

62719-304

6.12.2007

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUN 12 2007

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Kenneth D. Racke, Ph.D.
Regulatory Manager
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

SUBJECT: ✓ Applications for Pesticide Notification – Changes in Product Facts/Supplemental Labeling
Conserve® Fire Ant Bait EPA Reg. No. 62719-304
ForeFront™ R&P EPA Reg. No. 62719-524
Applications Dated May 4, 2007 and May 2, 2007, respectively

Dear Dr. Racke:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above products. The Registration Division (RD) has conducted a review of these requests for their applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The supplemental labels submitted with the application have been stamped "Notification" and will be placed in our records.

If you have any questions, please contact me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



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 Dow AgroSciences/62719-304	2. EPA Product Manager George T. LaRocca	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Dow AgroSciences/Conserve Fire Ant Bait	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.

NOTIFICATION

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

Change by notification: 1. Product Facts, Where to Use: (1) Revised first bullet point to read "In Lawns and Gardens"; (2) deleted third bullet point "In Home Gardens (1 Acre or Less)."

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		<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 type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product		<input 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 Kenneth D. Racke, Ph.D.	Title Regulatory Manager	Telephone No. (Include Area Code) (317) 337-4654 (fax: 317-337-4649)
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.		Date Application Received (Stamped)
2. Signature <i>Cindy Layton</i>	3. Title Regulatory Manager	
4. Typed Name Kenneth D. Racke, Ph.D. (kracke@dow.com)	5. Date May 4, 2007	

NOTIFICATION

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308/2E
May 4, 2007



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

CONSERVE FIRE ANT BAIT (A.I. SPINOSAD)
EPA REGISTRATION NUMBER: 62719-304
NOTIFICATION OF MINOR LABEL CHANGE PER PR NOTICE 98-10

Enclosed please find labeling for the notification action of Conserve[®] Fire Ant Bait insect control. The following change has been made by notification:

1. Product Facts, Where to Use: (1) Revised first bullet point to read "In Lawns and Gardens"; (2) deleted third bullet point "In Home Gardens (1 Acre or Less)."

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

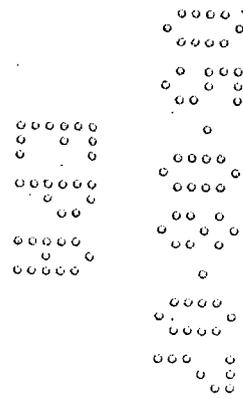
- Transmittal document (this letter)
- Application for Pesticide, EPA Form 8570-1 with attached Registration Notes
- Label entitled Conserve Fire Ant Bait (T6P/Conserve Fire Ant Bait/Notif/05-04-07) (5 Pages plus Registration Notes) (5 Copies)

If you require further information, please contact Cindy Loy, Regulatory Specialist at (317) 337-4655 or Joyce Carroll, Registration Assistant for this product, at (317) 337-4631.

Sincerely,

Kenneth D. Racke, Ph.D.
Regulatory Leader
Regulatory Success - Americas
(317) 337-4654
(317) 337-4649 (FAX)

Enclosures



Conserve[®] Fire Ant Bait

EPA Reg. No. 62719-304

NOTIFICATION

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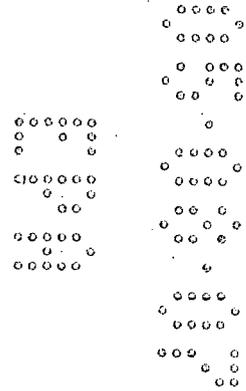
Registration Notes:

Source label text based on EPA accepted copy dated February 21, 2003 and notification coded "T6P / Conserve Fire Ant Bait / Notif / 11-02-04."

Change by notification:

1. Product Facts, Where to Use: (1) Revised first bullet point to read "In Lawns and Gardens"; (2) deleted third bullet point "In Home Gardens (1 Acre or Less)."

[®]Trademark of Dow AgroSciences LLC



(front panel)

Conserve® Fire Ant Bait

NOTIFICATION

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Insect Control

[icon] OUTDOOR USE ONLY
READY TO USE
Easy to Use
No Mixing Required/Necessary
Use Straight from the Bag (Bottle, Container)

Mound or Broadcast Treatments
No Watering Necessary

Kills Fire Ants/Harvester Ants
Kills the Queen(s)
Kills the Mound
Controls the Mound
Controls the Colony
Kills the Colony
Plus Helps Stop New Mounds from Forming
No Mound Movement
Controls Mounds You See *plus* Those You Don't
Kills Mounds You See *plus* Those You Don't
Effective Kill of Fire Ants/Harvester Ants

Dead Ants in 24 Hours
Controls Fire Ants/Harvester Ants for up to 2 Months
Fire Ants/Harvester Ants Find/Pick Up Bait in Minutes
Long Lasting Control

Treats (depends on package size) Mounds

No Odor
Odor-Free
Contains Conserve®

Active Ingredient:	
spinosad †	0.015%
Other Ingredients	99.985%
Total	100.000%

† A mixture of Spinosyn A & Spinosyn D

U.S. Patent No. 5,362,634 and 5,496,931

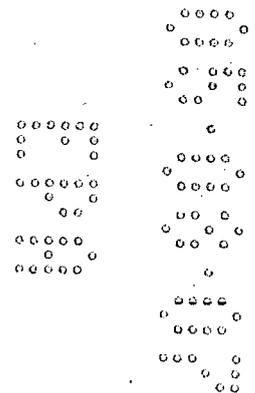


Listed by the Organic Materials Review Institute (OMRI) for use in organic production.

Keep Out of Reach of Children

CAUTION PRECAUCION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)



(back panel)

Product Facts	
Treats X Sq Ft <i>[Depends on package size]</i>	
Treats X Mounds <i>[Depends on package size]</i>	
KILLS	Fire Ants/Harvester Ants
PESTS/INSECTS/BUGS	
WHERE TO USE	<ul style="list-style-type: none"> • In Lawns and Gardens • Perimeter of Home • Around Ornamental Plants (Flowers, Shrubs & Trees)
<i>[phone icon]</i> Questions, Comments or Medical Information call 1-800-XXX-XXXX www._____	

Directions for Use

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

AMOUNT TO USE
<ul style="list-style-type: none"> • Mounds: 4 Tbs for each mound † • Broadcast Application: 1/2 - 3/4 cup for each 1000 sq ft

Tbs = Tablespoon

† For mounds greater than 15 inches in diameter use 6 Tbs per mound.

Do not use kitchen utensils for measuring. Keep measuring utensils with pest control products and away from children.



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FOR BEST RESULTS	
HOW TO APPLY [optional illustration]	<p>Mounds: Sprinkle bait evenly over and around each mound in a 4-ft diameter circle. Apply gently to avoid disturbing ants.</p> <p>Broadcast Application: Use a hand held or ground driven rotary broadcast spreader. [Editor's note: subregistrant can specify spreaders and settings.]</p>
MOW [optional illustration /mower]	<ul style="list-style-type: none"> • Avoid mowing 1 day before and after application.
WATER/RAINFALL [optional illustration /hose]	<ul style="list-style-type: none"> • Do not water-in bait. • Do not water within 6 hours of a mound or 24 hours of a broadcast application. • If rain occurs within 6 hours of mound application or 24 hours of broadcast application, adequate foraging of the bait may not occur and retreatment may be necessary.
WHEN TO APPLY [optional illustration]	<ul style="list-style-type: none"> • Apply when ants are active (usually when temperatures are greater than 60°F). • The best time to apply is in the cooler morning and late evening when fire ant foraging is at its peak. • Mounds will usually be eliminated/destroyed in 3 to 14 days. Extremely large mounds may require a repeat application. • Make a broadcast application every other month during the warm months to keep fire ants/harvester ants from establishing/starting/forming new mounds.

HOW IT WORKS

Conserve® Fire Ant Bait insect control is attractive and deadly to fire ants and harvester ants. Ants quickly find/pick up this bait, take it back to the mound, and feed it to the entire colony including the queen(s). Ants start dying in 24-36 hours with mound/colony destruction in 3 to 14 days. Broadcast applications may take longer.

Fire ant/harvester ant colonies are started by newly mated queen(s) that fly into an area, burrow into the ground and begin laying eggs. Several flights are common during the summer, often shortly after rains. It takes several weeks for new mounds to appear. Combining mound and broadcast applications eliminates/controls visible mounds and helps prevent new mounds from forming.

Storage and Disposal

Storage: Store in a cool dry place out of the reach of children and domestic animals. Store in original container only.

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 or 1-800-992-5994 for disposal instructions. Never place unused product down any indoor or outdoor drain.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer and Inherent Risks of Use are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer and Inherent Risks of Use.

Warranty Disclaimer

Seller 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. SELLER MAKES NO EXPRESS NOR IMPLIED WARRANTY OF

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MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

Inherent Risks of Use

It is impossible to eliminate all risks associated with use of this product. Lack of performance, or other unintended consequences may occur due to such factors as use of the product contrary to label instructions (including adverse conditions noted on the label, such as unfavorable temperature, soil conditions, etc.), abnormal conditions (such as extreme weather conditions), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Seller. All such risks shall be assumed by Buyer.

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EPA accepted: 02/21/03

