

62719-272

7/28/2010

1 of 11



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

OFFICE OF  
CHEMICAL SAFETY AND  
POLLUTION PREVENTION

Jim Baxter  
Regulatory Manager  
Dow AgroSciences LLC.  
9330 Zionsville Road  
Indianapolis, IN 46268

JUL 28 2010

Subject: Application for Pesticide Notification  
EPA Registration Number: 62719-272  
Date of Submission: June 30, 2010

Dear Mr. Baxter:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration (PRN) 98-10 dated June 30, 2010, for the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Clayton Myersat (703) 347-8874.

Sincerely,

for Mark Suarez  
Product Manager  
Insecticide Branch  
Registration Division (7505P)

Enclosures: Copy of Label Stamped "Notification"

2011



United States  
**Environmental Protection Agency**  
 Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number Dow AgroSciences/62719-272	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Dow AgroSciences/Shatter	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268 <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"/> Final printed labels in response to Agency letter dated _____
<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.)

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 type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Metal Plastic Glass Paper Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions	
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 Jim Baxter	Title Regulatory Manager	Telephone No. (Include Area Code) (317) 337-4388 (fax: 317-337-4649)
<b>Certification</b> 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 <b>(Stamped)</b>
2. Signature 	3. Title Regulatory Manager	
4. Typed Name Jim Baxter (jpbaxter@dow.com)	5. Date June 30, 2010	

Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268-1054

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308/2E  
June 30, 2010



**NOTIFICATION**  
**JUL 28 2010**

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U. S. Environmental Protection Agency  
One Potomac Yard  
2777 S. Crystal Drive  
Arlington, VA 22202

SHATTER AG (A.I. HEXAFLUMURON)  
EPA REGISTRATION NUMBER: 62719-272  
NOTIFICATION OF MINOR LABEL CHANGE PER PR NOTICE 98-10

Enclosed please find labeling for the notification action of Recruit® IV AG termite bait. The following changes have been made by notification:

1. Updated trademark symbol throughout.
2. Moved generic descriptor "termite bait" directly underneath product name.
3. Ingredients statement: Changed "Inert" to "Other."
4. Deleted "U.S. Patent 5,886,221."
5. Deleted references to web site.
6. Added "Produced for" before name and address.
7. Storage and Disposal: Added "Pesticide" before "Storage" and before "Disposal."

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.

**Contents of Submission**

- Transmittal document (this letter)
- Application for Pesticide, EPA Form 8570-1
- Label entitled Shatter (J1A/Shatter/Notif/06-30-10) (9 Pages plus Registration Notes) (1 Copy)

If you require further information, please contact Cindy Loy, Regulatory Specialist at (317) 337-4655.

Sincerely,

Jim Baxter  
Regulatory Leader  
(317) 337-4388  
(317) 337-4649 (FAX)

Enclosures

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(Base label):

**For professional use only by individuals licensed by the state to apply termiticides.**

# Shatter<sup>®</sup>

## Termite Bait

**A termite bait for use in an integrated management system for protection of structures from subterranean termites**

Active Ingredient: hexaflumuron: .....	0.5%
Other Ingredients .....	99.5%
Total.....	100.0%

**NOTIFICATION**

**JUL 28 2010**

**Keep Out of Reach of Children**

## CAUTION

### Precautionary Statements

#### Hazards to Humans and Domestic Animals

**Do not tamper with bait material.**

#### Environmental Hazards

This product is highly toxic to aquatic invertebrates and possibly to fish. Do not use bait cartridges in depressions, low areas, near ponds, streams, springs, other water sources, or near downspout openings when the bait or its hexaflumuron contents could be washed out of the bait cartridge into water at or near the surface of the ground.

#### Storage and Disposal

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

**Pesticide Storage:** Store in original container in a dry storage area.

**Pesticide Disposal:** Product not disposed of by use according to label directions should be wrapped in paper and placed in a trash can.

**Refer to label booklet for Directions for Use.**

**Notice:** Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of label booklet.**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

EPA Reg. No. 62719-272

EPA Est. \_\_\_\_\_

®Trademark of Dow AgroSciences LLC

**Produced for  
Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268**

**Net Weight** \_\_\_\_\_

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(Label booklet cover):

**For professional use only by individuals licensed by the state to apply termiticides.**

# Shatter®

## Termite Bait

**A termite bait for use in an integrated management system for protection of structures from subterranean termites**

Active Ingredient: hexaflumuron: .....	0.5%
Other Ingredients .....	99.5%
Total.....	100.0%

**Keep Out of Reach of Children**

### CAUTION

**Refer to label booklet for Directions for Use.**

**Notice:** Read the entire label. Use only according to label directions. **Before using this product, read Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies at end of label booklet.**

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994.

EPA Reg. No. 62719- 272

EPA Est. \_\_\_\_\_

®Trademark of Dow AgroSciences LLC

**Produced for  
Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268**

**Net Weight** \_\_\_\_\_

609 11

(Bait label):

# Shatter®

## Termite Bait

Active Ingredient: hexaflumuron: .....	0.5%
Other Ingredients .....	99.5%
Total.....	100.0%

### Keep Out of Reach of Children

EPA Reg. No. 62719- 272

EPA Est. \_\_\_\_\_

®Trademark of Dow AgroSciences LLC

**Produced for**  
**Dow AgroSciences LLC**  
**9330 Zionsville Road**  
**Indianapolis, IN 46268**

**Net Weight** \_\_

(Page 1 through end):

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## Precautionary Statements

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### Hazards to Humans and Domestic Animals

# CAUTION

Do not tamper with bait material.

### Environmental Hazards

This product is highly toxic to aquatic invertebrates and possibly to fish. Do not use bait cartridges in depressions, low areas, near ponds, streams, springs, other water sources, or near downspout openings when the bait or its hexaflumuron contents could be washed out of the bait cartridge into water at or near the surface of the ground.

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### Directions for Use

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It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

### Storage and Disposal

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

**Pesticide Storage:** Store in original container in a dry storage area.

**Pesticide Disposal:** Product not disposed of by use according to label directions should be wrapped in paper and placed in a trash can.

### Handling Procedures

Do not break open, cut into or remove protective wrapper from the bait cartridge until ready for use.

### General Information

Shatter<sup>®</sup> termite bait contains an insect growth regulator (IGR) hexaflumuron that prevents successful molting and development of subterranean termites. This disruption of development ultimately results in the decline of the termite colony to the point where the colony can no longer sustain itself and is eliminated.

Use Shatter in stations or systems designed for termite control. A termite baiting system represents an integrated pest management approach for the elimination of subterranean termite colonies, including *Coptotermes*, *Reticulitermes*, and *Heterotermes* spp. and is intended to form the basis of an on-going program providing structural protection from subterranean termites. Generally, use of this management system involves three basic steps: (1) monitoring for the presence of termite activity in and around the target site; (2) delivery of a slow acting insect growth regulator, Shatter, when the presence of subterranean termites is observed or evidence of termite activity has been detected; and (3) continued inspection and monitoring of the site for the presence of termite activity after elimination of the colony has been achieved. Although the third phase of the management system is an optional service offered to the owner of the structure, it provides an on-going preventive service in order to detect and eliminate any new termite activity.

When termite activity is detected and feeding of Shatter is established, bait cartridges must remain in the station as long as the bait material is being consumed and termites remain active. When evidence of termite activity in the bait cartridge ceases, resume monitoring to detect the presence of renewed termite activity by substituting a monitoring device for the bait cartridge if the termite control program is on-going.

Do not re-use bait cartridges or Shatter. Subterranean termites secrete colony specific pheromones that become incorporated into the bait while feeding and foraging. The pheromones left in the bait by one colony will cause feeding deterrence or repellency to other colonies, causing it to be ineffective.

It is important for operators to understand the biology and behavior of subterranean termite species, and construction and landscape features conducive to infestation by subterranean termites.

Target sites for this system can include buildings, fences, utility poles, decking, landscape plantings and trees or other features that could be damaged by termite feeding and foraging activity. Shatter can be used on the inside or outside of foundation walls of crawl space areas or through concrete and asphalt if adequate soil is not accessible and such action is warranted. Shatter may be used in lieu of a pre-construction termiticide (chemical barrier) treatment as a means of preventing termite infestation of new structures.

In Florida, when Shatter is used for protection of new structures in lieu of a preconstruction termiticide treatment, follow requirements for monitoring during the first year as specified in the Florida supplemental labeling for Shatter use at new structures. This supplemental labeling must be in the possession of individuals installing or inspecting Shatter at new structures.

## Monitoring

The purpose of the monitoring phase is to detect the presence of subterranean termites. This procedure does not attract termites from other locations. When present, termites can be collected from monitoring devices for placement into the recruitment chamber in the bait cartridge. Although not mandatory, it has been shown that this recruitment procedure results in increased bait consumption as termites feed their way through the bait matrix as they seek to return to the colony and thereby "recruit" the active feeding of other colony members. This recruitment procedure further encourages the subterranean termite population to forage into and feed on Shatter.

Identify critical areas suitable for placing termite stations. Critical areas include locations within or adjacent to visible termite activity such as indicated by: foraging tubes, termite infested plants, wood, and other materials; and areas conducive to termite foraging (bath traps, moist soil in shaded areas, near irrigation sprinkler heads, roof down spouts and other moist areas, and near planting beds or other areas with plant root systems). Termite stations should be placed within 4 feet of critical areas unless placement is obstructed. Termite stations should not be placed in soil within 18 inches of structural foundations previously treated with a liquid termiticide. In addition to select critical areas, install termite stations around the target site at intervals not to exceed 20 feet where soil access is not restricted.

Monitoring devices may be inspected monthly, bi-monthly or quarterly when termite activity is observed at the site and environmental conditions are favorable for termite feeding (**see note below**). If no termite activity is observed at the site, then inspection of the monitoring devices can be done on a monthly, bi-monthly or quarterly basis.

Baited termite stations may be inspected monthly, bi-monthly or quarterly. If, upon inspection, no active termites or evidence of new termite feeding on Shatter bait is observed, replace the bait cartridge with a monitoring device and resume monitoring on a monthly, bi-monthly or quarterly basis, provided the control program is continuing. If baited auxiliary termite stations have been installed and there are no termites in them, they may be removed leaving the original termite station with monitoring device in place.

**Note:** Unfavorable conditions including, but not limited to, frozen or water saturated soil or normal seasonal decline in subterranean termite foraging activity may temporarily disrupt feeding on Shatter termite bait. Seasonal effects on termite activity vary geographically, but feeding activity typically declines during periods when the historical average daily temperature falls below 50°F. Monitoring may be suspended during these periods. (Refer to National Weather Service data or contact Dow AgroSciences for information regarding local mean temperatures). However, do not allow more than six months to elapse between monitoring visits.



## Installation of the Bait Cartridges Containing Shatter

Upon inspection, install bait cartridges as indicated below if live termites are observed in the monitoring station or there is evidence of termite feeding activity as indicated by consumption of the monitoring device.

In areas where termites, evidence of termite activity or conditions conducive to termite activity are observed, bait cartridges containing Shatter termite bait may be installed in auxiliary stations without the termites first having been found in monitoring devices. Under these conditions, auxiliary stations containing a bait cartridge may be installed, provided the auxiliary stations are located within 12 inches of another station containing monitoring devices.

Termite feeding on Shatter can be enhanced by adding a minimum of 0.7 fl oz (approximately 20 mL) of water or a sugar-containing solution such as a sports performance drink to the recruitment chamber of the bait cartridge. In arid areas and in dry soils, add up to 2.7 fl oz (approximately 80 mL) of water or sugar-containing solution before introducing termites to the chamber.

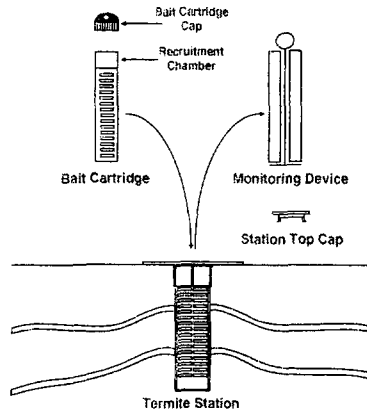
Although not mandatory, if use of auxiliary stations is desired, follow installation and use as per section II "Installation of Auxiliary Stations".

- I. **Recruitment Procedure:** If the recruitment procedure is utilized, remove termites present in the monitoring device and introduce them into the recruitment chamber in the top of the bait cartridge as follows (refer to Figure 1):
  1. Prepare the bait cartridge for introduction of termites as follows:
    - (1) Remove the cap.
    - (2) Add water or a sugar-containing solution as previously described. This moisture is necessary for termites to survive the recruitment procedure. Allow the water or sugar-containing solution to be completely absorbed by the bait before transferring termites to the chamber.
  2. Transfer termites from the infested monitoring device to the recruitment chamber of the bait cartridge as follows:
    - (1) If possible, remove monitoring device from the termite station and place in a container suitable for collecting termites and associated debris that will be introduced into the recruitment chamber. A shallow pan works well for this purpose, or, with experience, users may fashion other devices more suitable for this purpose.
    - (2) Carefully remove termites, debris, soil and mud tube material from the surface of the monitoring device. Save this material to add to the recruitment chamber along with termites.
    - (3) If possible, separate the halves of the monitoring device and gently tap them to dislodge as many termites as possible into the collecting pan.
    - (4) Introduce the termites and debris collected into the recruitment chamber of the bait cartridge. Excess debris and termites may be discarded or used to initiate the recruitment process in an auxiliary termite station placed adjacent to the primary baited station (see Installation of Auxiliary Stations).
    - (5) Replace the cap of the bait cartridge. Avoid harming termites placed in the chamber when replacing the cap. If the chamber is overfilled, wait for excess termites to move out of the way to avoid injuring them since dead termites may repel nestmates from feeding at the bait station.
  3. Remove the plastic covering of the bait cartridge at the perforations to expose the termite access holes before inserting into the termite station.
  4. Complete the recruitment procedure by inserting the capped bait cartridge into the termite station and replacing the outer cap of the station.

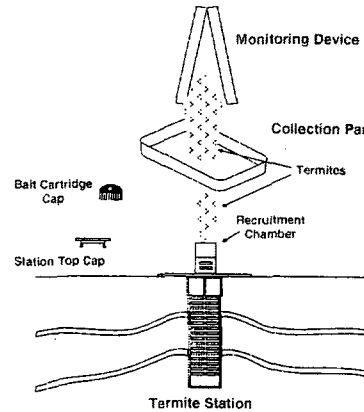
**Figure 1:** (Refer to Recruitment Procedure section)

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- 1a. When termite feeding activity is observed in a monitoring device, remove the monitoring device if possible, and replace it with a bait cartridge containing Shatter. Use worker termites, if present, for recruitment procedure.



- 1b. If possible, remove termites from the monitoring device into the collecting pan and introduce them into the top of the bait cartridge.



II. **Installation of Auxiliary Stations:** A termite station is considered to be free-standing if it is more than 12 inches from another termite station. Installation of auxiliary termite stations creates a cluster of two or more termite stations in which each station is located 12 inches or less from an adjacent station(s). Although not mandatory, it has been shown that when a free-standing station is baited with Shatter, installation of one or more auxiliary termite stations containing Shatter within 12 inches of the baited station, if suitable ground access exists, aids in increased bait consumption. Auxiliary termite stations may be baited immediately or they may contain a monitoring device. The recruitment process may be utilized in baited auxiliary stations if adequate numbers of termites are available.

III. **Inspection of the Bait Cartridge:** Bait cartridges are inspected by visually examining the device for termites. If termites are active in the bait cartridge and the material is nearly or totally consumed (or if the material appears to be degraded or moldy), replace it with a new bait cartridge containing Shatter. If possible, gently tap the termites from the used bait cartridge into the replacement cartridge using the recruitment procedure described above. It is not desirable to have the entire contents of the bait cartridge consumed before replacing it, as termites may forage elsewhere in search of food. Inspect adjacent monitoring device locations and initiate placement of bait cartridge in termite stations when and where termites are found in monitoring devices.

### Warranty Disclaimer

Dow AgroSciences warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. Dow AgroSciences MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

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**Inherent Risks of Use**

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It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to the label instructions (including adverse conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, etc.), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Dow AgroSciences and its agents. All such risks shall be assumed by the user.

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**Limitation of Remedies**

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The exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Dow AgroSciences' election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used

Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Dow AgroSciences or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or Limitation of Remedies in any manner.

<sup>TM</sup>® Trademark of Dow AgroSciences LLC  
EPA accepted 02/14/07