



The Chemical Company

Via Certified Mail:RRR



March 27, 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Nidhi O'Meara (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Consent Agreement and Final Order - In the Matter of BASF Corporation, Docket Number FIFRA-0502012-0005 and BD 2751245P004

Dear Ms. O'Meara:

Section 48 of the Consent Agreement and Final Order ("CAFO") requires that BASF Corporation, the "Respondent" to the CAFO, will prepare and implement a compliance plan to "prevent or eliminate all future violations of Section 12(a)(1)(E)" of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") such as described in sections 28 through 36 of the CAFO regarding Poast® Manufacturer Use Concentrate ("MUP"). We are submitting our compliance plan within 30 days after the execution date of the CAFO.

As you know, BASF Corporation ("BASF") has relabeled the specific import of six isocontainers subject to the CAFO. Since then, BASF has been working with its suppliers and import brokers to find effective procedures to ensure that:

- (1) Net Contents is filled in on the FIFRA labels attached to isocontainers of pesticides imported into the United States; and
- (2) There are no international or foreign government-required pesticide labels on such isocontainers containing language in English that may be in conflict with the language on the also attached EPA-approved FIFRA label.

Net Contents Corrective Actions

After a number of meetings and communications with our suppliers and import brokers, BASF has identified and implemented a process to insure that the Net Contents will be on the EPA-approved labels on imported isocontainers. BASF will add the Net Contents to the EPA-approved label prior to sending those labels to its supplier along

with instructions for placing the label on the specific container. The supplier will then place that label on the specific isocontainer prior to export from the country of origin. Furthermore, we are conducting a review as to all bulk container import labels to assure compliance.

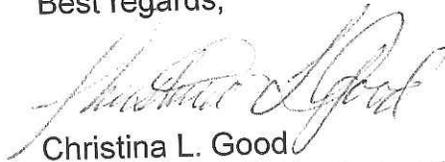
International Pesticide Labels

BASF pesticide products imported from foreign countries often are required by the foreign government to have an international label and/or a pesticide label consistent with the foreign government's pesticide laws. At times, these international or foreign labels may have language in English that is inconsistent with the EPA-approved label. BASF has discussed various options with its foreign supplier and have not yet determined an approach that will satisfy both the exporting country's requirements and EPA's concern regarding consistency of label information. We have investigated removing (or papering over) all international/foreign government required labels at the port of export, but this appears not to be consistent with some foreign government requirements.

As a result, we are continuing an investigation of various options and continuing discussions with regulatory personnel in various countries, such as Japan. As you may be aware, the Poast MUP that is the subject of this CAFO was imported from Japan. We can inform EPA Region 5 when BASF has determined a process to address this concern by EPA. We are finding that this is a complex issue and is taking some time to fully understand all the issues and the effective options.

If you have any questions concerning this matter, please contact me at (973) 245-6056 or christina.good@basf.com. As always, BASF will continue to work with the EPA to resolve this matter. We already have forwarded the check covering the amount of the penalty to EPA's Fines and Penalties Office in Cincinnati.

Best regards,



Christina L. Good
Senior Counsel, Product and Trade Regulation

cc:
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Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
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