



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

January 12, 2017

Gordon Sargent
Product Registration Manager – Biologicals
BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709

Subject: Labeling Notification per Pesticide Registration Notice (PRN) 98-10 – Make Formatting Changes, Update the Company Name and Address, Revise the Warranty Statements, and Make Other Minor Revisions
Product Name: *Bacillus pumilus* strain BU F-33 Technical
EPA Registration Number: 71840-12
Application Date: 11/22/2016
OPP Decision Number: 524736

Dear Mr. Sargent:

The U.S. Environmental Protection Agency (EPA) is in receipt of your application for notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced product. The Biopesticides and Pollution Prevention Division (BPPD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10.

The labeling submitted with this application has been stamped "Notification" and will be placed in our records. You must submit one (1) copy of the final printed labeling with the modifications.

Should you wish to add/retain a reference to your company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and is subject to review by the EPA. If the website is false or misleading, the product will be considered to be misbranded and sale or distribution of the product is unlawful under FIFRA section 12(a)(1)(E). 40 CFR § 156.10(a)(5) lists examples of statements the EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the EPA find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

Page 2 of 2
EPA Reg. No. 71840-12
OPP Decision No. 524736

If you have any questions, please contact me by phone at (703) 347-8920 or via email at kausch.jeannine@epa.gov.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a stylized representation of the name Jeannine Kausch.

Jeannine Kausch, Product Manager 92
Microbial Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)
Office of Pesticide Programs

Enclosure

NOTIFICATION

71840-12

The applicant has certified that no changes, other than those reported to the Agency have been made to the labeling. The Agency acknowledges this notification by letter dated:

01/12/2017

***Bacillus pumilus* strain** **~~—strain~~ BU F-33 Technical**

FOR FORMULATING INTO REGISTERED END-USE PESTICIDE PRODUCTS

ACTIVE INGREDIENTActive Ingredient:

Bacillus pumilus strain BU F-33*: 95.0%

OTHER INGREDIENTSOther ingredients: 5.0%

Total: 100.0%

* Contains not less than 5.0×10^{11} cfu/g

EPA Reg. No.: 71840-12

EPA Est. No.:

KEEP OUT OF REACH OF CHILDREN

~~EPA Reg. No. 71840-RE~~ ~~EPA Est. No.~~

~~EPA Est. No.~~

Net Weight: _____

Batch Code: _____

PRECAUTIONARY Precautionary Statements

STATEMENTS

ENVIRONMENTAL HAZARDS Environmental Hazards

DO NOT ~~Do not~~ discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. **Do not** ~~DO NOT~~ discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

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DIRECTIONS FOR USE Directions for Use

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

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FOR MANUFACTURING OR FORMULATING USE ONLY. This product may be used only for formulating end-use pesticide products used to elicit systemic changes in plants, culminating in enhanced defense against certain pests and pathogens. Do not use from damaged, punctured or unsealed containers. End-use pesticide products formulated from this product must be in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and/or the Federal Food, Drug, and Cosmetic Act.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool, dry place until used. ~~Do not~~**DO NOT** store this product near food, feed, seed, fertilizers or other pesticides.

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

Container Handling: Nonrefillable container. ~~Do not~~**DO NOT** reuse or refill this container. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into manufacturing equipment. Then offer for recycling if available or dispose of liner in a sanitary landfill or by incineration. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner.

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Conditions of Sale and Warranty

BASF 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.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warranty which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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Batch Code:

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Produced for:

BASF Corporation

26 Davis Drive

Research Triangle Park, NC 27709

0071840-012.20170104**161117**.NVA 2015-13-

528-0168 **NOTICE -- READ CAREFULLY BEFORE USING**

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CONDITIONS OF SALE AND LIMITED WARRANTY STATEMENT

Label: *Bacillus pumilus* strain BU F-33 Technical — EPA Reg. No. 71840-RE — Rev. 08 May 7, 2013

Page 1 of 3

NOTICE: Becker Underwood, Inc. warrants that this product conforms to the specifications on this label and is reasonably fit for the purposes stated on this label when used in accordance with the directions, subject to the inherent risks set forth below.

To the extent permitted by applicable law, Becker Underwood, Inc. **MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use: It is impossible to eliminate all risks associated with the use of this product. Lack of performance may result because of such factors as use of the product contrary to label instructions and established safe practice, abnormal conditions (such as excessive rainfall, drought, and Acts of God), presence of other materials, use in combinations with other materials, the manner of application, or other factors, all of which are beyond the control of Becker Underwood, Inc. or the seller. All such risks shall be assumed by the buyer.

Limitations of Remedies: To the extent permitted by applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Becker Underwood, Inc.'s election, one of the following: (1) replacement of the amount of the product used; or (2) refund of the purchase price paid for the product. To the extent permitted by applicable law, Becker Underwood, Inc. shall not be liable for losses or damages resulting from handling, storage, or use of this product contrary to label instructions unless Becker Underwood, Inc. is promptly notified of such loss and damage in writing. To the extent permitted by applicable law, Becker Underwood, Inc. shall not be liable for consequential or incidental damages or losses. Becker Underwood, Inc. neither assumes nor authorizes any person to assume for it, any other liability in connection with the sale, storage, use, or handling of this product other than warranted by this label.

Manufactured for:
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Ames, IA 50010
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www.beckerunderwood.com