

352-770

09-22-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Tamika N. Davis-Cannon
E.I. DuPont de Nemours and Company
Stine-Haskell Research Center
P.O. Box 30
Newark, DE 19714

SEP 22 2010

Dear Ms. Davis-Cannon:

Subject: Labeling Amendment; Revised Container Handling Labeling
DuPont™ APERION™ ST Insecticide
EPA Registration No. 352-770
Submission Date: July 29, 2010

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the above mentioned label before releasing the product for shipment. Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself. If you have any questions regarding this label, please contact Jennifer Urbanski at (703) 347-0156 or urbanski.jennifer@epa.gov.

Regards,

A handwritten signature in black ink, appearing to read "John Hebert", written over a large, stylized circular flourish.

John Hebert
Product Manager (07)
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure- Stamped Label

DuPont™ Aperion™ ST INSECTICIDE

Professional Products

INTENDED FOR USE BY COMMERCIAL APPLICATORS OR PEST MANAGEMENT PROFESSIONALS ONLY

This product [treatment] will kill workers and/or winged reproductive forms of termites present at the time of application only. Application of this product will not provide structural protection nor substitute for mechanical alteration, soil or foundation treatment with termiticide. This product is not to be used as sole protection against termites, as it is not intended for use for elimination of termite infestations nor for protection against future infestations. A professional inspection is recommended.

<u>Active Ingredient</u>	<u>By Weight</u>
Indoxacarb*	
(S)-methyl 7-chloro-2,5-dihydro-2-[[[methoxy-carbonyl](4(trifluoromethoxy)phenyl)amino]-carbonyl]indeno[1,2-e][1,3,4]oxadiazine-4a-(3H)-carboxylate	14.5%
<u>Other ingredients</u>	<u>85.5%</u>
TOTAL	100.0%

Contains 150 grams of active ingredient per liter or 1.25 pounds of active ingredient per gallon

*Indoxacarb belongs to the oxadiazine chemical class.

EPA Reg. No. 352-770 EPA Est. No. _____

Nonrefillable Container

Net: _____

OR

Refillable Container

Net: _____

E. I. du Pont de Nemours and Company
1007 Market Street
Wilmington, Delaware 19898

**ACCEPTED
SEP 22 2010**

**Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:**

EPA. Reg. No: 352-770

KEEP OUT OF REACH OF CHILDREN CAUTION

Refer to back/side panels for additional precautionary statements.

FIRST AID

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or a doctor. Do not give anything by mouth to an unconscious person.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 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.

IF ON SKIN OR CLOTHING: Remove contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-441-3637 for emergency medical treatment information.

For information on the use of this product call DuPont Professional Products at 1-888-6-DUPONT (1-888-638-7668).



The miracles of science™

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC
ANIMALS**

Caution: Harmful if swallowed. Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Avoid breathing (vapor or spray mist). Remove contaminated clothing and wash clothing before reuse.

Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical resistant to this product are listed below. If you want more options, follow the instructions for Category A on the EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical Resistant Gloves Category A (such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber), all > 14 mls.
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining personal protective equipment (PPE). If no such instructions for washables are available, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

USERS SHOULD: 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.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. 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 rinse water. Do not apply where/when conditions could favor runoff. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Read entire label before using this product.

Application of this product will not provide structural protection nor substitute for mechanical alteration, soil or foundation treatment with termiticide. This product is not to be used as sole protection against termites, as it is not designed to offer structural protection and will not prevent future infestations.

PRODUCT INFORMATION

DuPont™ APERION™ ST contains the non-repellent insecticide active ingredient indoxacarb which is effective at killing subterranean termites including Reticulitermes sp., Heterotermes sp, and Coptotermes sp. This product will kill workers and/or winged reproductive forms of termites that are present at the time of application. This product may be applied in and around residential and commercial structures with termite infestations and also non-structural wood infested by termites.

Spot treatments with APERION™ ST insecticide to kill termites can be made before the scheduled date of a treatment of the structure with a conventional soil applied termiticide and/or foundation treatment.

APERION™ ST is formulated as a suspension concentrate.

APPLICATION AND MIXING INSTRUCTIONS

Application tanks must be cleaned prior to mixing APERION™ ST Insecticide. APERION™ ST must be applied as a dilute finished application using directions contained in the table below.

Table 1- Mixing Table for APERION™ ST

Gals. of finished suspension desired	Amount of Aperion™ ST to obtain 0.09% indoxacarb concentration
1	0.8 fl. oz (23.5mls.)
5	4.0 fl. oz (117.5 mls.)
25	20.0 fl. oz (587.5 mls.)
50	40.0 fl. oz (1175 mls)

Mixing Instructions

Application equipment must be clean and free of visual pesticide deposits before mixing APERION™ ST. Mix APERION™ ST in the following manner:

- 1) Use clean, well maintained application equipment.
- 2) Fill sprayer tank 1/4 to 1/2 full with water.
- 3) Start pump to begin by-pass agitation and place end of treating tool in tank to allow circulation through hose.
- 4) Shake the container of APERION™ ST well before pouring into tank.
- 5) Add required amount of APERION™ ST according to Table 1 above.
- 6) Add the remaining amount of water.
- 7) Let pump run and allow re-circulation through the hose for 2 minutes.

NOTE: It is recommended that the spray mixture not be stored in the spray tank or a mix tank overnight.

Localized Spot Treatments

Direct applications to wood-in-place will kill exposed termites on areas such as sill plates, floor boards, wall studs, or other localized areas. Only use a low pressure, coarse spray to treat surfaces directly.

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This product may be used to treat:

- Exposed wooden elements in crawlspaces, basements, or attics
- Exterior wooden elements in decks, fencing, or siding
- Exposed channels in damaged wood
- Spaces between wooden elements of a building/structure
- Junctions between wood and foundations

Treatment of posts, poles, firewood piles, stumps, trees

Use direct applications to these areas to kill exposed termites. Most spot applications can be conducted using 1-2 gals. Only treat non-bearing/non-edible fruit and nut trees with DuPont™ APERION™ ST to kill termites.

APPLICATION PRECAUTIONS

Do not allow people or pets to contact treated areas until sprays have dried.

Restrictions:

- Do not apply where electrical shock hazards exist.
- Keep people and pets out of area being treated during application.
- Do not contaminate public and/or private water supplies
- Retreat as necessary, make no more than four applications per year.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Do not subject to temperatures below 32 degrees F. Store product in original container only in a location inaccessible to children and pets. Do not contaminate water, other pesticides, fertilizer, food or feed in storage.

PESTICIDE DISPOSAL: Do not contaminate water, food or feed by storage or disposal. Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional office for guidance.

CONTAINER HANDLING: Refer to the Net Contents section of this product's labeling for the applicable "Nonrefillable Container" or "Refillable Container" designation.

Nonrefillable Rigid Plastic and Metal Containers (Capacity Equal to or Less Than 5 Gallons):

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Rigid Plastic and Metal Containers (Capacity Greater Than 5 Gallons):

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

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Nonrefillable Rigid Plastic and Metal Containers, e.g., Intermediate Bulk Containers [IBC] (Size or Shape Too Large to be Tipped, Rolled or Turned Upside Down): Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying the contents from this container into application equipment or mix tank and before final disposal using the following pressure rinsing procedure. Insert a lance fitted with a suitable tank cleaning nozzle into the container and ensure that the water spray thoroughly covers the top, bottom and all sides inside the container. The nozzle manufacturer generally provides instructions for the appropriate spray pressure, spray duration and/or spray volume. If the manufacturer's instructions are not available, pressure rinse the container for at least 60 seconds using a minimum pressure of 30 PSI with a minimum rinse volume of 10% of the container volume. Drain, pour or pump rinsate into application equipment or rinsate collection system. Repeat this pressure rinsing procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

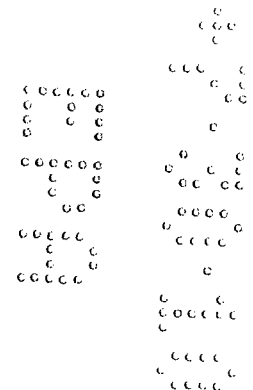
All Refillable Containers: Refillable container. Refilling Container: Refill this container with DuPont Aperion™ ST Insecticide containing indoxcarb only. Do not reuse this container for any other purpose. Cleaning before refilling is the responsibility of the refiller. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn out threads and closure devices. If damage is found, do not use container, contact DuPont at the number below for instructions. Check for leaks after refilling and before transporting. If leaks are found, do not reuse or transport container, contact DuPont at the number below for instructions. Disposing of Container: Do not reuse this container for any other purpose other than refilling (see preceding). Cleaning the container before final disposal is the responsibility of the person disposing of the container. To clean the container before final disposal, use the following pressure rinsing procedure. Insert a lance fitted with a suitable tank cleaning nozzle into the container and ensure that the water spray thoroughly covers the top, bottom and all sides inside the container. The nozzle manufacturer generally provides instructions for the appropriate spray pressure, spray duration and/or spray volume. If the manufacturer's instructions are not available, pressure rinse the container for at least 60 seconds using a minimum pressure of 30 PSI with a minimum rinse volume of 10% of the container volume. Drain, pour or pump rinsate into application equipment or rinsate collection system. Repeat this pressure rinsing procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Do not transport if container is damaged or leaking. If the container is damaged, leaking or obsolete, or in the event of a major spill, fire or other emergency, contact DuPont at 1-800-441-3637, day or night.

NOTICE TO BUYER--Purchase of this material does not confer any rights under patents of countries outside of the United States.

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LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read This Limitation of Warranty and Liability Before Buying or Using This Product. If the Terms Are Not Acceptable, Return the Product at Once, Unopened, and the Purchase Price Will Be Refunded.

It is impossible to eliminate all risks associated with the use of this product. Such risks may arise from factors such as weather conditions, soil factors, off target movement, unconventional technique, presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of DuPont or Seller. These risks can cause: ineffectiveness of the product or other unintended consequences.

DuPont does not agree to be an insurer of these risks. **WHEN YOU BUY OR USE THIS PRODUCT, YOU AGREE TO ACCEPT THESE RISKS.**

DuPont warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, DUPONT MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL DUPONT OR SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE EXCLUSIVE LIABILITY OF DUPONT OR SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHER LEGAL THEORY) RESULTING FROM THE STORAGE, USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT, OR AT THE ELECTION OF DUPONT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

To the extent consistent with applicable law that allows such requirement, DuPont or its distributor must have prompt notice of any claim so that an immediate investigation of buyer's or user's claim can be made. Buyer and all users shall promptly notify DuPont or a DuPont distributor of any claims, whether based on contract, negligence, strict liability, other tort or otherwise or be barred from any remedy.

This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

