

432-1391

9-10-2004

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other:

OPP Identifier Number
298774

Application for Pesticide - Section I

1. Company/Product Number 432-1391	2. EPA Product Manager D. Kenny	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Premise Foam	PM# 4A	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science, A Business Group of Bayercropscience LP, 95 Chestnut Ridge Road, Montvale, N.J. 07645 <u>PLEASE SEND ALL CORRESPONDENCE TO "CONTACT POINT" LISTED BELOW</u> <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
SEP 10 2004

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

Additional Patent Language added to last page

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input type="checkbox"/> Other _____					

Section - IV

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

Name Adrian Krygman	Title Manager, Registration	Telephone No. (Include Area Code) 201-307-6684
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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 or both under applicable law.

6. Date Application Received
(Stamped)

2. Signature 	3. Title Manager, Registration
4. Typed Name Adrian Krygman	5. Date 8/19/04

Bayer Environmental Science



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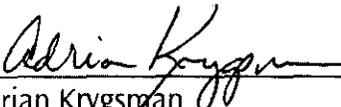
Notification of Label Revision per PR Notice 98-10:

Premise Foam
EPA Reg. No. 432-1391

NOTIFICATION

SEP 10 2004

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.



Adrian Krygsmann
Manager, Registration

8/19/04
Date

Bayer Environmental Science

95 Chestnut Ridge Road
Montvale, NJ 07645
Tel. (201) 307-9700
Fax (201) 307-3438

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NOTIFICATION

SEP 10 2004



PREMISE®

FOAM

Specimen Label

- *For Pest Management Professionals and Commercial Use Only.*
- *To KILL subterranean termite species of Coptotermes, Heterotermes, Reticulitermes, and Zootermopsis.*
- *For use by individuals/firms licensed or registered by the state to apply termiticide products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the structural pest control regulatory agency of your state prior to use of this product.*

ACTIVE INGREDIENT:

Imidacloprid:1-[(6-Chloro-3-pyridinyl)methyl]-N nitro-
2-imidazolidinimine 0.05%

OTHER INGREDIENTS: 99.95%

Total: 100.00%

PRECAUCION AL USUARIO: Si usted no puede leer o entender inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

EPA Reg. No. 432-1391

EPA Est. No.

STOP-READ THE LABEL BEFORE USE.

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling.

NET CONTENTS:

**BACKED
by BAYER.**



FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • 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 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.
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 for treatment advice.
<p align="center">HOTLINE NUMBER</p> <p>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- 471-0660 for emergency medical treatment information.</p>	

ENVIRONMENTAL HAZARDS

This product is highly toxic to 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. Apply this product only as specified on this label.

PHYSICAL/CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in a cool, dry place and avoid excessive heat (>130°F). Store in original container and out of reach of children, preferably in a locked storage area.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site (in the treatment area) or at an approved waste disposal facility.

Container Disposal: Do not reuse empty container. Do not puncture or incinerate. If empty place in trash or offer for recycling if available.

DIRECTIONS FOR USE

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

IMPORTANT: Read entire DIRECTIONS FOR USE before using PREMISE FOAM

GENERAL

This product is a ready-to-use formulation of imidacloprid intended to kill subterranean termite species of Coptotermes, Heterotermes, Reticulitermes, and Zootermopsis. It can be used for spot treatments for the control of existing infestations of subterranean termite species and other wood-destroying insects. PREMISE Foam is a ready-to-use

formulation that rapidly expands to create a high expansion ratio or "dry" foam. When applied into a termite gallery system, or into a termite-infested void, the foam expands to thoroughly cover hidden or difficult to treat areas, and contact insects hidden deep within these galleries or voids.

Do not use this product as the sole source of control for active, structural infestations by subterranean termites; it is not a substitute for mechanical alteration, soil and foundation treatments. For active, structural infestations by subterranean termites, this product can only be used to supplement a soil-applied termiticide, a termite bait system, or other product registered as a sole source for termite control. This product is intended as a supplemental tool to kill subterranean termites that are found in above ground and other locations.

Spot treatments with PREMISE Foam can be made, as a temporary control measure, in advance of the date when final treatment of the structure with soil and foundation treatments is completed.

USE SITES

This product can be applied to insect galleries in damaged wood, into spaces between wooden structural members, or into voids within the construction. Locations treated may include, but are not limited to, exposed wooden elements in crawlspaces, basements, or attics, unexposed wooden elements inside wall or other structural voids, exterior wooden elements in decks, fencing, or siding, channels in damaged wood, in spaces between wooden elements of a structure, and junctions between wood and foundations. Use this product in commercial and residential structures, as well as other, non-structural wooden constructions subject to termite or wood-infesting insect attack.

APPLICATION

NOTE: The self-pressurized container dispenses PREMISE Foam at a rate of approximately 26-milliliters (approximately 0.9 fluid ounces) of liquid formulation (approximately 0.85-Liters, or 51.7 cubic inches, of expanded foam) per four seconds. To minimize run-off, continue to hold the application tip firmly against the injection point for a full 5 seconds after releasing the dispenser trigger; this will allow product in the application hose to fully expand and enter the target area. This pressurized container treats 1,000 cubic inches. This product will provide foam at an expansion ratio of 30 to 1. This ratio is a function of agitation and cumulative release time.

Feeding Galleries and Structural Voids: To control subterranean termite infestations in localized, aboveground areas of the structure, apply a sufficient volume of PREMISE Foam into galleries or voids in termite-damaged wood, or into spaces between termite-damaged wooden structural members and between the sill plate and foundation where wood is vulnerable. Locate galleries by using visual signs (e.g., shelter tubes, blistered wood), the presence of live insects, mechanical sounding techniques, or listening devices (e.g., stethoscopes, acoustic emission detectors). Where necessary, penetrate the galleries in damaged wood or structural voids by drilling holes to receive the injector tip. Distribute drill holes to adequately treat the infestation.

PREMISE Foam can also be used as a spot treatment to control existing infestations in trees, utility poles, fencing and decking materials, landscape timbers and similar nonstructural wood. Wherever possible, locate an interior infested cavity and inject a sufficient volume of PREMISE Foam.

Nest Sites: Termite carton nests in building voids, in trees, or non-structural wooden constructions (e.g., posts, fences, decks) may also be treated with PREMISE Foam. Multiple injection points to varying depths may be necessary to obtain thorough coverage. After treatment, removal of carton material from building voids may be desirable.

Drywood termites and wood-infesting beetles or borers (such as, but not limited to, powder post beetles, anobiid or deathwatch beetles, false powder post beetles, old house borers, wharf borers, or ambrosia or bark beetles). Galleries excavated by, or voids infested by, these pests

can be treated with PREMISE Foam. Locate galleries by using visual signs (frass or pellets, blistered wood, emergence or clean out holes), the presence of live insects, mechanical sounding techniques, or listening devices (e.g., stethoscopes, acoustic emission detectors).

Penetrate the gallery system by drilling holes to receive the injector tip. Distribute drill holes to adequately cover the gallery system. [NOTE: Avoid drilling where electrical wiring, plumbing lines, etc. are located.]

Apply a sufficient quantity of PREMISE Foam to fill the gallery or void space. However, it is not necessary to treat to the point where runoff is detected from adjacent holes. [NOTE: Do not apply where electrical shock hazards exist.] Drill holes should be sealed after treatment. For inaccessible surfaces, drill and treat the interior of structural voids.

When treating overhead in living areas, cover surfaces below the treated area with plastic sheeting or similar material. Avoid contact with treated surfaces until foam has dried.

Localized treatment for carpenter bees: Apply a sufficient volume of PREMISE Foam directly into gallery entrance holes. Following treatment, entrance holes may be plugged with a suitable material.

Localized treatment for ant infestations: To control or suppress ants in houses and other structures, inject a sufficient volume of PREMISE Foam by crack and crevice or wall void application. Make injections into voids where ants or their nests are present, or other places where these pests enter the structure, or where they may have been seen or found. Apply the volume of foam sufficient to cover the area, but do not allow excessive dripping or run-off to occur.

When ant nest site(s) are located in tree hollows or non-structural wooden constructions (e.g., posts, fences, decks), treat the interior cavity containing the nest site by injecting a volume of PREMISE Foam sufficient to cover the area.

RESTRICTIONS

- Do not apply in the open or on exposed surfaces, or in areas accessible to children.
- Do not apply where electrical shock hazards exist.
- Do not apply until location of heat pipes, ducts, water and sewer lines, and electrical conduits are known and identified.
- Caution must be taken to avoid puncturing and injection into these structural elements.
- Avoid drilling where heat pipes, ducts, water and sewer lines and electrical conduits are located.
- Holes drilled in living areas should be sealed after treatment.
- Do not re-apply this product to a previously treated site or location before 3 months, unless re-infestation is observed or suspected.

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 should be followed carefully. However, because of manner of use and other factors beyond Bayer Environmental Science's control, it is impossible for Bayer Environmental Science to eliminate all risks associated with the use of this product. As a result, injury or ineffectiveness is always possible. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: BAYER ENVIRONMENTAL SCIENCE MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MER-

CHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer Environmental Science is authorized to make any warranties beyond those contained herein or to modify the warranties contained therein. Bayer Environmental Science disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: 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 ENVIRONMENTAL SCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.

Premise® Foam Insecticide is specially formulated and sold by Bayer Environmental Science USA LP for the control of insects according to the directions on this label. Bayer is the owner of United States patent rights to the active ingredient imidacloprid, formulations containing the active ingredient and methods of use, particularly U.S. Patent Nos. 4,742,060, 6,323,224,B1. The purchase price of Premise® Foam Insecticide includes a royalty whereby the purchaser acquires a prepaid license under which purchase agrees to employ the purchased quantity of Premise® Foam Insecticide 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 Premise® Foam Insecticide 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.

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Premise is a registered trademark of Bayer.

Backed by Bayer is a trademark of Bayer



Bayer Environmental Science
A Business Group of Bayer CropScience LP

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NOTES

Bayer Environmental Science



August 19, 2004

VIA FEDEX

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
1801 South Bell Street
Arlington, VA. 22202-4501

Attention: Mr. Dan Kenny
PM Team 4A

RE: Premise Foam
EPA Reg. No. 432-1391
Label Notification

Dear Mr. Kenny:

Bayer Environmental Science is submitting the label notification for the product referenced above. Specifically this notification addresses the addition of patent language which is presented on the last page of the label. The following documents are enclosed for this submission:

1. EPA Form 8570-1, Application for Pesticide (OPP Identifier No. 298774)
2. Five (5) copies of revised product labeling. One copy has the Revision highlighted.
3. Notification Certification per PR Notice 98-10

Please contact me should there be additional questions regarding this submission.

Sincerely,

Adrian Krygsman
Manager, Registration

Cc: J. Conti
S. Burt
C. Cole

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