

432-1425

11-15-2009

1/9

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                |                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <br><b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b><br>Office of Pesticide Programs<br>Registration Division (7505C)<br>1200 Pennsylvania Ave., N.W.<br>Washington, D.C. 20460<br><br><b>NOTICE OF PESTICIDE:</b><br><u>X</u> Registration<br><u>      </u> Reregistration<br>(under FIFRA, as amended)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>EPA Reg. Number:</b><br><br><b>432-1425</b>                                                 | <b>Date of Issuance:</b><br><br>Nov. 15, 2009 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Term of Issuance:</b><br><br>Unconditional                                                  |                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Name of Pesticide Product:</b><br><br>TopChoice 0.00953 Plus Turf<br>Fertilizer Insecticide |                                               |
| <b>Name and Address of Registrant (include ZIP Code):</b><br><br>Mr. Richard M. Gorrell Manager, Registrations<br>Bayer Environmental Science<br>2 T.W. Alexander Drive<br>Research Triangle Park, NC 27709                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                |                                               |
| <b>Note:</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                |                                               |
| <p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered 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.</p> <p style="text-align: center;">This product is unconditionally registered in accordance with FIFRA section 3(c)(5) provided that you:</p> <p style="text-align: center;">(continued on page 2)</p> |                                                                                                |                                               |
| <b>Signature of Approving Official:</b><br><br>Refer to Page #3.<br><br>Richard J. Gebken, Product Manager (10)<br>Insecticide Branch, Registration Division (7505P)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Date:</b><br><br>November 15, 2009                                                          |                                               |

EPA Form 8570-6

1. Make the following label revisions to the label:

- a. For all instances on the label, remove the text marked with a ~~strike through~~.
- b. For all instances where the words "Fire ants" exist, revise to state "Imported Fire Ants *Solenopsis spp.*"
- c. Remove all references and associated directions for use for "mole crickets, fleas, ticks and nuisance ants from the label, except in the specific statement allowed as follows above the table of additional pests on page 5: "Apply TopChoice 0. 00953 Plus Turf Fertilizer Insecticide to control Imported Fire Ants in turfgrass and landscape beds. At the application rate to control imported fire ants, the following pests will be controlled for a limited time as follows: [A table listing mole crickets, nuisance ants, fleas, and ticks, with respective approximate lengths of control, is allowed here, but not any application rates]"
- d. Within the Environmental Hazards section, place a period after the statement "In order to reduce the risk to birds, ensure that the application is spread evenly over the treatment area." Start a new subsection entitled and phrased as follows:

**"Florida Applications:**

**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 (ie., 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 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 Base on Mehlich I Extract", available on the internet at <http://edis.ifas.ufl.edu/SS404> or Best Management Practices for the Enhancement Quality on Florida Golf Courses at <http://www.flaes.org/pdf/glfbmp07.pdf>.

For application to urban turf or lawns in Florida, 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](http://www.flaes.org/pdf/BMP_Book_final.pdf)."

- e. Within the "General Information" subsection of the Directions for Use, revise the sentence "The primary purpose of TopChoice 0. 00953 Plus Turf Fertilizer Insecticide is to control imported fire ants..." to "Apply Top Choice 0. 00953 Plus Turf Fertilizer Insecticide to control Imported Fire ants in turf grass and landscape beds in accordance with the application rate table."
- f. Within the "Broadcast Treatment" subsection of the Directions for Use, revise the state and territory statement as follows:

"This product can only be used in the following Imported Fire ant Quarantine areas within the following states and Puerto Rico:

|                                     |                |                |
|-------------------------------------|----------------|----------------|
| Alabama                             | Louisiana      | South Carolina |
| Arkansas                            | Mississippi    | Tennessee      |
| California (Coachella Valley only)* | New Mexico     | Texas          |
| Florida                             | North Carolina |                |
| Georgia                             | Oklahoma       |                |

5  
—  
9

Before using this product, refer to the USDA APHIS Imported Fire Ant Quarantine web site:

[http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/fireants/downloads/fireant.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/fireants/downloads/fireant.pdf) or search the APHIS web site by zip code to determine if the area to be treated is located within the APHIS Imported Fire Ant Quarantine area. [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/fireants/fireantquery.php](http://www.aphis.usda.gov/plant_health/plant_pest_info/fireants/fireantquery.php). **If the zip code for the area to be treated does not appear in the APHIS Imported Fire Ant Quarantine zone, you must notify and consult with the county's extension agent prior to treating."**

Consult your State or Federal plant protection inspector, or your county agent for assistance regarding exact areas under regulation and requirements for moving regulated articles."

- g. Revise the application restriction statement to state "Do not make more than one application per year of .0125 lbs fipronil/acre. Two applications of 0.125 lbs fipronil/acre may only be used on sodfarms within the USDA APHIS Quarantine areas."
- h. Within the Application Rate Table under the Application Directions, revise the second statement to read as follows: "For best results, water or irrigate treated turf after application. Do not broadcast or apply over impervious surfaces such as but not limited to paved or concrete roads, sidewalks, driveways, walkways, nor broadcast near any storm drains. 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 Maxforce® FC Fire Ant Bait (EPA Reg. No. 432-1433). Refer to the Maxforce® FC Fire Ant Bait label for application information."

Two copies of the finished labeling must be submitted prior to releasing the product for shipment. If the above conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions. A stamped "Accepted with comments" copy of the label is enclosed for your records. If you have any questions, you may contact Clayton Myers at (703) 347-8874, or via email at [myers.clayton@epa.gov](mailto:myers.clayton@epa.gov).



Richard J. Gebken,  
Product Manager (10)  
Insecticide Branch,  
Registration Division (7505P)

Enclosures

00432-01425 S861769 D423024.doc

4  
9

## **RESTRICTED USE PESTICIDE**

### **DUE TO TOXICITY TO AQUATIC INVERTEBRATES**

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

# **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**

NOV 15 2009  
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 %

**EPA Reg. No. 432-1425**

**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 1-800-334-7577**

**For PRODUCT USE Information Call 1-800-331-2867**

### **First Aid**

|                                |                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 or doctor for treatment advice.</li></ul>                                                                                                                         |
| <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 a person sip a glass of water if able to swallow.</li><li>• Do not induce vomiting unless told to do so by a 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. 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>                                                                 |

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 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, blue-tail mole skink, or sand skink. In addition, for the protection of the threatened blue-tail 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/glfbmp07.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](http://www.flaes.org/pdf/Bmp_Book_final.pdf).]

### 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.

### DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

#### RESTRICTED USE PESTICIDE

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.

### STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

#### PESTICIDE 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

~~This product is a~~ TopChoice 0.00953 Plus Turf Fertilizer Insecticide is to control imported fire ants ~~and other ants~~ in turfgrass and landscape beds. ~~In addition, this product is also registered for use as a limited use fire ant bait in~~ ~~limited 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 Maxforce® FC Fire Ant Bait (EPA Reg. No. 432-1433). Refer to the Maxforce® FC Fire Ant Bait label for application information.

Make application with broadcast equipment that is capable of applying 130 lbs of product/A.

Do not apply more than 1 application/yr of 130 lbs of product/A. Two applications (130 lbs of product/A 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.

8/8

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

|                                                                                                                                                                                   |                                                           |                                     | APPLICATION RATE OF<br>TopChoice 0.00953 Plus Turf<br>Fertilizer Insecticide |                               |                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITES                                                                                                                                                                             | PESTS<br>CONTROLLED                                       | APPROXIMATE<br>LENGTH OF<br>CONTROL | LBS<br>PRODUCT/A                                                             | LBS<br>PRODUCT/1,000<br>SQ FT | APPLICATION DIRECTIONS                                                                                                                                                                                                    |
| <u>Turfgrass</u><br>Golf turf<br>Sports fields<br>Commercial<br>lawns<br>Cemeteries<br>Parks<br>Campsites<br>Recreational<br>areas<br>Home Lawns<br>School<br>grounds<br>Sodfarms | Imported Fire<br>Ants [ <i>Solenopsis</i><br>spp.]        | 1 year                              | 130                                                                          | 3                             | 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. |
| <u>Landscape<br/>beds</u>                                                                                                                                                         | <del>Mole crickets<br/>[<i>Scaphiurus</i><br/>spp.]</del> | <del>1 month</del>                  | <del>130</del>                                                               | <del>3</del>                  | <del>Not recommended for application to control overwintering adult mole crickets, newly hatched nymphs, or white grub populations unless and where damage is significant.</del>                                          |

At the application rate to control fire ants and mole crickets, the following pests will be controlled for a limited time as follows:

|                                                                                      |                                     | <del>APPLICATION RATE OF<br/>TopChoice 0.00953 Plus Turf<br/>Fertilizer Insecticide</del> |                                            |
|--------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------|
| PESTS<br>CONTROLLED                                                                  | APPROXIMATE<br>LENGTH OF<br>CONTROL | <del>LBS<br/>PRODUCT/A</del>                                                              | <del>LBS<br/>PRODUCT/1,000<br/>SQ FT</del> |
| Nuisance ants<br>[ <i>Lasius neoniger</i> ]                                          | 3 months                            | <del>130</del>                                                                            | <del>3</del>                               |
| Fleas<br>[ <i>Ctenocephalides</i><br>spp.]                                           | 1 month                             | <del>130</del>                                                                            | <del>3</del>                               |
| Ticks [ <i>Dermacentor</i><br>spp., <i>Rhipicephalus</i><br>sp., <i>Ixodes</i> spp.] | 1 month                             | <del>130</del>                                                                            | <del>3</del>                               |



## 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 0.00953 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. 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.

## NET CONTENTS:

Produced for

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

Maxforce® FC Fire Ant Bait is a registered trademark of Bayer.  
TopChoice is a trademark of Bayer.

TopChoice 0.00953 Plus Turf Fert (PENDING) 10/29/09