

432-1424

11-17-2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

NOV 17 2008

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated October 7, 2008 for:

EPA Registration 432-1424 TopChoice 0.00715 Plus Turf Fertilizer Insecticide

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. 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,

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

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United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1424	2. EPA Product Manager Mr. Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) TopChoice 0.00715 Plus Turf Fertilizer Insecticide	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 95 Chestnut Ridge Road Montvale, NJ 07645 <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 to: NOTIFICATION EPA Reg. No. <u>NOV 17 2007</u> 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.

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

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.
 - Revised Container Disposal Statement

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 checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input 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
60 lb bag

5. Location of Label Directions
 Product Label with package

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) (201) 307-3376
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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 <i>Richard M. Gorrell</i>	3. Title Manager, Registrations
4. Typed Name Richard M. Gorrell	5. Date October 7, 2008

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Bayer Environmental Science

October 7, 2008

EPA08RMG1007TopChoicePlusFert0.00715ContainerDisp
Fedex

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

RE: TopChoice 0.00715 Plus Turf Fertilizer Product (432-1424) Notification to EPA
Mandated Storage and Disposal Statement

Dear Ms. Hobgood:

Bayer Environmental Science (BES) is submitting a label notification adding the EPA mandated storage and disposal statement. The revised wording is exactly as the Agency prescribed for container disposal, and subsequently, the label is submitted as a notification.

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

The following information is included with this submission:

- 8570-1 Form
- 3 copies of the revised label (one copy highlighted in yellow)
- 1 electronic disc copy

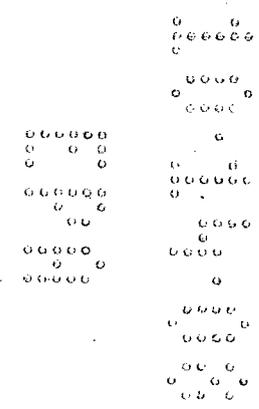
If you have any questions, contact me at (919) 549-2423 or email me at mike.gorrell@bayercropscience.com.

Sincerely,

Richard M. Gorrell
Manager, Registrations

Incl.

Cc: Karen Shearer
Jason Kuhlemeier
Nate Royalty



TopChoice™ 0.00715 Plus Turf Fertilizer 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

NOV 17 2007

ACTIVE INGREDIENT:

Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1R,S)-(trifluoromethyl)sulfinyl)-1H-pyrazole-3-carbonitrile **0.00715 %**

INERT INGREDIENTS **99.99285 %**

EPA Reg. No. 432-1424

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 not understand this label, find someone to explain it to you).

For MEDICAL And TRANSPORTATION Emergencies **ONLY** Call 24 Hours A Day **1-800-228-5625**

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. • <i>Do not give anything by mouth to an unconscious person.</i>
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 moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

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 from 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.

[For Florida: FLORIDA APPLICATIONS: For use on golf courses or other athletic turf in FL, we recommend you follow SL191, "Recommendations for N, P, K & MG for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant", available on the internet at <http://edis.ifas.ufl.edu/SS404> or "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses" at <http://www.flaes.org/pdf/gfbmp07.pdf>.

FLORIDA APPLICATIONS: For commercial application to urban turf or lawns in FL, we recommend you follow the Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries, available on the internet at http://www.flaes.org/pdf/Bmp_Book_final.pdf.]

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

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 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 TopChoice 0.0075 Plus Turf Fertilizer Insecticide 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.

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.

TopChoice 0.0075 Plus Turf Fertilizer Insecticide is specially formulated and sold by Bayer Environmental Science USA LP for the control of fire ants according to the directions on this label. The purchase price of TopChoice 0.0075 Plus Turf Fertilizer Insecticide includes a royalty whereby the purchaser acquires a prepaid license under which purchaser agrees to employ the purchased quantity of TopChoice 0.0075 Plus Turf Fertilizer 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 TopChoice 0.0075 Plus Turf Fertilizer 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 or the exclusive license rights granted to BASF.

NET CONTENTS:

Produced for

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

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TopChoice 0.00715 Plus Turf Fert EPA 07/21/05, Notification 10/07/08, Notif 10/10/08

0.0075
Plus
Turf
Fertilizer
Insecticide
Net Content
1.00 L (33.8 FL OZ)
1.00 L (33.8 FL OZ)