

432-1425

07/21/2005

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505C)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number.

432-1425

Date of Issuance.

JUL 21 2005

NOTICE OF PESTICIDE:

- x Registration
Reregistration
(under FIFRA, as amended)

Term of Issuance: conditional

Name of Pesticide Product:

TopChoice™ 0.00953 Plus Turf
Fertilizer Insecticide

Name and Address of Registrant (include ZIP Code):

Mr. Mike Gorrell
Bayer Environmental Science
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

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 above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under 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, on his motion, 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 exclusive use of the name or to its use if it has been covered by others.

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

1. You submit the data listed below:

Storage stability and corrosion characteristics data, guidelines GRN 830.6317 & 830.6320.
These data must be submitted within one year of the date of this registration notice.

The data listed in Attachments 1 and 2.

2. The product is sold in 50 lb. or larger bags to pest control and commercial applicators only. If the product is sold in containers weighing less than 50 lbs or to residential users, you must amend your registration in accordance with 40 CFR 157 to package this product in child resistant packaging.

3. You make the following label changes:

- Revise the Precautionary Statements to read as follows:
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.

Signature of Approving Official

Richard Gebken (handwritten signature)

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

Date:

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- Add to the last paragraph of the Environmental Hazards the following:
For guidance consult the Florida Department of Agriculture and Consumer Services.
- In the application rate table, under the heading approximate length of control, revise “season long” to read as follows:
Season long control with spring application
- Review and modify if necessary the direction to make application with broadcast equipment that is capable of applying 130 pounds of product per acre. The label provides for other application rates as well as this one.

The confidential statement of formula (csf) is acceptable, provided that you submit for the record a csf revised to bear the primary brand name of record, TopChoice™ 0.00953 Plus Turf Fertilizer Insecticide.

Submit 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™ 0.00953 Plus Turf Fertilizer Insecticide

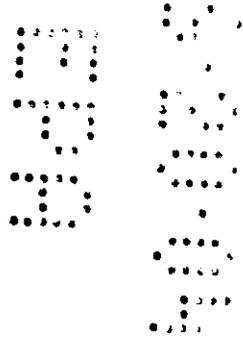
For Pest Control Operators and Commercial Use Only

- 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

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

JUL 21 2005

*Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
432-1425*



ACTIVE INGREDIENT:

*Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile..... 0.00953 %

INERT INGREDIENTS..... 99.99147 %

*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.

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PRECAUTIONARY STATEMENTS

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 feet 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.

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 TopChoice 0.00953 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.

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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 Ceasefire™ fire ant bait insecticide (EPA Reg. No. 432-1219). Refer to the Ceasefire label for application information.

Make application with broadcast equipment that is capable of applying 130 pounds of product per acre.

Do not apply more than 1 application per year of 130 pounds of product per acre. Two applications (130 lbs./acre per application) may only be used on sodfarms within the USDA APHIS Quarantine areas.

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.

			APPLICATION RATE OF TopChoice 0.00953 Plus Turf Fertilizer Insecticide		
SITES	PESTS CONTROLLED	APPROXIMATE LENGTH OF CONTROL	POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1000 SQUARE FEET	APPLICATION DIRECTIONS
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	130 94	3 2.15	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.

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At the application rate 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 0.00953 Plus Turf Fertilizer Insecticide	
		POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1000 SQUARE FEET
Mole crickets [<i>Scapteriscus spp.</i>]	4 months	130	3
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 0.00953 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. 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 0.00953 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 0.00953 Plus Turf Fertilizer 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 0.00953 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.

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