

432-1451

02/27/2006

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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:
432-1451

Date of Issuance:
FEB 27 2006

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance: conditional

Name of Pesticide Product:
BES 1000 Insecticide

Name and Address of Registrant (include ZIP Code):

Mr. Jan Brill
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 you:

1. Submit and/or cite all data listed in Attachments 1 and 2.
2. Make the following label changes:

Delete carpenter ant claims from the label. You must submit data to support carpenter ant claims.

The Agency has conducted a risk assessment for granular fipronil products. The maximum application rate is 0.0125 lbs ai/acre/year. In the absence of a risk assessment for the higher application rates proposed by this label, adjust all application rates so that they do not exceed the maximum application rate of 12.5 lbs of product per acre per year (0.0125 lbs ai/acre/year).

Revise the statement "For professional use only" to read "For Pest Control Operators and Commercial Use Only"

Revise the fourth sentence of the Precautionary Statements to read as follows:

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
Product Manager 10
Insecticide Branch
Registration Division (7505C)

Date:

FEB 27 2006

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Add to the Environmental Hazards statements the following:

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 the application zone and bodies of fresh water (uniform groundcover 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.

Add to the Directions for Use the following:

This product may only be used in Puerto Rico and the states of Alabama, Arkansas, California (Cochella Valley only), Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

Add "sidewalks" to the directions "Do not broadcast granules onto driveways, porches or patios."

Delete "bare soils" from the directions for use. Add to the directions for use the following:

"Do not apply to bare soils.

Do not apply around edible plants, fruit or nut bearing trees.

Do not apply this product more than 1 foot from the house or structure.

Do not contaminate wells or cisterns. Do not apply within 5 feet of any well or cistern.

All combined above ground applications of products containing fipronil may not exceed 0.0125 pounds of fipronil per acre per year.

Do not use to kill or control pests other than those listed on this label."

Revise the application directions to specify that the product may only be applied in a one foot wide band adjacent to the foundation.

Add to the directions for use the following:

"It is recommended to remove or prune away shrubbery, bushes, and tree branches touching the house or structure. Vegetation touching the structure may offer a route of entry for ants into the structure. This may allow ants to inhabit the structure without coming in contact with the treatment."

Add to the directions for use in the section about equipment the following:

Calibrate and adjust equipment prior to application to ensure that the proper rate of product will be applied.

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.

3. In a letter to Bayer dated August 6, 2004, a copy of which is attached (Attachment 3), the Agency stated that it will consider expanding fipronil use to control nuisance ants in States other than those listed above (that is, the states with an APHIS fire ant quarantine program), provided that Bayer Environmental Science submits a letter of agreement to the following conditions and an acceptable biomonitoring study protocol as described below:

1. Bayer Environmental Science shall identify 15-20 watersheds (drainage basins), which contain one or more first order streams and at least one second order stream segment, geographically distributed equally throughout defined fireant quarantine areas, and which are not treated or contain the pesticide fipronil.
2. After these sites have been defined, all 15-20 sites must be set aside by Bayer Environmental Science through product stewardship to insure that these biological monitoring areas are not contaminated with fipronil. These watershed areas must be identified and maintained by verifiable sampling, if the Agency determines they will be needed to further characterize the environmental impact of fipronil to watershed ecosystems.

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ACCEPTED
with COMMENTS
In EPA Letter Dated:
FEB 27 2006

BES1000 Insecticide For Professional Use Only

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, this pesticide
registered under EPA Reg. No.

432-1151

ACTIVE INGREDIENT:

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

0.1%

INERT INGREDIENTS:

99.9%

TOTAL

100.0%

EPA Reg. No.: 432-xxx

EPA Estab. No.: 432-xxx

KEEP OUT OF REACH OF CHILDREN CAUTION PRECAUCION

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

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 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.

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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.

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.

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.

GENERAL INFORMATION

This product can be used to control ants, carpenter ants and nuisance ants (including Argentine ants, big-headed ants, odorous house ants and pavement ants). In addition, fleas and ticks are controlled for a limited time by the treatment.

Directions for Use: Carpenter ants and Nuisance Ant Control (Argentine ants, Big-headed ants, Odorous House ants and Pavement ants): For control of ants around homes and other structures, apply this product evenly, in a 2 foot wide band adjacent to the foundation where ants enter the structure, trail around the structure or where they crawl and hide. Treat around the outside of patios, porches and decks adjacent to structures. Apply granules evenly at a rate of 2.6 ounces per 10 linear feet which is equivalent to 2.6 pounds per 160 linear feet.

Do not apply more than 8.2 lb. of this product per 1,000 square feet.

Do not make more than two (2) applications per site per year.

Apply up to one tablespoon (0.44 ounces) of this product into cracks, crevices and voids where ants may enter the structure. Treat wall voids where wires, pipes and utility lines enter structure. Apply granules to expansion joints and cracks where slabs, patios, sidewalks and landscaping materials meet the structure.

DO NOT broadcast granules onto driveways, porches or patios.

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This product can be applied as directed to bare soils, landscaped areas, planting beds, mulched areas and turfgrass within 2 feet of commercial and residential structures.

Apply this product uniformly over the area to be treated directly from the shaker container or other application equipment capable of dispersing the granules

Do not allow residents and pets in the immediate area during application.

No phytotoxic response on any turfgrass species has been observed to date.

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.
- Do not apply in combination with other materials i.e. pesticides, fertilizers, or other biologically active materials without first evaluating the compatibility or consulting with the manufacturer.

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.

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

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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.

BES1000 is specially formulated and sold by Bayer Environmental Science for the control of selected insects 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 BES1000 includes a royalty whereby the purchaser acquires a prepaid license under which purchaser agrees to employ the purchased quantity of BES1000 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 BES1000 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.

Bayer AG, 2002

NET CONTENTS:

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