

499-563

9/12/2013

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

SEP 12 2013

Ms. Dana Thomas
Whitmire Micro-Gen Research Laboratories Inc.
3568 Tree Court Industrial Blvd.
St. Louis, MO 63122-6682

Dear Ms. Thomas:

Subject: Application for Pesticide Notification (PRN 98-10)
Add Alternate Brand Name: Termidor Foam Termiticide/Insecticide
Revisions required by Notice of Registration
Whitmire Micro-Gem TC-335
EPA Reg. No. 499-563
Your submission dated August 15, 2012

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated August 15, 2012 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds the action requested falls within the scope of PRN 98-10. The label submitted with the application has been 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 regarding this letter, please contact Dana Pilitt, Ph.D. of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Gebken".

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



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

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United States Environmental Protection Agency Washington, DC 20460		<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
Application for Pesticide - Section I			
1. Company/Product Number 499-563		2. EPA Product Manager Richard Gebken	
4. Company/Product (Name) Whitmire Micro-Gen TC-335		3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted	
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 type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.		<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.	
Explanation: Use additional page(s) if necessary. (For section I and Section II.) Label Notification to add the alternate brand name, Termidor® Foam Termiticide/Insecticide, per PRN 98-10 §II A. 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:			
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt No. per container	2. Type of Container <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			
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 	
5. Location of Label Directions <input type="checkbox"/>		6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled <input type="checkbox"/> Other _____	
Section - IV			
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Dana Thomas		Title Product Regulatory Mgr.	
		Telephone No. (Include Area Code) 636-861-4223	
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 Regulatory Mgr.	
4. Typed Name Dana M. Thomas		5. Date August 15, 2012	

[Text in this color may be print-restricted from the marketplace label.]

Whitmire Micro-Gen TC-335

NOTIFICATION

SEP 12 2013

[ALTERNATE BRAND NAME: Termidor® Foam Termiticide/Insecticide] {added via Notification 8/15/12}

KILLS: Termites* (including subterranean, drywood, dampwood and arboreal), Wood Destroying Insects (Powder Post Beetles, Old House Borer, Wharf Borer), Ants (Including: Argentine, Ghost, White-Footed, *foraging* Carpenter; Excluding: Fire, Harvester, Leaf cutter and Pharaoh), Asian Lady Beetles, Boxelder Bugs, Cluster Flies, Elm Leaf Beetles, Bean Plataspid (including Kudzu Bug), Brown Marmorated Stink Bug

FOR USE IN AND AROUND STRUCTURES AND LIMITED OUTDOOR SPOT TREATMENTS: Apartments, Homes, Food/Feed Handling Establishments (non-food/feed areas), Restaurants, Hospitals and Nursing Homes (Non-patient Areas), Hotels, Motels, Hobby Greenhouses, Interiorscapes, Office Buildings, Schools**, Transportation Equipment (Buses, Cargo Trucks, Trailers, Trains); Warehouses and Other Commercial and Industrial Buildings

* Not a substitute for mechanical alteration, soil or foundation treatment.

** Do not apply to classrooms when in use.

ACTIVE INGREDIENT:

Fipronil [5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1R,S)-(trifluoromethyl)sulfinyl)-1H-pyrazole-3-carbonitrile]: 0.005%

OTHER INGREDIENTS: 99.995%

TOTAL: 100.00%

EPA Reg. No. 499-563 EPA Est. No. 7969-MO-1

KEEP OUT OF REACH OF CHILDREN CAUTION

[ALTERNATE TEXT: See side panel(s) for Precautionary Statements and Storage & Disposal]

NET CONTENTS: 20.0 oz

PRECAUTIONARY STATEMENTS

ENVIRONMENTAL HAZARDS

Do not apply within 15 ft of bodies of fresh water: lakes, reservoirs, rivers, permanent streams, marshes, natural ponds and commercial fishponds. A 15 ft buffer of uniform groundcover must exist between the application area and bodies of fresh water (uniform ground cover is defined as land which supports vegetation of > 2" throughout).

Do not apply within 60 ft of estuarine bodies of water. Estuarine water bodies are brackish, tidal water such as bays, mouths of rivers. Salt marshes and lagoons.

This product 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. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Care must be taken to avoid runoff. Do not contaminate water by disposal of wastes.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting. This product contains a flammable propellant. Avoid drilling in areas near electrical wiring, plumbing, communication lines, etc. Do not apply directly into any electronic equipment such as radios, televisions, computers, etc. Do not apply where electrical short circuits might result, such as in wall outlets, conduits, motors, switch, etc. Product should only be used when can temperature is above 60°F. If can temperature is below 60°F, store at room temperature until a temperature above 60°F is reached.

DIRECTIONS FOR USE

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT
IN A MANNER INCONSISTENT WITH ITS LABELING.

SHAKE WELL BEFORE USING

PRODUCT INFORMATION

This product is a ready-to-use insecticide formulation. When dispensed, the formulation rapidly expands generating a dry foam with an expansion ratio of approximately 30:1, with 1 oz (weight) of product being dispensed in approximately 5 sec producing about 1 qt of foam. This product can be used to control insects where they are found or suspected; in nests, galleries, harborages and voids. This product can be applied in and around commercial and residential structures as well as structural and non-structural elements that are subject to attack by, or provide

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harborage to insects. Applications can be made from the interior and/or exterior. Drilling of hole(s) may be required to access galleries or harborages. Treatment of insect harborages associated with trees, shrubs, utility poles, fences, bridges, landscape timbers, under slabs or other non-structural elements is permitted.

APPLICATION INSTRUCTIONS

Use only with Whitmire Micro-Gen or BASF approved actuator. Remove the outer cap and snap the actuator into place. Remove the finger pad cover. After using, replace the finger pad cover. When the can is empty, remove the actuator from the can and use it on another can.

TREATMENT OF INSECT GALLERIES, HARBORAGES OR VOIDS: Use adequate foam to treat the known or suspected insect harborages. After applying, hold the injector tip in place for approximately 8 sec to allow the product within the injector tube to dispense into the treatment area.

Drilling hole(s) may be required to gain access to the known or suspected gallery, harborage or void. Drill hole(s) at 1 or more locations along the gallery, harborage or void to adequately treat. Use of a moisture meter may aid in determining the spread of a treatment.

This product can be used as a localized treatment for the control of existing infestations of subterranean termites and other wood destroying insects as a supplemental treatment in a structural protection program. This treatment is intended for localized wood destroying insect infestations only. The purpose of such applications is to kill wood destroying insects which may be present in the treated channels at the time of treatment. Such applications are intended as supplemental treatments to, but not a substitute for, mechanical alteration, soil treatment, or foundation treatment. It should not be used as a stand-alone treatment for structural protection.

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

WOOD DESTROYING PEST TREATMENTS - INDOORS

TERMITES [SUBTERRANEAN (*Coptotermes*, *Reticulitermes*, and *Heterotermes*), ARBOREAL, DAMPWOOD (*Zootermopsis*), AND DRYWOOD]: Use in areas where termites are known or suspected. Apply product to termite galleries, channels, damaged wood, harborages between structural elements or within construction voids.

Locations for indoor treatment may include areas associated with unexposed wooden elements inside wall voids, in and around bath traps, shower voids, pipe chases, utility penetrations and other probable sites of termite entry or harborage.

Other WOOD DESTROYING PESTS (Powder Post Beetles, Old House Borer and Wharf Borer): Locations for treatment may include areas associated with exposed non-sealed wooden elements in areas such as crawl spaces, attics, unexposed wooden elements inside walls, galleries or other harborages.

WOOD DESTROYING PEST TREATMENTS - OUTDOORS

Locations for outdoor treatments may include exterior wooden elements associated with bridges, decks, fencing, landscape timbers, wooden retaining walls, tree voids, siding, channels in damaged wood, in spaces between wooden elements of a structure, junctions between wood and foundations and voids associated with buildings. Do not apply this product in or on boats. Do not apply to areas of non structural piers, bridges, or any other structures that may contact surface water bodies. Do not allow this product to contaminate or come into contact with surface waters through application or drift.

Application to exposed subterranean termite tunnels (i.e. shelter tubes) may be made to outdoor residential and commercial areas. Break open a section of the shelter tube and apply directly over the exposed area. Apply a sufficient amount of foam to cover the exposed area and to a distance of approx. 2" in each direction over the shelter tube itself.

Outdoor applications must be limited to small spot treatments only. Do not apply to any impervious surfaces. Do not make direct applications, nor any applications to the ground within the drip line of any trees or shrubs used for growing fruit, nuts, vegetables or other foods.

TERMITES AND CARPENTER ANTS HARBORING IN TREES, SHRUBS, STUMPS, UTILITY POLES, SLABS AND FENCES: Drill hole(s) in areas of suspected termite or ant activity. It may be necessary to drill multiple holes around the circumference of the tree, shrub, stump or utility pole and at varying heights to adequately treat the nest or gallery system. For trees with severe infestation or very large trees, the interior cavity within the tree may be larger than what may be adequately treated with a single can. For termites, ants, or other listed insects that are found traversing the trunk of a tree, make a localized treatment approx. 3 – 6" around the tree trunk above the reach of children and pets. When treating below slabs, drill hole(s) through the slab where termites or carpenter ants are active, or suspected, and inject foam. For fences, treat exposed surfaces where termites or ants are active (foam must dissipate or be removed prior to leaving area) and/or drill wooden members where termites or ants are active, or suspected, and inject foam.

TREATMENT OF WHITMIRE MICRO-GEN OR BASF APPROVED TERMITE MONITORS: For use only when toxicant containing bait is not in use. Remove monitoring cartridge if in station. Apply into void areas of station. After application, return monitoring cartridge or other components to the station. When used in conjunction with the Advance Above Ground Station (AGS), remove monitoring cartridge and place a layer of foam within the monitoring cartridge, on the wood and around the tablets, then return the cartridge to the station. Do not directly treat the station housing.

FORAGING CARPENTER ANTS: Inject foam into galleries, cavities, harborages or structural voids. Treat harborages or ant trails outdoors associated with trees, shrubs, decks, fences or other non-structural elements. Foam up to a 6" length of the trail. Foam must dissipate or be removed before the applicator leaves the area.

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Master Label

v1.1 (8/9/12; dmt)

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EXTERIOR PERIMETER / LOCALIZED INTERIOR (EP/LI)

TERMITES [SUBTERRANEAN (*Coptotermes*, *Reticulitermes*, *Heterotermes* and *Zootermopsis*), ARBOREAL]

This product can be used as a preventative or curative interior structural void treatment for subterranean termites when applied in conjunction with an Exterior Perimeter/Localized Interior (EP/LI) termiticide treatment with Termidor® SC Termiticide/Insecticide, Termidor 80WG Termiticide/Insecticide, or other Termidor product [alt. lang. product containing fipronil] labeled for EP/LI application and approved by Whitmire Micro-Gen or BASF Corporation. Targeted interior application(s) may be made to vulnerable areas such as voids associated with plumbing/utility lines penetrating floors, bath and/or shower voids, expansion joints and/or settlement cracks, wall voids and other voids of probable, potential, or known termite entry.

When used to treat known or suspected localized interior termite infestation(s) this product can be used in lieu of selected localized interior treatment(s) with Termidor SC, Termidor 80WG or other Termidor product [alt. lang. product containing fipronil] approved by Whitmire Micro-Gen or BASF Corporation. Targeted interior application(s) may be made to vulnerable areas such as voids associated with plumbing/utility lines penetrating floors, bath and/or shower voids, expansion joints and/or settlement cracks, wall voids and other voids of probable or potential termite entry.

This application is only intended for localized areas of existing or potential termite activity and must not be applied to indoor surfaces for the purposes of general pest control. This product is not a substitute for soil applied termiticide treatment(s) beneath slabs or foundations.

NON-WOOD DESTROYING PEST TREATMENTS

CRAWLING PESTS – Ants (Excluding Fire, Harvester, Leaf Cutter and Pharaoh), Asian Lady Beetles, Boxelder Bugs, Cluster Flies, Elm Leaf Beetles or other non public health pests that may harbor in voids such as the Brown Marmorated Stink Bug and Bean Plataspid (including the Kudzu Bug): Treat voids, where these pests enter, hide or harbor. Immediately wipe up any product on exposed surfaces.

SUBTERRANEAN ANTS (Excluding Fire, Harvester, Leaf Cutter and Pharaoh): Where possible, inject the nest at multiple sites. Do not apply more than 5 sec per application site. Foam may move throughout the nest. For very large nests (> 36" diameter), increase the number of injection sites. Space injection sites in a circular pattern on the nest surface with 1 site in the center. It is best to apply when temperature ranges from 65 – 85°F, or in early morning or late evening hours. Treat new nests as they appear. Drill hole(s) through concrete or other soil covering where ants are active, or suspected, and inject foam if necessary.

TREATMENT FOR IN-GROUND SERVICE BOXES – Ants (Excluding Fire, Harvester, Leaf Cutter and Pharaoh): Use adequate foam to treat open boxes and exposed surfaces. Do not contact any electrical wiring or mechanical parts of meter.

FOOD/FEED HANDLING ESTABLISHMENTS

Applications are permitted in the non-food/feed areas of food/feed handling establishments as a void or exterior spot treatment. Do not apply to voids in any equipment or machinery used in the storage, processing or preparation of food.

For Wood Destroying Pests: Treat voids, from the exterior or interior, where these pests enter, hide or harbor. Immediately wipe up any product on an exposed surface.

Food/feed handling establishments are defined as places other than private residences in which exposed food/feed is held, processed, prepared or served. Food/feed areas are areas for receiving, storing, packing (canning, bottling, wrapping, boxing), preparing, edible waste storage and enclosed processing systems (mills, dairies, edible oils, syrups) of food. Serving areas where food is exposed and the facility is in operation are also considered food areas.

Non-food/feed areas include areas such as garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets and storage areas (after packaging, canning or bottling).

STORAGE & DISPOSAL

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

PESTICIDE STORAGE: Store in a cool area away from heat or open flame.

PESTICIDE DISPOSAL: Waste resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Do not puncture or incinerate! Empty container by using the product according to the label directions. **If empty:** Offer container for recycling, if available, or place in trash if allowed by state and local regulations. **If partly full:** Contact your local solid waste agency for disposal instructions.

Contains no CFCs or other ozone depleting substances.

Federal regulations prohibit CFC propellants in aerosols.



CONDITIONS OF SALE AND WARRANTY

Follow the **Directions for Use**. It is impossible to eliminate all risks inherently associated with use of this product, and therefore all such risk shall be assumed by the Buyer. Whitmire 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: (A) WHITMIRE MAKES NO OTHER WARRANTIES EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF FITNESS**

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FOR PARTICULAR PURPOSE OR MERCHANTABILITY, (B) BUYER'S EXCLUSIVE REMEDY AND WHITMIRE'S AND SELLER'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT, AND (C) WHITMIRE AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. Whitmire and the Seller offer this product, and the Buyer accepts it, subject to these **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of Whitmire.

Manufactured for:
Whitmire Micro-Gen Research Laboratories, Inc.®
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