

7969-213

11-15-2009

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505C)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

EPA Reg. Number:

7969-213

Date of Issuance:

Nov. 15, 2009

NOTICE OF PESTICIDE:

Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance:

Unconditional

Name of Pesticide Product:

BES-602 Insecticide

Name and Address of Registrant (include ZIP Code):

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

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 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 unconditionally registered in accordance with FIFRA section 3(c)(5) provided that you:

(continued on page 2)

Signature of Approving Official:

Refer to Page #3.

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

Date:

November 15, 2009

1. Make the following label revisions to the label:

- a. For all instances on the label, remove the text marked with a ~~strickthrough~~.
- b. For all instances where the words "Fire ants" exist, revise to state "Imported Fire Ants *Solenopsis spp.*"
- c. Within the Environmental Hazards section, after the statement "In order to reduce the risk to birds, ensure that the application is spread evenly over the treatment area." Start a new subsection entitled and phrased as follows:

"Florida Applications:

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 (ie., 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.

For application to urban turf or lawns in Florida, follow the Best Management practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries, available on the internet at http://www.flaes.org/pdf/BMP_Book_final.pdf."

- d. Within the Directions for Use, replace the state and territory statement as follows:

"This product can only be used in the following Imported Fire ant Quarantine areas within the following states and Puerto Rico:

Alabama	Louisiana	South Carolina
Arkansas	Mississippi	Tennessee
California (Coachella Valley only)*	New Mexico	Texas
Florida	North Carolina	
Georgia	Oklahoma	

Before using this product, refer to the USDA APHIS Imported Fire Ant Quarantine web site: http://www.aphis.usda.gov/plant_health/plant_pest_info/fireants/downloads/fireant.pdf or search the APHIS web site by zip code to determine if the area to be treated is located within the APHIS Imported Fire Ant Quarantine area. http://www.aphis.usda.gov/plant_health/plant_pest_info/fireants/fireantquery.php. **If the zip code for the area to be treated does not appear in the APHIS Imported Fire Ant Quarantine zone, you must notify and consult with the county's extension agent prior to treating.**"

Consult your State or Federal plant protection inspector, or your county agent for assistance regarding exact areas under regulation and requirements for moving regulated articles."

- e. Within subsection entitled "Specific Use Directions" revise the statement "The Primary purpose of this product is for fire ant control." to "This product is for fire ant control within the USDA APHIS Imported Fire ant quarantine area."
- f. Replace the statements "Do not apply more than 1 application per year of 87 pounds of product per acre. Two applications (87 lbs/acre per application) may only be used on sodfarms within the USDA APHIS Quarantine areas." to "As a broadcast treatment to Turfgrass, do not make more than one application per year of .0125 lbs fipronil/acre. Two applications of 0.125 lbs fipronil/acre may only be used on sodfarms within the USDA APHIS Quarantine areas."
- g. Within the table under the column entitled Application directions, add the following use restrictions: "Do not broadcast or apply over impervious surfaces such as but not limited to paved or concrete roads, sidewalks, driveways, walkways, nor broadcast near any storm drains.

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Do not apply in areas within the prescribed buffer zone for estuarine or fresh bodies of water as stated in the Environmental Hazards section of this label”

Two copies of the finished labeling must be submitted prior to releasing the product for shipment. If the above conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions. A stamped “Accepted with comments” copy of the label is enclosed for your records. If you have any questions, you may contact Clayton Myers at (703) 347-8874, or via email at myers.clayton@epa.gov.



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

Enclosure

7969-213 S862313 D423155.doc

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RESTRICTED USE PESTICIDE
DUE TO TOXICITY TO AQUATIC INVERTEBRATES
For retail sale to and use only by Certified Applicators or persons under their direct supervision,
and only for those uses covered by the Certified Applicator's certification.

BES-602 Insecticide

Only for Sale to, Use, and Storage by Commercial Applicators

- Contains Fipronil
- Controls Fire Ants
- Easy and Quick to Apply
- Ready to Use
- Season Long Control of Fire Ants
- Guaranteed to Work or Money Back
- Up to One Year Control of Fire Ants

**ACCEPTED
with COMMENTS
in EPA Letter Dated
NOV 15 2009**
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
7969-213

ACTIVE INGREDIENT:

*Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl) phenyl)-4-((1R,S)-(trifluoromethyl)sulfinyl)-1H-pyrazole-3-carbonitrile 0.0143%

OTHER INGREDIENTS 99.9857%

TOTAL 100.0000%

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

EPA Reg No. 7969-213

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 not understand this label, find someone to explain it to you in detail.)

See inside for complete **First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty**, and state specific use sites and/or restrictions.

In case of an emergency endangering life or property involving this product, call day or night, 1-800-832-HELP (4357).

Net Contents:



The Chemical Company

BASF Corporation
26 Davis Drive, Research Triangle Park, NC 27709

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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.
NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient.	
Hotline Number	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).	

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.

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.

When handlers use closed systems or enclosed cabs, in a manner that meets the requirements listed in the Worker Protection Standard (WPS) or agricultural practices (40 CFR 170.240 (d) (4-6), the handler PPE requirement may be reduced or modified as specified in the WPS. Important: When reduced PPE is worn because a closed system is being used, handlers must be provided all PPE specified above for applicators and other handlers, and have such PPE immediately available for use in an emergency, such as a spill or equipment breakdown. Follow manufacturer's instructions for cleaning/maintaining PPE. If no 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 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.

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.

~~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 | |

In areas within the prescribed buffer zone for estuarine or fresh bodies of water as stated in the **Environmental Hazards** section of this label, applicators may use **BES-603 fire ant bait**. Refer to the **BES-603** label for application information.

AGRICULTURAL USE REQUIREMENTS

Use this product in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notifications to workers and restricted-entry intervals. The requirements in this box only apply to sodfarm uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of **24 hours**.

PPE required for entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- coveralls
- waterproof gloves
- shoes plus socks

NONAGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are not within the scope of the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Always wear protective clothing and use appropriate equipment during application and handling. Avoid contact with granules. Avoid breathing dust.

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

(for paper or plastic bags)

Nonrefillable Container. DO NOT reuse or refill this container. After completely emptying container into application equipment, dispose of empty bag in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

FOR USE ON TURFGRASS AND LANDSCAPE BEDS

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.

GENERAL INFORMATION

Compatibility studies with other pesticides, fertilizers, and other biologically active materials have not been completed. Do not apply in combination with other materials.

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

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SPECIFIC USE DIRECTIONS

BROADCAST TREATMENT

Make application with broadcast equipment that is capable of applying 87 pounds of product per acre.

Do not apply more than 1 application per year of 87 pounds of product per acre. Two applications (87 lbs/acre per application) may only be used on sodfarms within the USDA APHIS Quarantine areas.

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

~~The primary purpose of~~ this product is for fire ant control.

SITES	PESTS CONTROLLED	APPROXIMATE LENGTH OF CONTROL	APPLICATION RATE OF BES-602		APPLICATION DIRECTIONS
			POUNDS PRODUCT PER ACRE	POUNDS PRODUCT PER 1000 SQUARE FEET	
Turfgrass: Golf turf Sports fields Commercial lawns Cemeteries Parks Campsites Recreational areas School grounds Sodfarms Landscape beds	Imported Fire Ants (<i>Solenopsis</i> spp.)	1 year	87	2	Imported Fire Ants: Make applications to control existing imported fire ant populations and/or to exclude imported fire ant populations. For best results, treated turf should be watered or irrigated after application.

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, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF 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, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, 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 OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF 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 BASF.

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