

7969-212

06-14-2007

117



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

JUN 14 2007

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Daniel J. O'Byrne
BASF Corporation
26 Davis Drive
P.O. Box 13528
Research Triangle Park, NC 27709-3528

Dear Mr. O'Byrne
Subject: H&G 61748A Fipronil Insecicide
EPA Reg. No. 7969-212
Submission dated 9/21/06

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is conditionally acceptable subject to the comments listed below. Within 30 days of the date of this letter you must submit the complete data tables and raw data sheets for the submitted studies as specified in the attached efficacy review.

The 3 day kill claims are not supported by the submitted data. Revise the claims as follows:

p. 3. Fire ants begin to die within 7-14 days. Control can be expected in as little as three weeks. Apply anytime that fire ants are active. Water in immediately after application...Apply Over'n Out...begin to die within 7-14 days. Control can be expected in as little as three weeks...Apply a broadcast treatment when fire ants are active...

Add to the directions for use:

Do not make more than one application per year.

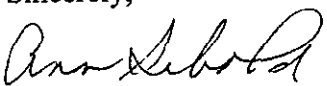
The website is collateral labeling which includes the MSDS and numerous claims not on the label. Delete the reference to the website. Alternately you may submit all claims and MSDS on the website as an amendment.

Revise the warranty statements in accordance with guidance at the following Agency website:

<http://www.epa.gov/pesticides/regulating/labels/warranty.pdf>.

One copy of the finished labeling must be submitted prior to releasing the product for shipment.

Sincerely,


for

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

Over'n Out™ Fire Ant Killer Granules

- CONTAINS FIPRONIL
- FOR OUTDOOR USE ON HOME LAWNS
- CONTROLS IMPORTED FIRE ANTS
- 8 lbs. COVERS 4,000 SQ. FT.!
- 10 lbs. COVERS 5,000 SQ. FT.!
- 20 lbs. COVERS 10,000 SQ. FT.!
- 25 lbs. COVERS 12,500 SQ. FT.!
- CUT HERE TO OPEN
- READY TO USE
- ONE APPLICATION PROVIDES SEASON LONG CONTROL
- KILLS THE QUEEN AND THE COLONY
- PREVENTS NEW MOUNDS FROM FORMING!
- EASY AND QUICK TO APPLY WITH A DROP OR BROADCAST SPREADER!
- LONG LASTING RESIDUAL ACTION
- SATISFACTION GUARANTEED OR MONEY BACK
- GUARANTEED FIRE ANT CONTROL FROM THE MAKERS OF GARDEN TECH SEVIN

ACCEPTED
with COMMENTS
In EPA Letter Dated:
JUN 14 2007
 Under the Federal Insecticide,
 Fungicide, and Rodenticide Act,
 as amended, for the pesticide
 registered under EPA Reg. No.
7969-212

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%

*Protected by U.S. Patent No. 5,232,940

EPA Reg. No. 7969-212

EPA Est. No.

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

See Back Panel For Additional Precautionary Statements

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

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.
<p>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.</p>	

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 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 skinks, 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.

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.

This product may be used only in the following states:

- | | | |
|------------|----------------|----------------|
| Alabama | Louisiana | South Carolina |
| Arkansas | Mississippi | Tennessee |
| California | New Mexico | Texas |
| Florida | North Carolina | Puerto Rico |
| Georgia | Oklahoma | |

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 or offer 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.

FOR USE ON DOMESTIC TURF

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 in 3 days. Complete control can be expected in as little as three weeks. Apply anytime, before or when fire ants are active, then water in immediately after application.

NOT FOR USE in vegetable gardens, pastures or animal (livestock) grazing areas.

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 across the entire lawn. Apply at a rate of 2 pounds per 1,000 square feet (a 8 pound bag will treat 4,000 square feet, a 10 pound bag will treat 5,000 square feet, a 20 pound bag will treat 10,000 square feet, a 25 pound bag will treat 12,500 square feet). Apply water to treated area immediately after application.

TO CONTROL FIRE ANTS IN YOUR YARD:

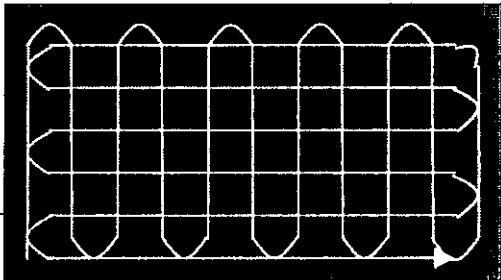
Apply Over'n Out to control fire ants in the treated area for up to one season. Fire ants begin to die in 3 days. Complete control can be expected in as little as three weeks. Follow the above use directions and water in immediately after application.

TO PREVENT FIRE ANTS MOUNDS FROM FORMING:

Apply a broadcast treatment before or when fire ants are active to kill the fire ants including the queen and to prevent new mounds from forming for the entire season.

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	2.12	Sears® Drop	2.25
Scotts® Speedygreen® 3000	2.12		
Sears® Rotary	0.75		
True Temper® Rotary	1.50		
Vigoro® Rotary	1.50		



A crisscross spreading pattern of application is recommended as indicated here

LIMITED WARRANTY AND DISCLAIMER

The label instructions for the use of this product reflect the opinion of experts based on research and field use. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the use of, or application of the product contrary to label instructions, all of which are beyond the control of BASF Corporation (BASF). All such risks shall be assumed by the user.

To the extent permitted by law, BASF shall not be responsible for losses or damages resulting from use of this product in any manner not set forth on this label. User assumes all risks associated with the use of this product in any manner not specifically set forth on this label.

BASF warrants only that the material contained herein conforms to the chemical description of the label and is reasonably fit for the use therein described when used in accordance with the directions for use, subject to the risks referred to above. BASF does not make or authorize any agent or representative to make any other warranties, express or implied, and expressly excludes and disclaims all implied warranties of merchantability or fitness for a particular purpose.

Buyer's exclusive remedy and BASF's exclusive liability, whether in contract, tort, negligence, strict liability or otherwise, shall be limited to repayment of the purchase price. In no case shall BASF or the seller be liable for consequential, special or indirect damages resulting from the use or handling of this product.

BASF makes no other express or implied warranty, including other express or implied warranty of FITNESS or of MERCHANTABILITY. Read the entire directions for use, conditions, disclaimer or

7/7

warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once.

LABEL LICENSE FOR OVER'N OUT

Over'n Out is specially formulated and sold by BASF Corporation for the control of fire ants according to the directions on this label. The purchase price of Over'n Out includes a royalty whereby the purchaser acquires a prepaid license under U.S. Patent No. 5,232,940 under which purchaser agrees to employ the purchased quantity of Over'n Out only for the above-specified uses under BASF Corporation's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of Over'n Out 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 BASF.

Guaranteed Season-Long Fire Ant Control

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: (company name and address). This guarantee is subject to on site inspection by a representative of (company name) to verify (a) the product was applied in a manner consistent with the use directions, and (b) the contained level of fire ant control. This guarantee is limited to home owner who purchases the product for use on domestic turf grass.

©2006 BASF Corporation

All rights reserved

NET CONTENTS:

Sevin is a registered trademark of Bayer Environmental Science.

BASF

BASF Corporation
26 Davis Drive
Research Triangle Park, NC 27709

BASF Label Tracking No. NVA 2006-04-270-0263