

62719-804

05/19/2011

1/11



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

OFFICE OF  
CHEMICAL SUBSTANCES  
AND POLLUTION PREVENTION

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

MAY 19 2011


Subject: Conserve Fire Ant Bait, EPA Reg. No. 62719-304  
Date of Registrant Submission: December 20, 2010  
Decision No.: 425127, 435060, 445899

MAY 19 2011

Dear Dr. Racke,

The labeling referred to above, and the revised basic and new alternate CSF #1 (dated December 6, 2010 and December 16, 2010, respectively), submitted in connection with registration under the Federal insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable.

Two (2) copies of the finished labeling must be submitted prior to releasing each product for shipment. If you have any questions regarding this letter, please contact Samantha Hulkower at (703) 603-0683.

Sincerely,  
  
Mark Suarez  
Product Manager 13  
Insecticide Branch  
Registration Division (7505P)

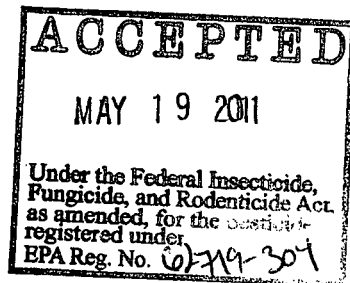
Enclosures: Copy of label stamped "Accepted"

(Base label):

# Conserve<sup>®</sup> Fire Ant Bait

## Insect Control

- Outdoor use only  
and/or
- Ready to use  
and/or
- Easy to use  
and/or
- No mixing [required] [necessary]  
and/or
- Use straight from the [bag] [bottle] [container]  
and/or
- Mound or broadcast treatments  
and/or
- No watering necessary  
and/or
- Kills [fire ants] [and] [harvester ants]  
and/or
- Kills the queen(s)  
and/or
- Kills the mound  
and/or
- Controls the mound  
and/or
- Controls the colony  
and/or
- Kills the colony  
and/or
- [Plus] helps stop new mounds from forming  
and/or
- No mound movement  
and/or
- Controls mounds you see [plus those you don't]  
and/or
- Kills mounds you see [plus those you don't]  
and/or
- Effective kill of [fire ants] [and] [harvester ants]  
and/or
- Dead ants in 24 hours  
and/or
- Controls [fire ants] [and] [harvester ants] for up to 2 months  
and/or
- [Fire ants] [and] [harvester ants] [find] [pick up] bait in minutes  
and/or
- Long lasting control  
and/or
- No odor  
and/or
- Odor-free  
and/or
- Contains Conserve<sup>®</sup>



and/or  
[Questions] [or] [comments] [or for medical information] call \_\_\_\_\_

and/or  
[Manufactured] [distributed] by \_\_\_\_\_

and/or  
[Made in] [Produced in] \_\_\_\_\_ (from US and imported products/parts)

and/or  
Derived through the fermentation of a naturally occurring soil organism. Not intended to imply environmental safety either alone or compared to other products.

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

For Use in Organic Gardening



Keep Out of Reach of Children

### CAUTION

---

#### 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. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent runoff to water bodies or drainage systems.

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

4/11

**Pesticide Storage:** Store in a cool dry place out of the reach of children and domestic animals. Store in original container only.  
**Container Handling:** Nonrefillable container. Do not reuse or refill this container.  
**If empty:** 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.

**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  
9330 Zionsville Road  
Indianapolis, IN 46268**

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

5/11

(Label booklet cover)

# Conserve<sup>®</sup> Fire Ant Bait

## Insect Control

- Outdoor use only  
and/or
- Ready to use  
and/or
- Easy to use  
and/or
- No mixing [required] [necessary]  
and/or
- Use straight from the [bag] [bottle] [container]  
and/or
- Mound or broadcast treatments  
and/or
- No watering necessary  
and/or
- Kills [fire ants] [and] [harvester ants]  
and/or
- Kills the queen(s)  
and/or
- Kills the mound  
and/or
- Controls the mound  
and/or
- Controls the colony  
and/or
- Kills the colony  
and/or
- [Plus] helps stop new mounds from forming  
and/or
- No mound movement  
and/or
- Controls mounds you see [plus those you don't]  
and/or
- Kills mounds you see [plus those you don't]  
and/or
- Effective kill of [fire ants] [and] [harvester ants]  
and/or
- Dead ants in 24 hours  
and/or
- Controls [fire ants] [and] [harvester ants] for up to 2 months  
and/or
- [Fire ants] [and] [harvester ants] [find] [pick up] bait in minutes  
and/or
- Long lasting control  
and/or
- No odor  
and/or
- Odor-free  
and/or
- Contains Conserve<sup>®</sup>

and/or  
[Questions] [or] [comments] [or for medical information] call \_\_\_\_\_

and/or  
[Manufactured] [distributed] by \_\_\_\_\_

and/or  
[Made in] [Produced in] \_\_\_\_\_ (from US and imported products/parts)

and/or  
Derived through the fermentation of a naturally occurring soil organism. Not intended to imply environmental safety either alone or compared to other products.

Active Ingredient:

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

For Use in Organic Gardening



Keep Out of Reach of Children

# CAUTION

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

**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  
9330 Zionsville Road  
Indianapolis, IN 46268

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

7/11

---

**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. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent runoff to water bodies or drainage systems.

---

**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.

**Container Handling:** Nonrefillable container. Do not reuse or refill this container.

**If empty:** 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.

**How This Product Works**

Conserve<sup>®</sup> 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 or controls visible mounds and helps prevent new mounds from forming.

**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.
- Do not apply to hardscape areas. For outdoor use only. Only for application to gardens and earthen areas around homes.

## 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, elderberry, gooseberry, huckleberry, juneberry, lingonberry, and salal)
  - caneberries (including blackberry, black raspberry, loganberry, red raspberry and 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)
  - dates
  - fig
  - fruiting vegetables and okra (including eggplant, groundcherry, okra, pepino, pepper (except black), tomatillo, and tomato)
  - grape
  - herbs [including angelica, balm, basil, borage, burnet, camomile, catnip, chervil (dried), Chinese chive, chive, cilantro (leaf), clary, coriander (leaf), costmary, 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 amaranth, arugula, cardoon, celery, celtuce, chervil, Chinese celery, Chinese spinach, corn salad, cress, dandelion, dock, edible-leaved chrysanthemum, endive (escarole), Florence fennel, garden cress, garden purslane, garland chrysanthemum, head and leaf lettuce, leafy amaranth, New Zealand spinach, orach, parsley, radicchio (red chicory), rhubarb, spinach, Swiss chard, tampala, upland cress, vine spinach, watercress, winter cress, winter purslane, and yellow rocket]
  - leaves of root and tuber vegetables [including bitter cassava, black salsify, carrot, celeriac (celery root), chicory, dasheen (taro), edible burdock, garden beet, oriental radish (daikon), parsnip, radish, rutabaga, sugar beet, sweet cassava, sweet potato, tanager, true yam, turnip, turnip greens, and turnip-rooted chervil]
  - peppermint and spearmint
  - pome fruits (including apples, crabapple, loquat, mayhaw, pears, and quince)



9/11

- potatoes and tuberous and corm vegetables (including arracacha, arrowroot, artichoke, bitter cassava, chayote root, Chinese artichoke, chufa, dasheen, edible canna, ginger, Jerusalem artichoke, leren, potatoes, sweet cassava, sweet potatoes, tanier, true yam, tumeric, and yam bean)
- root vegetables (including black salsify, carrot, celeriac, chicory, edible burdock, garden beet, ginseng, horseradish, oriental radish, parsnip, radish, rutabaga, salsify, skirret, Spanish salsify, sugar beet, turnip, turnip-rooted chervil, and turnip-rooted parsley)
- spices [including allspice, anise (seed), annatto (seed), black caraway, caper (buds), caraway, cardamom, cassia (buds), celery (seed), cinnamon, clove (buds), common fennel, coriander (seed), culantro (seed), cumin, dill (seed), Florence fennel (seed), fenugreek, grains of paradise, juniper (berry), lovage (seed), mace, mustard (seed), nutmeg, poppy (seed), saffron, star anise, vanilla, and white pepper]
- stone fruits (including apricots, cherries, nectarines, peaches, plums, and prunes)
- strawberry
- 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)
- sweet corn
- 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 walnut]
- tropical 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]

## How to Apply

**Mound Application:** 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

**Mound Application:** 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 warmer 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 or harvester ants from establishing, starting, or forming new mounds.

---

## Terms and Conditions of Use

To the extent permitted by law, 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.

10/11

---

**Warranty Disclaimer**

---

To the extent permitted by law, 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. TO THE EXTENT PERMITTED BY LAW, 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. To the extent permitted by law, 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. To the extent permitted by law, 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 Limitation of Remedies in any manner.

®Trademark of Dow AgroSciences LLC  
EPA accepted \_\_\_/\_\_\_/\_\_\_

# Conserve<sup>®</sup> Fire Ant Bait

EPA Reg. No. 62719-304

## Registration Notes:

**Source label text** based on EPA accepted copy dated September 19, 2007 and notification coded "T6P / Conserve Fire Ant Bait / Notif / 04-09-09."

### **Proposed changes by amendment based on EPA National Organic Program Labeling Request Checklist dated March 11, 2010:**

1. Deleted "U.S. Patent No. 5,362,634 and 5,496,931."
2. Added "For Use in Organic Gardening."
3. Deleted "Listed by the Organic Materials Review Institute (OMRI) for use in organic production."
4. Where to Apply: Added dates and spices; added rest of crops in crop group for leafy vegetables, leaves of root and tuber vegetables, potatoes and tuberous and corm vegetables, root vegetables, and tree nuts; changed mint to peppermint and spearmint, and tree fruits to tropical tree fruits.
5. Mound Application: Added "Application" to heading.
6. When to Apply: In first sentence, changed "greater" to "warmer."

### **10Aug10 – Additional proposed change based on August 5, 2010 e-mail from Samantha Hulkower (EPA) to Ken Racke (DAS):**

1. General Use Precautions and Restrictions: Added new bullet point "Do not apply to hardscape areas. Only for application to gardens and earthen areas around homes."

### **09May11 – Additional proposed changes based on May 9, 2011 e-mail from Samantha Hulkower (EPA):**

1. Terms and Conditions of Use: Added "To the extent permitted by law" to the beginning of the first sentence in the section.
2. Warranty Disclaimer: Added "To the extent permitted by law" to the beginning of the first and second sentences in the section.
3. Inherent Risks of Use: Added "To the extent permitted by law" to the beginning of the last sentence in the section.

### **17May11 – Additional proposed changes based on May 17, 2011 e-mail from Samantha Hulkower (EPA):**

1. General Use Precautions and Restrictions: Added "For outdoor use only." to last bullet point.
2. Combined last two statements in sale copy.