

432-1420

12/09/2004

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division
Arling House Building
100 Pennsylvania Avenue, NW
Washington, D.C. 20460

EPA Reg. Number:
432-1420

Date of Issuance:
DEC - 9 2004

NOTICE OF PESTICIDE:
 x Registration
 Reregistration

Duration of Registration: conditional

Name of Pesticide Products:
TopChoice Select Insecticide

Name and Title of Registrant: Richard M. Gorrell

Richard M. Gorrell
Bayer Environmental Science
95 Chestnut Ridge Road
Montvale, NJ 07645

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the EPA registration number.

In the event of a dispute furnished by the registrant, the Administrator of the Agency may register a pesticide in accordance with the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, in his or her discretion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to use the name of the product if it has been covered by another.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) & (B) with an expiration date of May 18, 2006, provided that:

1. Bayer Environmental Science submits the data specified in Attachments 1 and 2.
2. Bayer Environmental Science submits the results of one year storage stability (guideline 830.6317) and corrosion characteristics (830.6320) studies.
3. Bayer Environmental Science make the following label changes:
Revise the EPA Registration Number to read "EPA Reg. No. 432-1420".
4. Bayer Environmental Science complies with the Child Resistant Packaging (CRP) requirements set forth at 40CFR157. CRP requirements are triggered when a product meets the criteria for toxicity (40CFR157.22(a)) & use (40CFR157.22(b)).
Toxicity. EPA has determined that a product meets the toxicity criterion of 40CFR157(a)(6) when the amount of fipronil in the product is greater than 28.5 mg of fipronil (2.5 mg/kg x 11/4 kg)(per 5/21/98 update of Toxicology Hazard Assessment for fipronil). The amount of fipronil contained in a ten pound bag of TopChoice Select Insecticide is greater than 28.5 mg.

Signature of Approving Official:

for
Richard Gebken
Acting Product Manager 10
Insecticide Branch
Registration Division (7505C)

Date:

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Use. The Agency has further determined that this product meets the use criterion of 40CFR157.22(b) for residential use.

Therefore, to comply with the Child Resistant Packaging requirements (FIFRA section 25(c)(3), 40 CFR § 157, including its reference to 16 CFR 1700.15(b) and 15 CFR 1700.20. PR Notices 81-1, 96-2, 97-1 and 97-9.), Bayer Environmental Science must exercise one of the following options:

Option A. Certification. Under this option Bayer Environmental Science certifies to CRP by letter to the Agency the following:

- The name, and EPA registration number of the product to which the certification applies;
- the Certification statement, including the registrant's name and address, the date, and the name, title and signature of the company officer making the certification;
- the Certification statement must contain a statement that the pesticide product complies with requirements at 40 CFR 157.32, including the revised effectiveness standards in 16 CFR 1700.15(b), when tested by the revised protocol testing procedures in 16 CFR 1700.20. A description of the packaging used and the ASTM Standard D3475-95, "Standard Classification of Child-Resistant Packages," design is requested (not required).

Option B. Toxicity Data. If Bayer Environmental Science believes the product does not meet the toxicity criteria, Bayer Environmental Science must submit the following:

- Toxicity data that indicate a specific product's minimal toxicity, or reformulate to a less toxic product and assert that the CRP regulations do not apply.

Option C. Label Amendment. If Bayer Environmental Science believes the product does not meet the use criteria, Bayer Environmental Science must submit the following:

- Product labeling revised so that CRP regulations do not apply, i.e., the label specifies non-residential use areas or excludes residential use. In addition, on the front panel the label must state: "Not for use in residential areas." Bayer Environmental Science would be required to send EPA copies of the revised labeling as an amendment.

Option D. Exemption from CRP Requirements. Currently, registrants have two options by which they may be exempted from CRP requirements. These options include:

- Package the product in a large size so that CRP regulations do not apply. Exercising this option effectively eliminates sales to the general public. It is based on the concept that certain bulk size pesticide packages are intended for commercial use even in residential areas (i.e., exterminator use insecticides and contract lawn care products). These package sizes are specified in 40 CFR 157.24 (a)(2). The registrant is not required to seek a formal exemption for this option. However, CRP may be required for products packaged in a size exceeding those outlined in 40CFR157.24(a)(2), if EPA determines that the product is distributed or sold to the general public.

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- Bayer Environmental Science may also assert that an exemption to CRP is warranted because the **hazards** indicated by the toxicity criteria are not indicative of risk to humans, or that CRP is not **technically feasible, practicable, or appropriate**. Each request for an exemption is unique, and the data necessary to support an exemption are unique.

Bayer Environmental Science may find additional information regarding the compliance requirements at the following Agency web site:

<http://www.epa.gov/fedrgstr/EPA-PEST/1999/August/Day-04/6074.pdf>

4. Bayer Environmental Science submits two copies of the revised final printed label for the record.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA Sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

TopChoice Select™ Insecticide

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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

ACCEPTED
with COMMENTS
In EPA Letter Dated:

DEC - 9 2004
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
432-1420

ACTIVE INGREDIENT:

*Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1H-pyrazole-3-carbonitrile 0.0103 %

INERT INGREDIENTS 99.9897 %

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

EPA Reg. No. 432-xxxx

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

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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 foot 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.

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.

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.

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

NEVER REUSE EMPTY CONTAINERS: Completely empty container into application equipment. Then dispose of empty container 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 AND LANDSCAPE BEDS

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 Select 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 87-120 pounds of product per acre.

Do not apply more than 1 application per year of 120 pounds of product per acre. Two applications (120 lbs. /acre per application) may only be used on sodfarms within the USDA APHIS Quarantine areas. The sodfarm applications must not be less than 120 lbs. per acre per application.

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.

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

SITES	PESTS CONTROLLED	APPROXIMATE LENGTH OF CONTROL	APPLICATION RATE OF TopChoice Select		APPLICATION DIRECTIONS
			POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1000 SQUARE FEET	
Turfgrass: Golf turf Sports fields Commercial lawns Cemeteries Parks Campsites Recreational areas Home Lawns School grounds Sodfarms Landscape beds	Imported Fire Ants [<i>Solenopsis spp.</i>]	1 year Season long control with spring application	120 87	2.75 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. Sod Farms: Apply no less than 120 pounds of product per acre per application but no more than 2 applications per year.

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At the higher rate of 120 pounds per acre 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 TopChoice Select	
		POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1000 SQUARE FEET
Mole crickets [<i>Scapteriscus spp.</i>]	4 months	120	2.75
Nuisance ants [<i>Lasius neoniger</i>]	3 months		
Fleas [<i>Ctenocephalides spp.</i>]	1 month		
Ticks [<i>Dermacentor spp.</i> , <i>Rhipicephalus sp.</i> , <i>Ixodes spp.</i>]	1 month		

IMPORTANT: READ BEFORE USE

By using this product, user or buyer accepts the following conditions, warranty, 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 the 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. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH 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 herein. Bayer Environmental Science disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

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 THE PRODUCT.

TopChoice Select is specially formulated and sold by Bayer Environmental Science USA LP for the control of fire ants according to the directions on this label. Bayer is the owner of United States patent rights to the active ingredient, fipronil, formulations containing the active ingredient and methods of use, particularly U.S. Patent Nos. 5,232,940; 5,614,182; and 5,700,460. The purchase price of TopChoice Select includes a royalty whereby the purchaser acquires a prepaid license under which purchaser agrees to employ the purchased quantity of TopChoice Select 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 TopChoice Select 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.

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