

149-9

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 22, 2010

Cristina Griffin, Agent
Senoret Chemical Company, Inc.
c/o Delta Analytical Corp.
12510 Prosperity Drive, Suite 160
Silver Spring, MD 20904

Subject: Label Amendment—addition of outdoor bait station use directions, additional claims, updated storage and disposal statement, etc.

Product Name: TERRO® ANT KILLER 3

EPA Reg. No.: 149-9

Application Dated: December 1, 2009

Decision Number: 424229

Dear Ms. Griffin:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable with the following label revision provisions:

1. Add a "Precautionary Statements" heading and an "Environmental Hazards" statement after the ingredient statement and before the "Directions for Use" section as follows:

"Precautionary Statements

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 disposing of equipment washwaters or rinsate."

2. In the **Directions for Use** section, in both the existing statement with use directions for food areas and also in the new proposed alternate statement at the bottom of page 3, add the following statement to address the new vending machine use site proposed in this amendment:

"When applying in vending machines, do not place the product in areas that would directly contact vending items."

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A copy of the label stamped "accepted with comments" is enclosed for your records. You must submit two copies of the final printed label revised in accordance with the comments listed above before the product is released for shipment under this label. If you have any questions, you may contact Clayton Myers at (703) 347-8874 or myers.clayton@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Suarez", with a large, stylized flourish extending to the right.

Mark Suarez, Product Manager (11)
Registration Division, Insecticide Branch

Enclosure

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TERRO® ANT KILLER 3

For Control of Sweet Eating Ants

[or For control of *[List one or more ant species shown in directions for use]* Sweet Eating Ants]

- * Liquid ant bait
- * Contains Borax
- * Use Indoors
- * Liquid Ant Killer
- * Liquid Ant Bait Solution
- * Ready to use
- * Kills the ants you see and the ants you don't
- * Do it yourself liquid bait system
- * No unpleasant odors
- * Use Outdoors
- * Hate em Bait em
- * Attracts Ants Fast

Active Ingredient:	
Sodium Tetraborate Decahydrate (Borax)	1.0%
Other Ingredients:.....	<u>99.0%</u>
Total	100.0%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

NET CONTENTS:

SENORET CHEMICAL CO., INC.

ST. LOUIS, MO., 63122 U.S.A.

Phone: (24 hour emergency): 1-800-837-7644

EPA Reg. No. 149-9

EPA Est. 149-MO-1

**ACCEPTED
With COMMENTS
In EPA Letter Dated:
FEB 22 2010**

**Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:**

149-9

[Brackets indicate master label instructions (in italics) or optional label language]

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DIRECTIONS FOR USE

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

FOR USE IN AND AROUND: *[Choose one or more of the following:]* Homes, Hospitals, Restaurants, Apartments, Grocery Stores [Supermarkets], Institutional Buildings, Schools, Cafeterias, Warehouses, Storage Areas, Food Processing Plants, Mobile Homes, Boats, Military Bases, Theaters, Nursing Homes, and on Military, Commercial, and Cruise Ships, Garages, Public and Private Institutions, Hotels, Motels, Pet Stores, Zoos, Kennels, and Vending Machines.

ATTRACTS AND KILLS ALL COMMON HOUSEHOLD ANTS INCLUDING: Argentine ants, Ghost ants, Cornfield ants, Pavement ants, Acrobat ants, White footed ants, Little black ants, Odorous house ants, Crazy ants, Big headed ants, and other sweet eating ants.

USING TERRO® ANT KILLER 3: TERRO® Ant Killer 3 *[or this product]* can be used indoors [by applying the product to small pieces of paper, cardboard, or foil and placing them] where ants are seen, including *[choose one or more of the following:* the edges of sinks, tubs, window sills, under pallets, storage shelves, food cabinets, or appliances, along floors and baseboards and in corners] and other areas where ants may forage. *[Optional language:* Do not skimp on bait placements; the more bait placements the better.] Since invading ants usually have outdoor nesting sites, it often helps to put the product outside, close to where ants are found entering the structure *[Optional language:* such as decks, loading docks, crawlspaces, fences, foundation perimeters, trees and other areas where ants may forage.] Ants typically follow defined trails from the nest to food or water. Placing TERRO® Ant Killer 3 *[or this product]* close to these trails will improve control.

CONTROLLING AND ELIMINATING ANTS: First ants will come in large numbers, but soon disappear. This product is specifically formulated to allow worker ants to consume the product and survive long enough to carry the liquid back to the nest and deliver a dose to the rest of the colony. The key to obtaining effective control is to monitor the placements and ensure there is always a fresh supply of TERRO® Ant Killer 3 *[or this product]* [on each placement]. Complete control may take up to two weeks.

[Optional Application Directions:]

[USING TERRO® ANT KILLER 3 IN BAIT STATIONS: This product will work well in most bait stations such as those made by B&G and Kness and Whitmire Micro-Gen. Follow directions included with the bait stations to obtain best results.]

[USING TERRO® BAIT BULLETS: This package contains TERRO® Ant Killer 3 and TERRO® Bait Bullets. Fill the TERRO® Bait Bullets half full with TERRO® Ant Killer 3 and place them, out of reach of children and pets, on a flat surface close to areas where ants are seen foraging or nesting. As the ants begin to feed on the bait you will notice many ants inside and around the opening to the Bait Bullet. If the ants consume the entire bait, simply refill the Bait Bullet.

USING TERRO® BAIT BULLETS AS A PERIMETER ANT DEFENSE SYSTEM: Locate areas close to the home or structure where ants are seen trailing. Place the Bait Bullets against the foundation where you have located ant movement. Space the Bait Bullets every 5 to 10 feet for maximum coverage. Check the Bait Bullets regularly for activity. Remember ants will feed on TERRO® Ant Killer 3 and carry the bait back to the rest of the colony. Heavy infestations may require several bait placement refills and up to two weeks to control.]

[Brackets indicate master label instructions (in italics) or optional label language]

[Now available in an Oasis™ [Triple Shot] Bait Station]

[USING [product name] PRE-FILLED BAIT SYSTEM: [This product or product name] now comes as an easy-to-use pre-filled liquid ant bait. Ants will enter, feed and return to the nest where they will pass on the [product name] to the rest of the colony.

- Pre-filled
- Ready to Use
- No drips, spills, or mess

[Break pre-filled baits apart from plastic frame.] Hold the pre-filled bait station level and peel back clear [or other appropriate descriptive term] seal to expose entry point to bait. [Place baits label side up near ant trails or close to where ants are numerous. Place additional baits anywhere ants may enter your home. For best results, use [all or number] baits to ensure sufficient supply for the ants.] Monitor bait station and replace station when bait is depleted or every three months. To prevent reinfestation or where infestation is great, maintain an uninterrupted supply of bait. [may number each step if desired]]

[Outdoors: Place, at minimum, 1 bait station near ant trails or other areas where ants may enter structures. More than 1 station may be needed to sufficiently control the ant population. **Indoors:** Place, at minimum, 1 bait station near ant activity (for example, along baseboards in closets, behind or in cabinets, etc.).]

DO NOT USE in edible product areas of food handling establishments, restaurants or other areas where food is commercially prepared or processed. Do not use in serving areas while food is exposed. Avoid contamination of feed and foodstuffs. Place bait in areas inaccessible to children and pets.

[OR: *May use following alternate language instead of above paragraph:* Do not contaminate this product with other pesticides. If this product becomes contaminated with another pesticide it will lose its effectiveness. Do not apply directly to food and avoid contamination of feed and foodstuff. In commercial food handling facilities, cover or remove any food during application. In food handling and other areas, record the number and location of bait stations. This product is designed to be used as a residual treatment in an Integrated Pest Management program incorporating good sanitation practices. Do not treat pets with this product. Place stations in areas accessible to insects but inaccessible to children and pets.]

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool dry place. Do not store where children or animals may gain access.

PESTICIDE DISPOSAL AND CONTAINER HANDLING: Nonrefillable Container. Do not reuse or refill this container. **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

[Batch Code is required; may be placed on label or container]

[Brackets indicate master label instructions (in italics) or optional label language]

[Warranty Disclaimer:

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. To the extent not prohibited by applicable law, **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use

The directions for use of this product are believed to be adequate and must be carefully followed. It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions, abnormal conditions, the presence of other materials, climatic conditions or the manner of use/application, all of which are beyond the control of the Manufacturer. The buyer/user assumes all such risks.

Limitation of Remedies

To the extent not prohibited 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 Manufacturer's election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

To the extent not prohibited by applicable law: a) Manufacturer shall not be liable for losses or damages resulting from handling or use of this product unless Manufacturer is promptly notified of such loss or damage in writing; and b) **IN NO CASE SHALL MANUFACTURER BE LIABLE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING WITHOUT LIMIT, HEALTH RELATED DAMAGES OR INJURIES.**

The terms of this **Warranty Disclaimer** and **Limitation of Remedies** cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Manufacturer or the seller is authorized to vary or exceed the terms of this **Warranty Disclaimer** or **Limitation of Remedies** in any manner.

It is not intended that this product be used to practice any applicable patent, whether mentioned or not, without procurement of a license, if necessary, from the owner, following investigation by the user.]