

Bayer CropScience



March 10, 2010

Subject: Appeals Court denies Bayer's Motion for Stay Pending Appeal.

Dear Movento/Ultor Customer:

On March 10, 2010, a motions panel for the United States Court of Appeals, Second Circuit in New York issued an order denying Bayer's Motion for Stay Pending Appeal. The stay has been lifted and the December 23 Order vacating the registrations has now gone into effect.

Bayer has asked EPA to provide the existing stock policy that EPA had requested public comment on in early February. EPA indicated that it is in the process of making final revisions and hopes to have the policy issued within the next few days.

EPA has already confirmed in their Feb 26, 2010 Federal Register Notice that all tolerances relating to spirotetramat treated commodities are unaffected. They specifically state "EPA issued a Final Rule establishing tolerances for spirotetramat in the Federal Register of July 9, 2008 (73 FR 39251) (FRL-8367-1). The final rule establishing tolerances for spirotetramat was not before the court in *Natural Resources Defense Council, Inc. v. EPA*, 2009 WL 5033959 (Dec. 23, 2009), and that rule remains in effect."

Once we get a copy of the existing stocks policy for Movento and Ultor, we will immediately forward it.

Sincerely,

Kevin Adam

Kevin Adam
Movento/Ultor Product Manager
Bayer CropScience