



432-1391 6.12.2008 1/8  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Jan Brill  
Product Registrations  
Bayer Cropscience  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709

JUN 12 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)  
Request Directions for Use & Warranty Statement Change  
EPA Reg. No.432-1391  
Application Dated May 27, 2008

Dear Mr. Brill:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 05/27/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

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

a/g

# Bayer Environmental Science



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

ATTN: Venus Eagle, PM #1

Subject: Premise Foam, EPA Reg. No. 432-1391  
Notification of Minor Label Change – Adding “Shake well before use”  
and revising Warranty Statement

Dear Ms. Eagle,

With this submission, Bayer Environmental Science notifies EPA of Minor Label Changes to add the direction to “Shake well before use” to the subject product labeling (see page 2 of the respective application forms for details), and to update the Warranty Statement;

May 27, 2008

Bayer Environmental  
Science  
P.O. Box 12014  
2 T.W. Alexander Drive  
Research Triangle Park,  
NC 27709

To effect this action, enclosed please find the following;

1. EPA Form 8570-1, with explanation page
2. 1 copy of final printed labeling for the subject product
3. 1 copy of final printed labeling with changes highlighted

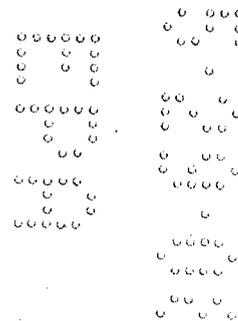
Tel. 919 549-2421  
Fax. 919-549-3937

I trust that this completes the documentation for this registration action. If you have any questions, or require further information, please contact me either by telephone at 919/549-2421 or email at [jan.brill@bayercropscience.com](mailto:jan.brill@bayercropscience.com)

Sincerely,

Manager, Registration

Email; [jan.brill@bayercropscience.com](mailto:jan.brill@bayercropscience.com)



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

**Application for Pesticide - Section I**

|   |   |   |
|---|---|---|
| 1. Company/Product Number<br><b>432-1391</b>  | 2. EPA Product Manager<br><b>Venus Eagle</b>  | 3. Proposed Classification<br><input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name)<br><b>Premise Foam</b>  | PM#<br><b>1</b>   |   |
| 5. Name and Address of Applicant (Include ZIP Code)<br><b>Bayer Environmental Science</b><br><b>2 T.W. Alexander Dr.</b><br><b>Raleigh, NC 27709</b><br><br><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:<br><div style="text-align: center; font-weight: bold; font-size: 1.2em;">NOTIFICATION</div> EPA Reg. No. _____<br><div style="text-align: center; font-weight: bold; font-size: 1.2em;">JUN 12 2008</div> 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   |

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

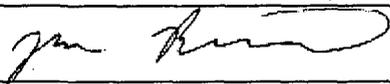
**Notification of Changes in Warranty Statement per PR Notice 98-10 (see Explanation Page for full details)**

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<br><input type="checkbox"/> Yes*<br><input type="checkbox"/> No                    | Unit Packaging<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No |  | <input type="checkbox"/> Metal<br><input type="checkbox"/> Plastic<br><input type="checkbox"/> Glass<br><input type="checkbox"/> Paper<br><input type="checkbox"/> Other (Specify) |  |
| *Certification must be submitted   |   | If "Yes"<br>Unit Packaging wgt.    No. per container                                   | If "Yes"<br>Package wgt.    No. per container  |  |  |
| 3. Location of Net Contents Information<br><input type="checkbox"/> Label <input type="checkbox"/> Container |   | 4. Size(s) Retail Container  |  | 5. Location of Label Directions<br><input type="checkbox"/> On Label<br><input type="checkbox"/> On labeling accompanying product  |  |
| 6. Manner in Which Label is Affixed to Product   |   |  | <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____<br><input type="checkbox"/> Paper glued<br><input type="checkbox"/> Stenciled |  |  |

**Section - IV**

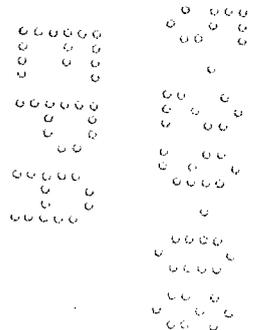
|  |                                 |   |   |
|--|---------------------------------|---|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)   |                                 |   |   |
| Name<br>Jan Brill  | Title<br>Manager, Registrations | Telephone No. (Include Area Code)<br>919/549-2421 |   |
| 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<br>(Stamped) |
| 2. Signature<br>  |                                 | 3. Title<br>Manager, Registrations                |   |
| 4. Typed Name<br>Jan Brill   |                                 | 5. Date<br>27 May 27, 2008                        |   |

**Premise Foam**  
EPA Reg. No. 432-1391  
27 May 2008

### Section II Explanation – Continued

With this submission, Bayer Environmental Science notifies EPA of the following minor label changes;

1. Update the Warranty Statement as outlined on Page 9 of Chapter 12 in the EPA Label Review Manual.
  - – Under “Conditions”, changed “...**should be followed carefully**” to read “...**must be followed carefully**”.
  - Under “Disclaimer of Warranties”, added the phrase “TO THE EXTENT CONSISTENT WITH APPLICABLE LAW,...” to the beginning of the section.
  - Under “Limitation of Liability”, added the phrase “TO THE EXTENT CONSISTENT WITH APPLICABLE LAW,...” to the beginning of the section.
  - Changed the company name to reflect the current company name in several places (Aventis Environmental Science USA LP changed to Bayer CropScience LP)
2. Addition of the phrase “Shake well before use” to the front panel of the product labeling to ensure consistent product performance and delivery.



JUN 12 2008

# PREMISE<sup>®</sup> 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.

Shake well before use.

**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 ingles, 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

| <b>FIRST AID</b>  |  |
|---|--|
| <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>   |  |
| <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> |  |

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## 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.

### 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.

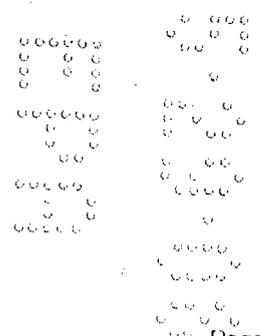
Localized treatment for carpenter bees: Apply a sufficient volume of PREMISE Foam directly into gallery entrance holes. Following treatment, entrance holes may be plugged with a suitable material.

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.



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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 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.

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

PREMISE FOAM (MASTER) EPA Approved 05/13/04, Notification submitted 04/05/06, Notification 05/27/08

