

432-1391

04/05/2006

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060

 <b>EPA</b> United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other:	OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number 432-1391	2. EPA Product Manager Dan Kenny	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>Premise Foam</b>	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) <b>Bayer Environmental Science</b> <b>2 T.W. Alexander Dr.</b> <b>Raleigh, NC 27709</b>  <input type="checkbox"/> Check if this is a new address	6. <b>Expedited Review.</b> 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

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below

NOTIFICATION

APR 20 2006

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

#### Notification of Change in Warranty Statement per PR Notice 98-10

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

### 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			
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
				<input type="checkbox"/> Metal	
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify)	
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 Jan Brill	Title Manager, Registrations	Telephone No. (Include Area Code) 919/549-2421
<b>Certification</b> 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, Registrations	
4. Typed Name Jan Brill	5. Date April 5, 2006	

## LABEL INFORMATION PAGE

PREMISE FOAM

EPA REG # 432-1391

GENERAL LABEL REVISIONS:

Per Jan Brill 04/05/06 submitted by Notification

- Added Patent statement to last page of label:  
This product is specially formulated and sold under license from Bayer for the uses set forth on this label. The active ingredient of this product, formulations containing this active ingredient, and/or methods of making or using this active ingredient or its formulations may be the subject of one or more Bayer patents, including but not limited to U.S. Patent No. 4,742,060 and 6,323,224 B1. The purchase price and/or use of this product constitutes acceptance of a limited license to use this product only in strict accordance with the instructions set forth on this label. Any use of this product other than as expressly set forth on this label is prohibited and is not licensed through the purchase and/or use of this product and may result in the infringement of one or more Bayer patents and/or other intellectual property rights.
- Added "TO THE EXTENT ALLOWED BY LAW, to the first statement in the Limitations of Liability section.
- Added "Produced for" to the last page to comply with toller requirements.

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NOTIFICATION

APR 20 2006

# PREMISE FOAM

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 general pest control products or 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%
<b>OTHER INGREDIENTS</b> .....	<u>99.95%</u>
<b>TOTAL</b> .....	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.: 58996-MO-1

NET CONTENTS: 18 ounces

**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.

FIRST AID	
<b>IF SWALLOWED</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by the poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>IF IN EYES</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF ON SKIN OR CLOTHING</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center for treatment advice.</li> </ul>
<b>HOTLINE NUMBER</b>	
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.	

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## 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 feet. 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.

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## 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, crop 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 MERCHANTABILITY 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:** TO THE EXTENT ALLOWED BY 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 ENVIRONMENTAL SCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.

This product is specially formulated and sold under license from Bayer for the uses set forth on this label. The active ingredient of this product, formulations containing this active ingredient, and/or methods of making or using this active ingredient or its formulations may be the subject of one or more Bayer patents, including but not limited to U.S. Patent No. 4,742,060 and 6,323,224 B1. The purchase price and/or use of this product constitutes acceptance of a limited license to use this product only in strict accordance with the instructions set forth on this label. Any use of this product other than as expressly set forth on this label is prohibited and is not licensed through the purchase and/or use of this product and may result in the infringement of one or more Bayer patents and/or other intellectual property rights.

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Premise is a registered trademark of Bayer.

Backed by Bayer is a trademark of Bayer.

Produced for  
Bayer Environmental Science,  
A Business Group of Bayer CropScience LP  
2 T. W. Alexander Drive  
Research Triangle Park, NC 27709  
<http://bayerprocentral.com>

PREMISE FOAM (MASTER) EPA Approved 05/13/04, Notification submitted 04/05/06

# Bayer Environmental Science



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Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504C)  
U.S. Environmental Protection Agency  
Room 266A, Crystal Mall 2  
1801 South Bell St.  
Arlington, VA 22202-4501

ATTN: Dan Kenny, Product Manager Team 1

Subject: Notification of Label Modifications  
Premise Foam, EPA Reg. No. 432-1391

Dear Mr. Kenny,

It has recently come to our attention that the 2 most recent notifications of label modifications which were submitted on August 19, 2004 and November 30, 2004 were inadvertently not bearing the same warranty statement. This is causing us problems with our state registrations. To remedy the situation, we are notifying you that we are modifying our label to contain the warranty statement previously submitted on 8/19/04 as well as the applicator clarification submitted on 11/30/04. To support this notification, we are submitting the following documentation;

1. EPA Form 8570-1
2. 1 copy of the revised label with changes highlighted
3. 2 copies of final printed labeling without highlighting
4. Stamped self addressed postcard to be returned with notification of acceptability

We trust that this completes the requirements for this notification and that you will find it acceptable. If you have any questions or require further information, please contact me either by phone or email as indicated below.

Sincerely,

Jan Brill  
Manager, Registration

Phone; 919/549-2421  
Email; jan.brill@bayercropscience.com

6 April 2006

Bayer Environmental Science  
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