

499-546

02-11-2011

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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Patricia A. Hodge
Product Regulations Specialist
Whitmire Micro-Gen Research Laboratories, Inc.
3568 Tree Court Industrial Blvd.
St. Louis, MO 63122-6882

NOTIFICATION
FEB 11 2011

Subject: Application for Pesticide Notification
EPA Registration Number: 499-546
Date of Submission: January 19, 2011

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN) 98-10 dated January 19, 2011, for the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Clayton Myers at (703) 347-8874, or via email at myers.clayton@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Gebken".

for

Richard Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)

Enclosures: Copy of Label Stamped "Notification"



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

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<p>United States Environmental Protection Agency Washington, DC 20460</p>	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number _____
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Application for Pesticide - Section I

1. Company/Product Number 499-546	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Termidor Dry Termiticide	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) Whitmire Micro-Gen Research Laboratories Inc. 3568 Tree Court Industrial Blvd. St. Louis, MO 63122-6682 <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 in composition and labeling to: EPA Reg. No. _____ Product Name _____

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated <u>4/8/2010</u>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION
FEB 11 2011

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

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the CSF 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No			<input type="checkbox"/> Metal <input 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		4. Size(s) Retail Container		5. Location of Label Directions	
<input type="checkbox"/> Label <input type="checkbox"/> Container					
6. Manner in Which Label is Affixed to Product			<input type="checkbox"/> Other _____		
<input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Patricia A Hodge	Title Product Regulations Specialist	Telephone No. (Include Area Code) 636-861-4272
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 	3. Title Product Regulations Specialist	
4. Typed Name Patricia A Hodge	5. Date 1/19/2011	



The Chemical Company

January 19, 2011

NOTIFICATION

FEB 11 2011

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

**Re: Final Printed Labeling to respond to EPA letter dated 4/8/2010
Termidor® Dry Termiticide, EPA Reg. No. 499-546**

Dear Mr. Gebken:

Enclosed in support of this action are a completed application (EPA Form 8570-1), one copy of Final Printed Labeling and a disk containing a pdf of the label.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Thank you for your assistance in this matter. Please do not hesitate to contact me at 636-861-4272 or, via electronic mail at patricia.hodge@basf.com, should you have any questions or require additional information.

BASF Corporation – Pest Control Solutions

Sincerely,

Patricia Hodge
Product Regulations Specialist

For Dana M. Thomas
Product Regulatory Manager
Authorized Agent for Whitmire
Micro-Gen
Research Laboratories, Inc

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TERMIDOR[®] DRY

TERMITICIDE

- For sale to, use and storage only by individuals/firms licensed or registered by the state to apply termiticide and/or general pest control products.
- Ready-to-Use product for the control of subterranean and drywood termites

ACTIVE INGREDIENT:

Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile 0.5%

OTHER INGREDIENTS: 99.5%

1 lb of Termidor Dry contains 0.08 oz of Fipronil.

TOTAL: 100.0%

EPA Reg. No. 499-546 • EPA Est. No. 7969-MO-1

NOTIFICATION

FEB 11 2011

KEEP OUT OF REACH OF CHILDREN
CAUTION • PRECAUCIÓN

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

FOR MEDICAL AND TRANSPORTATION EMERGENCIES ONLY
CALL 24 HOURS A DAY 1-800-832-HELP (4357)

FIRST AID

IF SWALLOWED: Call a poison control center or doctor for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 - 20 min. Call a poison control center or doctor for treatment advice.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

IF IN EYES: Hold eyes open and rinse slowly and gently with water for 15 - 20 min. Remove contact lenses, if present, after the first 5 min, then continue rinsing eyes. 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. You may also contact 1-800-832-HELP (4357) for emergency medical treatment information.

NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and in extreme cases, possibly convulsions may occur.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed, absorbed through skin or inhaled. Avoid contact with skin, eyes or clothing. Avoid breathing dust. Causes moderate eye irritation. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, fish, and aquatic 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. Drift or runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Care must be taken to prevent any and all drift, spillage of the product or runoff. Do not contaminate water by cleaning equipment or disposal of wastes or when disposing of equipment washwaters 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.

USE RESTRICTIONS

During and after any application, the applicator is required to check for spills. Any and all spills resulting in the deposition of product in locations other than those prescribed on this label must be cleaned up immediately and prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the cleanup is completed.

APPLICATION INSTRUCTIONS

Termidor Dry may be used alone to kill subterranean or drywood termites or as a supplement to a post-construction treatment of Termidor® 80 WG termiticide/insecticide or Termidor® SC termiticide/insecticide to provide protection from subterranean termites. This product will kill workers and/or winged reproductive forms of the listed termite species present at the time of application and will provide residual control of termites contacting the treated surfaces only as described in the Directions for Use. This product is intended only as a spot treatment. Application of this product will not provide structural protection nor substitute for mechanical alteration, or soil or foundation treatment with registered termiticide products. This product is not to be used as sole protection against termites, as it is not intended for elimination of termite infestations nor for protection against future infestations.

Application Device: This Ready-to-Use product is contained in a nonrefillable package and is for use with a specially designed applicator. Approximately 3 bulb compressions of the applicator delivers 0.1 g of product.

Application Sites: Apply into voids and galleries; shelter tubes; termite nests or other inaccessible areas of buildings, trees, utility poles, fencing, decking materials, railroad trestles, piers, beams and other structural or landscape timbers where termite damage is observed or termite activity is present or suspected. If necessary, gain access to gallery or void by creating an opening into it. Openings should be approximately every 24" or into each void. Multiple injection points for each void, carton or gallery may be required. Do not apply more than 5 g [product] (25.0 mg Fipronil a.i.) per 1,000 ft² of total internal surface area of the void, carton, or gallery.

Drywood Termites: Apply 0.1 - 1 g/injection point.

Subterranean Termites: For termite galleries and shelter tubes apply 0.1 - 1 g/injection point. For applications into carton and nests apply 0.3 - 3 g/injection point. For applications into voids apply 0.2 - 2 g/injection point.

Reapplication Interval: This product may be applied to previously treated sites if termite activity is found 30 days after previous application.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store unused product in original container only, out of reach of children and animals.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide is a violation of federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Nonrefillable Container. Do not reuse or refill this container. After completely emptying container, offer for recycling, if available.

CONDITIONS OF SALE AND WARRANTY

The Directions For Use of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling which are beyond the control of Whitmire Micro-Gen Research Laboratories, Inc. ("WMG"). To the extent consistent with applicable law, all such risks shall be assumed by the Buyer. WMG warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions For Use, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, WMG MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED, TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, WMG AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. WMG and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing Conditions of Sale and Warranty which may be varied only by agreement in writing signed by a duly authorized representative of WMG.

NOTICE TO BUYER: Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside the United States.

LABEL LICENSE FOR Termidor Dry Termiticide

Termidor Dry is specially formulated and sold by WMG for the control of termites according to the directions on this label. The purchase price of Termidor Dry includes a royalty whereby the purchaser acquires a prepaid license under which purchaser agrees to employ the purchased quantity of Termidor Dry only for the above-specified uses and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of Termidor Dry 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.

Packaged for:
Whitmire Micro-Gen Research Laboratories, Inc.®
by BASF Corporation
3568 Tree Court Industrial Boulevard
St. Louis MO 63122-6682

© 2010 Whitmire Micro-Gen Research Laboratories, Inc.®
All rights reserved.
Termidor® is a registered trademark of BASF.

Product of France.

1.935" (w) x 2.392" (h) = Live Area



TERMIDOR[®] DRY
TERMITICIDE

- For sale to, use and storage only by individuals/firms licensed or registered by the state to apply termiticide and/or general pest control products.
- Ready-to-Use product for the control of subterranean and drywood termites

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Total: 100.0%

1 lb of Termidor Dry contains 0.08 oz of Fipronil.

EPA Reg. No. 499-546 • EPA Est. No. 7969-MO-1

KEEP OUT OF REACH OF CHILDREN

CAUTION

FOR MEDICAL AND TRANSPORTATION EMERGENCIES ONLY

CALL 24 HOURS A DAY 1-800-832-HELP (4357).

See full label accompanying product for First Aid,

Precautionary Statements, Directions for Use,

Conditions of Sale and Warranty and Storage and Disposal.

Net Contents: 0.176 oz (5g)

Packaged for:

Whitmire Micro-Gen Research Laboratories, Inc.[®]

3568 Tree Court Industrial Boulevard

St. Louis MO 63122-6682

Termidor[®] is a registered trademark of BASF.

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