple and long-staple (Pima) cotton only.
- Do not exceed 6 applications per season.
- Do not exceed 48 fluid ounces of BP01 1.7 per acre per year.
- Follow all restrictions on label of mepiquat chloride or acephate products used in tank mix.
- Do not apply BP01 1.7 within 30 days of harvest.
- Do not graze or feed cotton forage to livestock.

SOYBEANS

Single application:

Apply 4 to 10 fluid ounces per acre at early bloom.

Multiple Applications:

FIRST - Apply 4 to 6 fluid ounces per acre broadcast after first true leaf stage. Reduce rate to 2 to 4 fluid ounces if banded application is made.

SECOND - Apply 4 to 8 fluid ounces per acre during third to sixth node stage.

THIRD - Apply 4 to 8 fluid ounces per acre at early bloom stage.

FOURTH - Apply 4 to 10 fluid ounces per acre during full bloom stage.

BP01 1.7 SOYBEAN RESTRICTIONS AND LIMITATIONS

- Do not exceed 4 applications per season.
- Do not exceed 32 fluid ounces of BP01 1.7 per acre per year.
- Follow all restrictions on label of any products used in tank mix.
- Do not apply BP01 1.7 within 30 days of harvest.
- Do not graze or feed forage to livestock.

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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 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.