

7969-212

4/30/2004

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Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 2-28-95



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 7969-212	2. EPA Product Manager Richard Gepken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) H&G 61748A Fipronil Insecticide	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) BASF Corporation 26 Davis Drive, P.O. Box 13528 Research Triangle Park, NC 27709-3528 <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 _____	NOTIFICATION APR 30 2004
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

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

Notification of the Addition of a Warranty Statement; Submission of Final Print Labeling. The added warranty statement offers a "Money Back Guarantee" and is included as an addendum to the warranty statement included on the EPA stamped approved 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.

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 checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input checked="" type="checkbox"/> Other (Specify) _____	box
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 10 pounds		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued 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 Daniel J. O'Byrne	Title Product Registration Manager	Telephone No. (Include Area Code) 919-547-2657
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 Registration Manager	
4. Typed Name Daniel J. O'Byrne	5. Date April 15, 2004	



The Chemical Company

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April 15, 2004

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U S Environmental Protection Agency
Room 266A, Crystal Mall, Building No. 2
1921 Jefferson Davis Highway
Arlington, VA 22202-4501
Mr. Richard Gebken, Acting Product Manager 10

Re: Notification of the Addition of a Warranty Statement; Submission of Final Print Labeling for Over'n Out! Fire Ant Killer Granules, Primary Product Name: H&G 61748A Fipronil Insecticide, EPA Reg. No. 7969-212

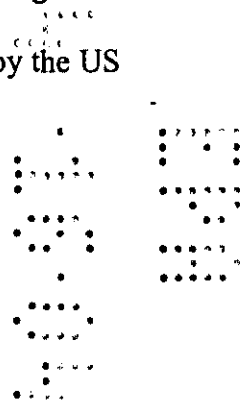
Document Processing Desk:

On behalf of BASF Corporation I am submitting, with this letter, notification of the addition of a warranty statement included on final print labeling for Over'n Out! Fire Ant Killer Granules, which is the tradename used by TechPac, LLC, the BASF authorized supplemental distributor for this product. BASF provided the Notice of Supplemental Distribution of a Registered Pesticide Product naming TechPac LLC as an authorized distributor for this product in a letter from me dated 14 January 2004.

The added warranty statement offers a "Money Back Guarantee" and is included as an addendum to the warranty statement included on the EPA stamped approved 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.

This final print label also reflects the changes requested by EPA in the letter accompanying the EPA approved label, stamped 10 Oct. 2003. Finally, the final print label includes the following minor changes from the EPA stamped label that are technically non-notifications according to 40 CFR 152.46(b):

1. The final print label reflects the new EPA registration number that was issued by the US EPA following the purchase of this product by BASF in March 2003.
2. The contact phone numbers are changed.
3. The company name is changed.

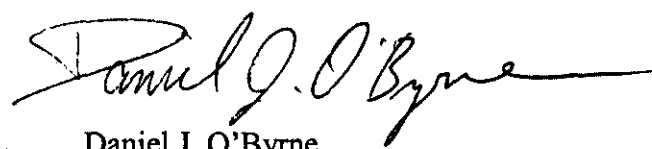


In support of this Notification I have included with this letter the following:

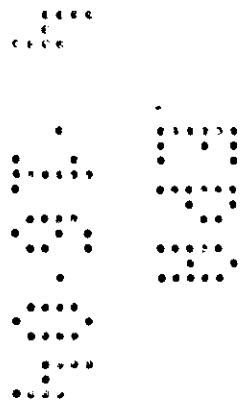
- 1. Completed application form 8570-1.
- 2. Copy of the Final Print Label.
- 3. Copy of the EPA approved label, stamped 10 Oct. 2003.
- 4. Five (5) loose copies of the final print label.

Thank you and if you have any questions concerning this notification please contact me directly at 919-547-2657 or obyrded@basf.com.

Respectfully Submitted,



Daniel J. O'Byrne
Product Registration Manager
BASF Corporation





Over 'n Out!
Fire Ant Killer Granules
Easy & Quick To Apply

DIRECTIONS FOR USE

1. To a building of 1000 sq. ft. or less, apply 1/2 lb. of granules per 1000 sq. ft. of area. For larger areas, apply 1/2 lb. of granules per 1000 sq. ft. of area. For areas of 1000 sq. ft. or more, apply 1/2 lb. of granules per 1000 sq. ft. of area. For areas of 1000 sq. ft. or more, apply 1/2 lb. of granules per 1000 sq. ft. of area.

TO CONTROL FIRE ANTS FROM FORMING

Apply 1/2 lb. of granules per 1000 sq. ft. of area. For areas of 1000 sq. ft. or more, apply 1/2 lb. of granules per 1000 sq. ft. of area. For areas of 1000 sq. ft. or more, apply 1/2 lb. of granules per 1000 sq. ft. of area.

TO PREVENT FIRE ANTS FROM FORMING

Apply 1/2 lb. of granules per 1000 sq. ft. of area. For areas of 1000 sq. ft. or more, apply 1/2 lb. of granules per 1000 sq. ft. of area. For areas of 1000 sq. ft. or more, apply 1/2 lb. of granules per 1000 sq. ft. of area.

STORAGE AND DISPOSAL

Store in a cool, dry place. Do not store in areas where children or pets can reach. Do not use in areas where children or pets can reach. Do not use in areas where children or pets can reach.



Over 'n Out!
Fire Ant Killer Granules



Over 'n Out!
Fire Ant Killer Granules

Over 'n Out!
Fire Ant Killer Granules



- One Spring Application Provides Season Long Control
- Easy & Quick To Apply With Drop Or Broadcast Spreaders
- Prevents New Mounds From Forming
- Covers 5,000 Sq. Ft.

CAUTION

KEEP OUT OF REACH OF CHILDREN. PRECAUTION: This granular material is toxic to fish and aquatic life. Do not apply to water bodies or areas adjacent to water bodies.

CAUTION

KEEP OUT OF REACH OF CHILDREN. PRECAUTION: This granular material is toxic to fish and aquatic life. Do not apply to water bodies or areas adjacent to water bodies.



Product Name: **Over 'n Out!** Fire Ant Killer Granules
 Manufacturer: **GARDENFICH**
 Net Weight: 5.000 lbs.
 Lot No.:
 Exp. Date:

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NOTIFICATION

APR 30 2004

ACTIVE INGREDIENT:

*Fipronil: 5-amino-1-(2, 6-dichloro-4-(trifluoromethyl)phenyl)-4-((1,R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile..... 0.0103%

OTHER INGREDIENTS:..... 99.9897%

TOTAL 100.0000%

EPA Reg. No.7969-212-71004 EPA Est. No. 67572-GA-1 *Protected by U.S. Patent No. 5, 232, 940

KEEP OUT OF REACH OF CHILDREN

**CAUTION
PRECAUCIÓN**

See Back 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 not understand this label, find someone to explain it to you).

NET WEIGHT 10 lbs. (4.54 kg)

View 1

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.

FOR USE ON DOMESTIC TURF

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

GENERAL INFORMATION

Over 'n Out!™ Fire Ant Killer Granules controls imported fire ants in residential lawns. To control other insect pests that may be present such as mole crickets, fleas, ticks, and chinch bugs you may use Sevin® brand Granular Carbaryl insecticide.

Fire ants begin to die within 7-14 days. Complete control can be expected in as little as three weeks. Apply in the spring, then water in immediately after application.

SPECIFIC USE DIRECTIONS

Make application with broadcast or drop spreader to your entire lawn to prevent imported fire ants from establishing and/or to control existing populations.

Measure your lawn to calculate the square feet (= Length X Width of lawn area) and evenly distribute Over 'n Out!™ Fire Ant Killer Granules across the entire lawn. Apply at a rate of 2 pounds per 1,000 square feet (a 10 pound bag will treat 5,000 square feet). Apply water to treated area immediately after application.

TO CONTROL FIRE ANTS IN YOUR YARD:

Apply Over 'n Out!™ Fire Ant Killer Granules in the spring to control fire ants in the treated area for up to one season. Fire ants begin to die within 7-14 days after treatment and control can be expected within 6 weeks.

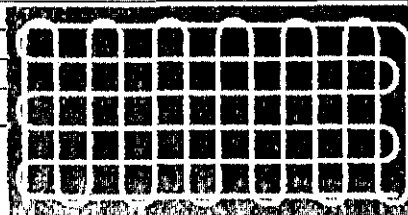
TO PREVENT FIRE ANT MOUNDS FROM FORMING:

Apply a broadcast treatment in the early spring, when the weather is cooler and fire ants are dormant, to prevent mounds from becoming active again in the springtime.

Spreader Settings for Lawn Applications at Label Rates
(to apply 2 lbs. of product per 1000 sq. ft. of lawn)

BROADCAST SPREADERS	SETTINGS	DROP SPREADERS	SETTINGS
Cyclone® Rotary	2.0	K-Gro® Drop	2.25
Earthway Rotary	6.0	Ortho® Drop	2.25
Ev-N-Spred®	6.0	Republic® E-Z Drop®	2.25
K-Gro® Rotary	0.75	Scotts® AccuGreen® 1000	3.00
Ortho® Rotary	0.75	Scotts® AccuGreen® 2000	3.00
Precision® Rotary (#SB50)	1.50	Scotts® AccuGreen® 3000	3.00
Red Devil® Rotary	1.50	Scotts® Drop®	
Republic EZ Rotary	0.75	(#PF1, PF2, PF3, PF4)	3.00
Scotts® Speedygreen® 2000	2.50	Sears® Drop	2.25
Scotts® Speedygreen® 3000	2.50		
Sears® Rotary	0.75		
True Temper® Rotary	1.50		
Vigoro® Rotary	1.50		

A crisscross spreading pattern of application is recommended as indicated here





Money Back Guarantee

The manufacturer warrants that Over 'n Out!™ containing Fipronil, will provide control of imported fire ants when used as directed for one full season. If, after following the instructions, you are not satisfied with the results, you may receive a full purchase price refund by sending a store receipt and proof of purchase

(UPC label from bag) to: TechPac, LLC, P.O. Box 24830, Lexington, KY 40524. This guarantee is subject to on site inspection by a representative of TechPac, LLC, to verify (a) the product was applied in a manner consistent with the use instructions, and (b) the contained level of fire ant control. This guarantee is limited to home owner who purchase the product for use on domestic turf grass.

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 this label, find someone to explain it to you).

If you have a medical emergency, need consultation on diagnosis, therapy and analysis please call (800) 420-9347

If you have questions relating to product use or application, please call (800) 969-7200

If you have a product spill or transportation emergency call (800) 424-9300

For Material Safety Data Sheets please go to www.gardentech.com, or call (800) 969-7200

**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. Wear long sleeved shirt and long pants and shoes plus socks.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, fish and 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. 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 borders 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 a one-mile radius of scrub oak habitat, which is home to the Florida scrub jay, the sand skink, and the blue tail mole skink.

IMPORTANT: READ BEFORE USE - By using this product, user or buyer accepts the following conditions, warranty and 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 because of the manner of use and other factors beyond TechPac, LLC control, it is impossible for TechPac, LLC to eliminate all risks associated with the use of this product. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of TechPac, LLC is authorized to make any warranties beyond those contained

herein or to modify the warranties contained herein. TechPac, LLC 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 TECHPAC, LLC'S ELECTION, THE REPLACEMENT OF THE PRODUCT.

STORAGE AND DISPOSAL

STORAGE: Store unused product in original container only, out of reach of children and animals. NEVER TRANSFER THIS PRODUCT TO ANOTHER CONTAINER FOR STORAGE.

CONTAINER DISPOSAL: If Empty: Do Not reuse this container. Place in trash for recycling if available. If Partly Filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.



is a registered trademark of Gulfstream Home & Garden, Inc.

Sevin® is a registered trademark of Bayer Crop Science USA LP, 95 Chestnut Ridge Road, Montvale, NJ 07645

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 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 eyes• Call a poison control center or doctor for treatment advice.
Have 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.	



GARDENTECH®

Distributed by: TechPac, LLC
P.O. Box 24830, Lexington, KY 40504