

7969-285

01/23/2009

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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:

7969-285

Date of Issuance:

JAN 23 2009

NOTICE OF PESTICIDE:

Registration  
 Reregistration  
(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Formula 2873

Name and Address of Registrant (include ZIP Code):

BASF Corporation  
Attn: Daniel J. O'Byrne  
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 conditionally 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 conditionally registered in accordance with FIFRA §3(c)(7)(A)(ii) provided that you:

1. Make the following label changes before you release the product for shipment:
  - a. Page 1:
    - i. Revise the EPA Registration Number to read, "EPA Reg. No. 7969-285."
    - ii. The ingredient statement must be decimal aligned.

Continued on page 2

Signature of Approving Official:

*See page 4*

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

Date:

JAN 23 2009

iii. Revise the Pest claim as follows:

“Kills on direct spray contact the following pests: ~~many nuisance pests,~~<sup>1</sup> stored product pests ~~and occasional invaders that infest structures, including:~~ ants (acrobat, Argentine, ~~carpenter~~<sup>2</sup>, odorous house, pavement. pharaoh's, pyramid); beetles (Asian lady, confused flour, darkling larva (yellow mealworm), saw-toothed grain); bark scorpions; bed bugs, boxelder bugs, centipedes; cockroaches (American, Asian, brown-banded, German, Oriental, and smokey brown); earwigs; house crickets; house flies; paper wasps\*, pillbugs; spiders (black widow, cellar); silverfish; and termites.

Not a knockdown insecticide”

iv. Within the Hazards to Humans and Domestic Animals sub-section, add the following PPE language:

**“Personal Protective Equipment (PPE)**

**Applicators must wear:** Long-sleeved shirt, long pants, socks, shoes and chemical resistant gloves (such as barrier laminate, butyl rubber, Selection Category B).

**User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, 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. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.” Users should 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.”

b. Page 2:

- i. Within the Physical and Chemical Hazards Section, revise the following statement from “Test on surface prior to overall use.” to “Test on a small surface prior to use.”
- ii. Create a new Subsection entitled “Use Restrictions” and move or insert all of the language as follows:

**“Use Restrictions:**

DO NOT reapply to treated area more than every four weeks.  
Use only in well ventilated conditions.  
DO NOT contaminate food or food contact surfaces.  
In hospitals and nursing homes, remove patients before treating rooms. Allow treated areas to dry before returning patients to treated rooms.

<sup>1</sup> The terminology “many nuisance pests” and “and occasional invaders that infest structures, including:” are vague potentially misleading the user into misuse.

<sup>2</sup> Efficacy data submitted does not support claims against Carpenter ants.

DO NOT use in schools while occupied. Allow treated areas to dry before allowing re-occupancy.

DO NOT contact treated areas until spray has dried.

Remove pets and cover or remove pet food/water and fish bowls prior to application.

In zoos, remove animals and cover or remove animal food/water prior to application.

DO NOT make surface applications to mattresses.

DO NOT apply directly to food, food packaging or food contact surfaces.

DO NOT make general surface or space applications such as for pantry pests in cupboards, cabinets or in containers.

**Applications in food-handling areas of food-handling establishments are limited to spot and/or crack and crevice treatments.** The food-handling area may not be in operation during application. Exposed food must be covered or removed prior to application.

DO NOT apply directly to food, food packaging or food contact surfaces.

DO NOT make general surface or space applications in cupboards, cabinets or in containers.

After application, all food contact surfaces in the treated areas must be washed with an effective cleaning compound followed by a potable water rinse before resuming food operations.

DO NOT make surface applications to mattresses or bedding. Mattress treatments must be confined to the seams, folds and edges only. Remove linens and wash before reuse. Allow to dry before remaking bed.

iii. Directions for Use:

Revise as follows:

**“FOR INTERIOR AND EXTERIOR APPLICATION AS A CRACK AND CREVICE OR SPOT TREATMENT**

**For Crack and Crevice use:** Press down the spray tip to release product while moving the spray can along length of treatment area. Apply at a rate of 2 seconds per linear foot.

**For closed Void Treatment:** Calculate the voids cubic area and treat at a maximum rate of 3 seconds per cubic foot.

**Spot treatments:** Hold can approximately 12 inches from surface to be treated and release product at a maximum rate of 11 seconds per 2 square feet. **DO NOT** exceed 2 square feet for each spot treatment.

For indoor and exterior use as a crack and crevice or spot treatment only in the following areas to kill on direct spray contact the listed pests in the following areas: houses, apartments ~~or other residential structures~~, meat, fish, poultry & egg processing & packaging plants, food/feed handling establishment (an area or place other than a private residence in which food is held, processed, prepared, and/or served, and non-food/feed handling areas of food handling establishments (garbage rooms, lavatories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage [after canning or bottling] and commercial, institutional, warehousing establishments, and zoos.)<sup>3</sup>

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<sup>3</sup> A food handling establishment is defined by the Agency in PR notice 73-4 (published August 14, 1973.)

Apply as a spot and/or crack and crevice and/or void treatment ~~inside structures in both food handling and non food handling areas~~ where pests seek harbore, nest, trail, run, and/or breed or hide or ~~can~~ infest.<sup>4</sup> Treat into voids or to surfaces beneath cabinets, furniture, spaces between equipment, expansion joints, surfaces behind sinks, floor drains (to sewers), lockers, and water pipes.

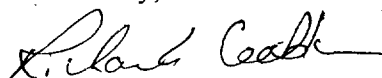
Exterior treatments around the listed areas are limited to spot and/or crack and crevice treatments where pests enter around doors, windows, eaves, attic vents and holes in exterior walls where utilities enter.

To kill on direct spray contact drywood termites and subterranean termites in their above ground galleries, workings or aerial nests within structures, locate existing openings or drill pilot holes to access termite tunnels, galleries, infested cavities or voids. ~~Space~~ Apply as a void treat in holes to obtain thorough coverage of termites. Application of this product is not a substitute for a soil applied termiticide. *[Product Name] is not intended as a substitute for mechanical alteration, soil treatment or foundation treatment. DO NOT use to treat soil directly. When active infestations exist, get a professional inspection.*

2. Page 3: Within the Pesticide Storage and Disposal subsection, revise the statement as follows:  
     **"Pesticide Disposal:** Waste resulting from use of this product may be disposed of on site in accordance with the label directions, or at an approved waste disposal facility.
3. The subsection entitled "Conditions of Sale and Warranty - TBD", must adhere to the Agency's Guidance on Warranty Statements, located at the following Agency internet site:  
     <http://www.epa.gov/pesticides/regulating/labels/pdf/warranty.pdf>.
4. Satisfy all Product Chemistry data requirements discussed in the BASF email dated January 14, 2009.
5. Submit two copies of the revised final printed label for the record before you release the product for shipment.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA §6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

Sincerely,



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

Enclosures

Stamped Label "Accepted with Comments" 1

<sup>4</sup> This product kills by direct contact only, and application to an area presumed to possibly become infested is unnecessary use of a pesticide product.

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ACCEPTED  
with COMMENTS  
In EPA Letter Dated  
JAN 23 2009  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
7969-285

# Formula 2873

**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.**

**Contains no CFCs or other ozone depleting substances. Federal regulations prohibit CFC propellents in aerosols.**

**Non-Flammable**

**Broad-spectrum Ready to Use Product**

**Spot and/or Crack and Crevice pressurized residual spray**

EPA Reg. No. 7969-XXX

EPA Est. No.

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

**Active Ingredient:**

Chlorfenapyr: 4-bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile . . . . . 0.5%

**Other Ingredients:** . . . . . 99.5%

**Total:** . . . . . 100.0%

Controls many nuisance pests, stored product pests and occasional invaders that infest structures, including: ants (acrobat, Argentine, carpenter, odorous house, pavement, pharaoh's, pyramid); beetles (Asian lady, confused flour, darkling larva (yellow mealworm), saw-toothed grain); bark scorpions; bed bugs, boxelder bugs, centipedes; cockroaches (American, Asian, brown-banded, German, Oriental, and smokey brown); earwigs; house crickets; house flies; paper wasps\*, pillbugs; spiders (black widow, cellar); silverfish; and termites

\*Not a knockdown agent.

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### CAUTION

In case of emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357). Have the product container with you when calling a poison center or doctor or going for treatment.

Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. In hospitals and nursing homes, remove patients before treating rooms. Allow treated areas to dry before

returning patients to treated rooms. **DO NOT** contact treated areas until spray has dried. Use only in well ventilated conditions. Remove pets and cover or remove pet food/water and fish bowls prior to application. In zoos, remove animals and cover or remove animal food/water prior to application. **DO NOT** make surface applications to mattresses. Mattress treatments must be confined to the seams, folds and edges only. Remove linens and wash before reuse. Allow to dry before remaking bed. Food handling areas are areas where food and food products are held, processed, prepared and served. Applications in food-handling areas of food-handling establishments are limited to spot and/or crack and crevice treatments. The food-handling area may not be in operation during application. Exposed food must be covered or removed prior to application. After application, all food contact surfaces in the treated areas must be washed with an effective cleaning compound followed by a potable water rinse before resuming food operations. **DO NOT** apply directly to food, food packaging or food contact surfaces. **DO NOT** make general surface or space applications such as for pantry pests in cupboards, cabinets or in containers. **DO NOT** reapply to treated area more than every four weeks.

**Environmental Hazards**

This pesticide is toxic to aquatic organisms, birds and wildlife. **DO NOT** apply directly to water or to areas where surface water is present or intertidal areas below the mean high water mark.

**Physical or Chemical Hazards**

Contents under pressure. Keep away from heat, sparks, and open flame. **DO NOT** spray directly into any electrical equipment such as radios, televisions, computers, etc. (where there is exposed wiring or contact points) due to possibility of short circuits and shock hazard. **DO NOT** puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting. Spray may mar plastic, painted or varnished surfaces. Test on surface prior to overall use.

**DO NOT** contaminate food or food contact surfaces.

**DIRECTIONS FOR USE**

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

**FOR INTERIOR AND EXTERIOR APPLICATION TO STRUCTURES SUCH AS:** inside houses, apartments or other residential structures, meat, fish, poultry & egg processing & packaging plants, the food/feed and non-food/feed handling areas of food-handling establishments and commercial, institutional and warehousing establishments.

Food-handling establishments include places other than private residences where exposed food is held, processed, prepared or served. These include food service, manufacturing and processing establishments such as restaurants, cafeterias,

supermarkets, mills, processing plants, bakeries, breweries, dairies, meat slaughtering and packing plants and canneries.

Commercial and institutional and warehousing establishments include schools, grocery and supermarkets, restaurants and cafeterias, hotels and motels, hospitals and nursing homes, warehouses and industrial buildings, laboratories, zoos, pet shops, computer facilities and sewers.

**HOW TO USE**

Apply as a spot and/or crack and crevice and/or void treatment inside structures in both food-handling and non-food-handling areas where pests seek harborage, nest, trail, run, and/or breed or hide or can infest. Treat into voids or to surfaces beneath cabinets, furniture, spaces between equipment, expansion joints, surfaces behind sinks, floor drains (to sewers), lockers, water pipes, and mattress seams, folds and edges.

Exterior treatments are limited to spot and/or crack and crevice treatments where pests enter around doors, windows, eaves, attic vents and holes in exterior walls where utilities enter.

Crack and Crevice and/or Void Treatments: Press down the spray tip to release product while moving the spray can along length of treatment area. Apply at a rate of 2 seconds per linear foot. For closed voids, calculate the voids cubic area and treat at a maximum rate of 3 seconds per cubic foot.

For localized control of drywood termites and subterranean termites in their above-ground galleries, workings or aerial nests within structures, locate existing openings or drill pilot holes to access termite tunnels, galleries, infested cavities or voids. Space treatment holes to obtain thorough coverage of termites.

Spot treatments: hold can approximately 12 inches from surface to be treated and release product at a maximum rate of 11 seconds per 2 square feet. DO NOT exceed 2 square feet for each spot treatment.

**Storage and Disposal**

DO NOT contaminate water, food, or feed by storage or disposal.

**Pesticide Storage:**

Store in a cool area, and never above 130°F, away from heat, sparks and 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:**

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Nonrefillable container. DO NOT puncture or incinerate container. DO NOT reuse or refill this container.

Replace cap and discard empty container in trash, sanitary landfill, or by other approved state and local procedures. DO NOT puncture or incinerate. Offer for recycling if available.

**Conditions of Sale and Warranty**

-TBD

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The Chemical Company

BASF Corporation

26 Davis Drive

Research Triangle Park, NC 27709