

432-1217

10/29/2009

1/10



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Richard M. Gorrel
Bayer Environmental Science
2 T. W. Alexander Drive,
Research Triangle, NC 27709

OCT 29 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 98-10
Storage & Disposal and Other Changes (Warranty statement)

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 98-10 dated August 18, 2009 for:

EPA Registration 432-1217 Chipco TopChoice Insecticide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 98-10 and finds that the label change(s) requested falls within the scope of PRN-2007-4 and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

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, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1217	2. EPA Product Manager Mr. Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Chipco TopChoice Insecticide	PM# PM 10	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Drive Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

Amendment - Explain below. Final printed labels in response to Agency letter dated _____

Resubmission in response to Agency letter dated _____ "Me Too" Application.

Notification - Explain below. Other - Explain below.

NOTIFICATION
OCT 29 2009

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 See attachment for certification statements

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container

3. Location of Net Contents Information
 Label Container

4. Size(s) Retail Container
50 lb bag

5. Location of Label Directions
 on label

6. Manner in Which Label is Affixed to Product
 Lithograph Paper glued Stenciled Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Richard M. Gorrell	Title Manager, Registrations	Telephone No. (Include Area Code) (919) 549-2423
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Certification
 I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law.

2. Signature
Richard M. Gorrell

3. Title
Manager, Registrations

4. Typed Name
Richard M. Gorrell

5. Date
August 18, 2009

6. Date Application Received (Stamped)

Container Disposal and Warranty Statement Certification Statements

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance of PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and it may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

- Container Disposal Statement Revision as per EPA mandate

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

- Warranty Statement Revised as per EPA mandate

4/10



Bayer Environmental Science

August 18, 2009

EPA09RMG0818TopChoiceNotifContDisp-Warrant
Fedex

Ms. Linda Arrington
U.S. Environmental Protection Agency
Office of Pesticide Programs (7504P)
Document Processing Desk (Notif)
Room S-4900, One Potmac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

RE: Chipco TopChoice Insecticide (EPA Reg No. 432-1217) Notification to Add
Container Disposal and Warranty Statements

Dear Ms. Arrington:

Bayer Environmental Science (BES) is notifying the Agency of the addition of a revised container disposal and warranty statements for the Chipco TopChoice Insecticide label. The label language is exactly as prescribed by the Agency for both statements.

Bayer Environmental Science
2 T.W. Alexander Drive
RTP, NC 27709
Phone : 919.549.2000

The following information is included with this amendment:

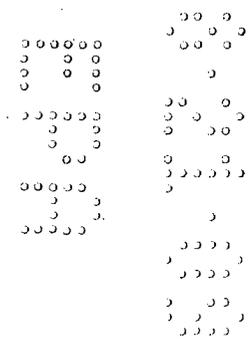
- 8570-1 form
- Revised Label (4 paper copies; one highlighted copy)

If you have any questions, contact me at (919) 549-2423 or email me at mike.gorrell@bayercropscience.com.

Sincerely,

Richard M. Gorrell
Manager, Registrations

Cc: Karen Shearer



5/10

CHIPCO® TopChoice™ Insecticide

For Pest Control Operators and Commercial Use Only

- Contains Fipronil
- Controls Fire Ants
- Easy and Quick to Apply
- Ready to Use
- Season Long Control of Fire Ants
- Guaranteed to Work or Money Back
- Up to One Year Control of Fire Ants

NOTIFICATION
OCT 29 2009

ACTIVE INGREDIENT:

*Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile0.0143 %

INERT INGREDIENTS99.9857 %

*Protected by U.S. Patent No. 5,232,940

EPA Reg. No. 432-1217

EPA Est. No. XXX

KEEP OUT OF REACH OF CHILDREN CAUTION PRECAUCIÓN

See side panel for additional precautionary statements

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do understand this label, find someone to explain it to you).

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-228-5635

For PRODUCT USE Information Call 1-800-331-2867

First Aid

If on Skin or Clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If Swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have a person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If in Eyes:	<ul style="list-style-type: none"> • 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.
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	
NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient.	

PRECAUTIONARY STATEMENTS

HAZARD TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if absorbed through the skin. Causes eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

SYMPTOMS OF POISONING: In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and , in extreme cases, possibly convulsions, may occur.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators, mixers, loaders and persons cleaning application equipment must wear long sleeved shirt and long pants, waterproof gloves, and shoes plus socks.

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately form other laundry.

When handlers use closed systems or enclosed cabs, in a manner that meets the requirements listed in the Worker Protection Standard (WPS) or agricultural practices (40 CFR 170.240 (d) (4-6)), the handler PPE requirement may be reduced or modified as specified in the WPS. Important: When reduced PPE is worn because a closed system is being used, handlers must be provided all PPE specified above for applicators and other handlers, and have such PPE immediately available for use in an emergency, such as a spill or equipment breakdown. Follow manufacturer's instructions for cleaning/maintaining PPE. If no instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

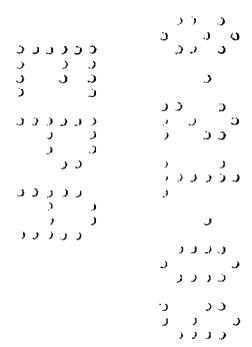
Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
Remove clothing immediately if pesticide gets inside. Then wash body thoroughly and put on clean clothing.
Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, fish, aquatic and estuarine (tidewater dwelling) invertebrates. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Cover, incorporate or clean up granules that are spilled. Do not contaminate water when disposing of equipment washwater or rinsate. Do not apply within 15 feet of bodies of fresh water: lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, and commercial fish ponds. A 15 feet buffer of uniform groundcover must exist between application zone and bodies of freshwater (uniform ground cover is defined as land which supports vegetation of greater than 2 inches throughout).

Do not apply within 60 feet of estuarine bodies of water. Estuarine water bodies are brackish, tidal water such as bays, mouths of rivers, salt marshes, and lagoons.

In order to reduce risk to birds, ensure that the application is spread evenly over the treatment area In Florida, do not use this product within 500 feet of areas occupied by the threatened Florida scrub jay, bluetail mole skink, or sand skink. In addition, for the protection of the threatened bluetail mole skink and sand skink, apply only to turf grass and allow at least a 30-foot untreated buffer of turf grass when adjacent to scrub habitat (i.e., xeric upland) in the following counties: Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam. For guidance, consult the Florida Department of Agriculture and Consumer Services.



AGRICULTURAL USE REQUIREMENTS

Use this product in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notifications to workers and restricted-entry intervals. The requirements in this box only apply to sodfarm uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours.

PPE required for entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- coveralls
- waterproof gloves
- shoes plus socks

NON AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard (WPS) for agricultural pesticides (40CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Always wear protective clothing and use appropriate equipment during application and handling. Avoid contact with granules. Avoid breathing dust.

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.**

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

STORAGE AND DISPOSAL

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

STORAGE

Do not store in or around the home. Store unused product in original container only, out of reach of children and animals. NEVER TRANSFER THIS PRODUCT TO ANOTHER CONTAINER FOR STORAGE.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide is a violation of Federal law.

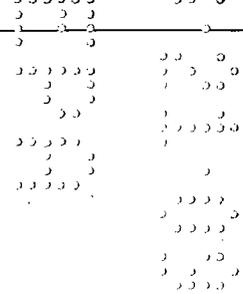
Contamination with this product will render water, food or feed unfit for human or animal consumption. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

IN CASE OF SPILL

Sweep up spilled granules, transfer to a marked container, and dispose of wastes on site or at an approved waste disposal facility.

CONTAINER DISPOSAL

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or if allowed by State and local authorities, by open burning. If container is burned, stay out of smoke.



For USE ON TURFGRASS, LANDSCAPE BEDS AND OUTDOOR NURSERY SITES FOR CONTAINERIZED ORNAMENTAL PLANTS

GENERAL PRECAUTIONS AND INSTRUCTIONS

- Always wear protective clothing and use appropriate equipment during application and handling. Avoid contact with granules. Avoid breathing dust.
- Apply this pesticide when the potential for drift to nearby bodies of water is minimal (wind speed is 10 mph or less and the wind is blowing away from the body of water).
- Do not apply to pastures or grazing lands.

GENERAL INFORMATION

The primary purpose of CHIPCO TopChoice is to control imported fire ants in turfgrass and landscape beds. In addition, mole crickets, fleas, ticks, and nuisance ants are controlled for a limited time by the fire ant treatment.

Compatibility studies with other pesticides, fertilizers, and other biologically active materials have not been completed. Do not apply in combination with other materials.

No phytotoxic response on any turfgrass species has been observed to date.

SPECIFIC USE DIRECTIONS

BROADCAST TREATMENT

This product may be used only in the following states including Puerto Rico:

Alabama	Louisiana	South Carolina
Arkansas	Mississippi	Tennessee
California (Coachella Valley Only)*	New Mexico	Texas
Florida	North Carolina	
Georgia	Oklahoma	

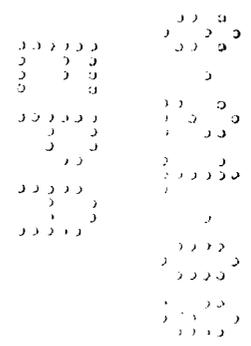
In areas within the prescribed buffer zone for estuarine or fresh bodies of water as stated in the Environmental Hazards section of this label, applicators may use Chipco Ceasefire™ fire ant bait insecticide (EPA Reg. No. 432-1219). Refer to the Chipco Ceasefire label for application information.

Make application with broadcast equipment that is capable of applying 87 pounds of product per acre.

Do not apply more than 1 application per year of 87 pounds of product per acre. Two applications (87 lbs./acre per application) may only be used on sodfarms within the USDA APHIS Quarantine areas.

Calibrate and adjust equipment prior to application to ensure that the proper rate of product will be applied.

***California:** This product can only be used in the Coachella Valley. Applications can only be made from April through September.



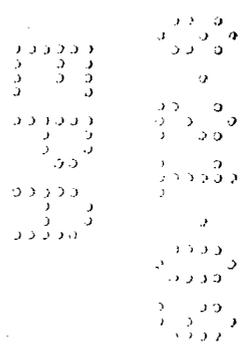
9/10

The primary purpose of this product is for fire ant control.

SITES	PESTS CONTROLLED	APPROXIMATE LENGTH OF CONTROL	APPLICATION RATE OF CHIPCO TopChoice		APPLICATION DIRECTIONS
			POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1,000 SQ FT	
Turfgrass: Golf turf Sports fields Commercial lawns Cemeteries Parks Campsites Recreational areas Home Lawns School grounds Sodfarms Landscape beds	Imported Fire Ants [<i>Solenopsis</i> spp.]	1 year	87	2	Imported Fire Ants: Make applications to control existing imported fire ant populations and/or to exclude imported fire ant populations. For best results, treated turf should be watered or irrigated after application. Use for control of fire ants with an application to outdoor nursery sites prior to the placement of containerized plants onto the treated area. <ul style="list-style-type: none"> Do not apply to field grown nursery stock. Do not apply to bareground, hard and/or impervious surfaces e.g. concrete, asphalt, highly compacted soil surfaces, plastic film, or wood surfaces. Do not apply to areas where plants grown for food will be placed.
OUTDOOR NURSERY SITES FOR CONTAINERIZED ORNAMENTAL PLANTS		1 year	87	2	

At the application rate to control fire ants, the following pests will be controlled for a limited time as follows:

PESTS CONTROLLED	APPROXIMATE LENGTH OF CONTROL	APPLICATION RATE OF CHIPCO TopChoice	
		POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1,000 SQ FT
Mole crickets [<i>Scapteriscus</i> spp.]	4 months	87	2
Nuisance ants [<i>Lasius neoniger</i>]	3 months		
Fleas [<i>Ctenocephalides</i> spp.]	1 month		
Ticks [<i>Dermacentor</i> spp., <i>Rhipicephalus</i> sp., <i>Ixodes</i> spp.]	1 month		



10/10

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: ~~TO THE EXTENT CONSISTENT WITH APPLICABLE LAW~~, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. ~~TO THE EXTENT CONSISTENT WITH APPLICABLE LAW~~, BAYER CROPSCIENCE LP DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: ~~TO THE EXTENT CONSISTENT WITH APPLICABLE LAW~~, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

Chipco brand 61748A is specially formulated and sold by Bayer Environmental Science for the control of fire ants according to the directions on this label. The purchase price of Chipco brand 61748A includes a royalty whereby the purchaser acquires a prepaid license under which purchaser agrees to employ the purchased quantity of Chipco brand 61748A only for the above-specified uses under Bayer's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of Chipco brand 61748A other than those specified on this label are not licensed through the purchase of this product and the use of this product for other purposes may violate this license and patent rights of Bayer or the exclusive license rights granted to BASF.

NET CONTENTS:

CHIPCO is a registered trademark of Bayer Ag.
TopChoice and Ceasefire are trademarks of Bayer AG.

Bayer Environmental Science
A Business Group of Bayer CropScience LP
PO Box 12014, 2 T. W. Alexander Drive
Research Triangle Park, NC 27709

Chipco Brand TopChoice Insecticide(PENDING) 08/19/09

