

62719-304

9-19-2007

4/11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

SEP 19 2007

Dear Dr. Racke:

Subject: Amendment - revisions and updates
Conserve Fire Ant Bait
EPA Reg. No. 62719-304
Your submission dated June 28, 2007

The amendment referred to above, submitted in connection with registration under FIFRA section 3(c)(7(a), is acceptable provided the following revision is made prior to release for shipment under the amended labeling:

- a. In the Limitation of Remedies, add "To the extent consistent with applicable law" before "in no case shall...".

Please submit 3 copies of amended labeling bearing the above revisions prior to release for shipment.

A stamped copy of the label is enclosed for your records.

Sincerely,

George LaRocca.
Product Manager 13
Insecticide Branch
Registration Division (7505P)

2/11

(Base label for rigid containers 5 gal or less and nonrigid containers 50 lb or less):

Conserve[®] Fire Ant Bait

Insect Control

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

No Odor
Odor-Free
Contains Conserve[®]

Active Ingredient:
spinosad (a mixture of spinosyn A and spinosyn D) 0.015%
Other Ingredients 99.985%
Total 100.000%

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

Precautionary Statements

ACCEPTED
with COMMENTS
In EPA Letter Dated:
SEP 19 2007

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
62119-304

3/11

Hazards to Humans and Domestic Animals

Harmful if swallowed.

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Wash thoroughly with soap and water after handling.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is toxic to aquatic invertebrates. Do not apply directly to any body of water. Do not put product or rinse water down any drain.

Storage and Disposal

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

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

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

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. If terms are unacceptable, return at once unopened.

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

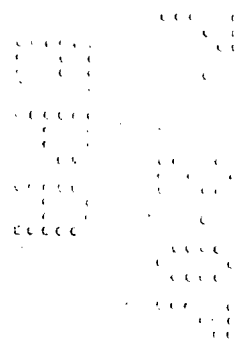
EPA Reg. No. 62719-304

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Produced for Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight _____



4/11

(Base label for rigid containers more than 5 gal and nonrigid containers more than 50 lb):

Conserve® Fire Ant Bait

Insect Control

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

No Odor

Odor-Free

Contains Conserve®

Active Ingredient:

spinosad (a mixture of spinosyn A and spinosyn D)	0.015%
Other Ingredients	99.985%
Total	100.000%

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

Precautionary Statements

5/11

Hazards to Humans and Domestic Animals

Harmful if swallowed.

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Wash thoroughly with soap and water after handling.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is toxic to aquatic invertebrates. Do not apply directly to any body of water. Do not put product or rinse water down any drain.

Storage and Disposal

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

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

Container Reuse: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

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. If terms are unacceptable, return at once unopened.

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

EPA Reg. No. 62719-304

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Produced for Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight _____

6/11

(Label booklet cover)

Conserve[®] Fire Ant Bait

Insect Control

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

No Odor

Odor-Free

Contains Conserve[®]

Active Ingredient:

spinosad (a mixture of spinosyn A and spinosyn D)	0.015%
Other Ingredients	99.985%
Total	100.000%

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

Refer to inside of label booklet for Directions for Use including Storage and Disposal.

7/11

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. If terms are unacceptable, return at once unopened.**

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

EPA Reg. No. 62719-304

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Produced for Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight _____

8/11

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful if swallowed.

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Wash thoroughly with soap and water after handling.

First Aid

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have 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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

This product is toxic to aquatic invertebrates. Do not apply directly to any body of water. Do not put product or rinse water down any drain.

Directions for Use

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 and disposal.

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

Nonrefillable containers:

Container Reuse: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.

Refillable containers:

Container Reuse: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

How This Product Works

Conserve® Fire Ant Bait insect control is attractive and deadly to fire ants and harvester ants. Ants quickly find and 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 to 36 hours with mound or colony destruction in 3 to 14 days. Broadcast applications may take longer.

Fire ant and 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.

9/11

General Use Precautions and Restrictions

- Avoid mowing 1 day before and after application.
- Do not disturb mounds before, during, or after treatment.
- Do not water in bait.
- Do not water within 6 hours of a mound application or within 24 hours of a broadcast application.
- If rain occurs within 6 hours of a mound application or within 24 hours of broadcast application, adequate foraging of the bait may not occur and re-treatment may be necessary.
- Do not use kitchen utensils for measuring. Keep measuring utensils with pest control products and away from children.
- Maintain the freshness and attractiveness of the bait by keeping the container tightly sealed in a dark and dry area and using the product within the season of purchase.

Where to Apply

- Home lawns
- Perimeter of home
- Around ornamental plants (flowers, shrubs and trees)
- Home gardens
 - asparagus
 - banana and plantain
 - bulb vegetables (including dry bulb onion, garlic, great-headed (elephant) garlic, green onion, leek shallot, and welch onion)
 - bushberries (including blueberry, currant, gooseberry, huckleberry, elderberry, Juneberry, lingonberry, salal)
 - caneberries (including blackberry, loganberry, red and black raspberry, and cultivars and/or hybrids of these)
 - citrus (including grapefruit, lemons, limes, oranges, and tangerines)
 - cole crops (*Brassica* vegetables) (including broccoli, broccoli raab, Brussels sprouts, cabbage, cauliflower, cavalo, Chinese broccoli, Chinese cabbage (bok choy), Chinese cabbage (napa), Chinese mustard cabbage (gai choy), collards, kale, kohlrabi, mizuna, mustard greens, mustard spinach, and rape greens) **Note: In the state of Georgia, do not apply Conserve Fire Ant Bait to: broccoli raab, Chinese cabbage (bok choy), collards, kale, mizuna, mustard greens, mustard spinach, rape greens.**
 - cucurbits (including cucumber, edible gourds, muskmelons (cantaloupe, honeydew, etc.), pumpkin, summer and winter squash, and watermelon)
 - fig
 - fruiting vegetables and okra (including eggplant, ground cherry, okra, pepino, pepper (except black), tomatillo, and tomato)
 - grape
 - herbs (including angelica, balm, basil, borage, burnet, camomile, catnip, chervil (dried), Chinese chive, chive, clary, coriander (leaf), costmary, cilantro (leaf), curry (leaf), dillweed, horehound, hyssop, lavender, lemongrass, lovage (leaf), marigold, marjoram, nasturtium, parsley (dried), pennyroyal, rosemary, rue, sage, summer savory, sweet bay, tansy, tarragon, thyme, wintergreen, winter savory, woodruff and wormwood)
 - leafy vegetables (including arugula, celery, chervil, corn salad, cress, dandelion, dock, edible chrysanthemum, endive, fennel, garden purslane, head and leaf lettuce, parsley, radicchio, rhubarb, spinach, and Swiss chard)
 - leaves of root and tuber and legume vegetables (including beets, cilantro, garden peas, turnip greens, and water cress)
 - mint
 - pome fruits (including apples, crabapple, loquat, mayhaw, pears, and quince)
 - potatoes and tuberous and corm vegetables (including artichoke, cassava, chayote root, Chinese artichoke, garden bean, ginger, Jerusalem artichoke, potatoes, sugar beet, sweet potatoes, tumeric, and yams)

10/11

- o root vegetables (including black salsify, carrot, celeriac, chicory, edible burdock, ginseng, horseradish, parsnip, radish, Oriental radish, rutabaga, salsify, skirret, Spanish salsify, turnip, turnip-rooted chervil, and turnip-rooted parsley)
- o stone fruits (including apricots, cherries, nectarines, peaches, plums, and prunes)
- o strawberry
- o succulent and dry beans and peas (including adzuki bean, blackeyed pea, chickpea, cowpea, crowder pea, edible-pod pea, English pea, fava bean, field bean, field pea, garbanzo bean, garden pea, kidney bean, lentil, lima bean, lupins, mungbean, navy bean, pigeon pea, pinto bean, runner bean, snap bean, snow pea, sugar snap pea, tepary bean, wax bean, and yardlong bean)
- o sweet corn
- o tree fruits (including acerola, atemoya, avocado, biriba, black sapote, canistel, cherimoya, custard apple, feijoa, guava, ilama, jaboticaba, longan, lychee, mamey sapote, mango, papaya, passionfruit, pulasan, rambutan, sapodilla, soursop, Spanish lime, star apple, starfruit, sugar apple, ti leaves, wax jambu (wax apple), and white sapote)
- o tree nuts and pistachio (including almond, beech nut, black walnut, Brazil nut, butternut, cashew, chestnut, chinquapin, English walnut, filbert (hazelnut), hickory nut, macadamia nut, pecan, and pistachio)

How to Apply

Mounds: Sprinkle bait evenly over and around each mound in a 4-ft diameter circle. Apply gently to avoid disturbing ants.

Broadcast Application: Spread bait evenly over the infested area with a hand-held or ground driven rotary broadcast spreader.

How Much to Apply

Mounds: Use 4 Tbs (tablespoons) for each mound. For mounds greater than 15 inches in diameter use 6 Tbs per mound.

Broadcast Application: Use 1/3 to 2/3 cup for each 1000 sq ft, or 3 to 6 cups per 10,000 sq ft, or 2.5 to 5 lb per acre. Use higher rates for heavier infestations, faster activity, and greater overall control.

When to Apply

Apply when ants are active (usually when temperatures are greater than 60°F). The best time to apply is in the cooler early morning or late evening hours when fire ant and harvester ant foraging is at its peak. Mounds will usually be eliminated or destroyed in 3 to 14 days after treatment. 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, or forming new mounds.

Terms and Conditions of Use

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies 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, Inherent Risks of Use, and Limitation of Remedies.

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 OTHER EXPRESS OR IMPLIED WARRANTY OF 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 result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), 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.

Limitation of Remedies

To the extent permitted by law, 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 Seller's 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.

Seller shall not be liable for losses or damages resulting from handling or use of this product unless Seller is promptly notified of such loss or damage in writing. In no case shall Seller 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 the Seller or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

®Trademark of Dow AgroSciences LLC
EPA accepted: / /