

71368-45

06-11-2009

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

June 11, 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mary Beth Endres
Registration Manager
Nufarm, Inc.
150 Harvester Drive, Suite 200
Bur Ridge, IL 60527

RE: Product Name: Blightban C9-1
EPA Reg. No: 71368-45
Application for Label Notification Dated March 5, 2009 to Update Warranty Statement
and Container Disposal Statement per PR Notice 2007-4

Dear Ms. Endres:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration (PR) Notice 98-10 dated above. 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(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

For any question you may have concerning this action, please contact 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

| | |
|-------------------------------------|--------------|
| <input type="checkbox"/> | Registration |
| <input checked="" type="checkbox"/> | Amendment |
| <input type="checkbox"/> | Other |

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|--|--|--|
| 1. Company/Product Number 71368-45 | 2. EPA Product Manager Sheryl Reilly | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) BlightBan C9-1 | PM# 92 BPPD | |
| 5. Name and Address of Applicant (Include ZIP Code) Nufarm, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 <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. _____ Product Name _____ | |

Section - II

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ | NOTIFICATION Date Reviewed: <u>6-11-09</u> Reviewed By: <u>D. Hudson</u> |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application | |
| <input 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 and PR Notice 1998-10. This notification is consistent with the guidance in PR Notice 2007-4 and PR Notice 1998-10 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 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of PR Notice 1998-10 and 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.

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 | If "Yes" Package wgt. No. per container | <input checked="" type="checkbox"/> Glass | <input type="checkbox"/> Paper |
| | | | | Other (Specify) _____ | |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container | | 4. Size(s) Retail Container 3 to 15 oz. | | 5. Location of Label Directions <input checked="" type="checkbox"/> | |
| 6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" 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 Mary Beth Endres | | Title Registration Manager | | Telephone No. (Include Area Code) 630-455-2011 | |
| 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. | | | | | 6. Date Application Received (Stamped) |
| 2. Signature | | 3. Title Registration Manager | | | |
| 4. Typed Name Mary Beth Endres | | 5. Date 03-05-2009 | | | |



Overnight Courier

March 5, 2009

Document Processing Desk (NOTIF)
Biopesticides Pollution Prevention Division
Microbial Pesticide Branch
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

Subject: Label Notification per PR Notice 98-10 and 07-04

Product: BlightBan C9-1, EPA Reg. No. 71368-45

Nufarm, Inc. would like to add language to the above referenced product label. The proposed language is consistent with PR Notice 98-10, Section II (labeling notifications) and PR Notice 2007-4. We have updated the warranty and the container disposal statement. The attached label has been highlight for ease of review.

Should you have any questions please contact me at the address and telephone number above or by email listed below.

Sincerely,

Mary Beth Endres
Registration Manager
Nufarm, Inc.
Email: maryb.endres@us.nufarm.com

Enclosures

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NOTIFICATION

Date Reviewed: 6-11-09

Reviewed By: D. Hudson

BLIGHTBAN C9-1

ACTIVE INGREDIENT:

Pantoea agglomerans 71.00%

OTHER INGREDIENTS: 29.00%

TOTAL: 100.00%

Contains 1 x 10¹¹ CFU/gm

KEEP OUT OF REACH OF CHILDREN
CAUTION – PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
 (If you do not understand the label, find someone to explain it to you in detail.)

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300
 For Medical Emergencies Only, Call (877) 325-1840

EPA REG. NO. 71368-45
EPA EST. NO.

NET WEIGHT: 10.5 OZ. (300 GRAMS)

071368-00045.20090305.Notification

Manufactured For
NUFARM, INC.
 150 Harvester Drive
 Burr Ridge, IL 60527



**PRECAUTIONARY STATEMENT
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION / PRECAUCION**

Avoid contact with skin, eyes and clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks
- Dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C)

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

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

| 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 to 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 to 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. |
| HOT LINE NUMBER | |
| Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information. | |

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 wash waters. Do not contaminate water intended for irrigation or domestic purposes.

DIRECTIONS FOR USE

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

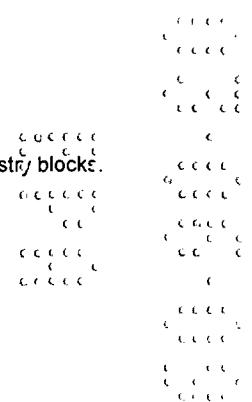
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the Agency responsible for pesticide regulation.

DO NOT APPLY THIS PRODUCT THROUGH ANY TYPE OF IRRIGATION SYSTEM.

SPRAY DRIFT MANAGEMENT

Do not apply when weather conditions favor drift from target area.

Note: Application of BlightBan C9-1 should be avoided on orchards abutting newly-planted conifer forest/ blocks.



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 for 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), notification to workers 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: coveralls, waterproof gloves, shoes plus socks.

DILUTION RATES

Use the following dilution rates when applying BlightBan C9-1 for fire blight control. Use the coverage characteristics of the application equipment and plant size to determine the volume of water. Spray solution should be used within 48 hours of mixing. Standard municipal chlorinated water does not significantly reduce viability.

| | |
|---------------------|------------------------------------|
| CONCENTRATE: | 50 to 150 gallons per acre |
| DILUTE: | 200 to 350 gallons per acre |

FIRE BLIGHT REDUCTION

BlightBan C9-1 should be used in an integrated fire blight control program. BlightBan C9-1 improves control with any existing antibiotic spray program. As an aid in the control of fire blight in pears and apples, select one of the application methods below. When applied as a concentrate spray, using either method, better control is obtained when using a minimum of 100 gallons of water per acre.

Method 1: Apply 5 ounces (150 grams) as a concentrate or 7 ounces (200 grams) as a dilute spray. The first application should be made at 15 to 20% bloom followed by a second application at first petal fall-full bloom, and a third application at "rattail" bloom for pear or post petal fall for apples.

Method 2: Apply 2.5 ounces (75 grams) as a concentrate or 3.5 ounces (100 grams) as a dilute spray. Apply to alternate rows with the first application at 15 to 20% bloom followed by a second application to the untreated rows one week later. Make the second and third applications using the same rates, applied to alternating rows at first petal fall-full bloom. For the final two applications, use the same rates and method for the final applications and apply at "rattail" bloom for pear or post petal fall for apples.

Compatibility: Do not tank mix with ziram, mancozeb, maneb or copper-based compounds. BlightBan C9-1 is compatible with streptomycin, Terramycin®, Rovral®, and Benlate®. Copper sprays or copper dust applications are incompatible with the performance of this product.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep container unopened until use. Store unused product in original container. This product should be stored at temperatures between -4°F and 40°F (frozen or refrigerated) for long-term storage. This product may be stored at room temperature not to exceed 70°F for one week prior to use. Keep out of reach of children and animals

PESTICIDE DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Offer bag for recycling, if available. Then dispose of bag in a sanitary landfill, by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR

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If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

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