

62719-329

11/12/2002

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCESNOV 12 2002  
2002 21 AM

A. Sterett Robertson  
Regulatory Manager  
Regulatory Success-Americas  
Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268

Subject: Amendment - Update First Aid Statements/Label Revisions  
Conserve Professional Fire Ant Bait (A.I. spinosad)  
EPA Registration No. 62719-329  
Your Submission Dated August 27, 2002

Dear Mr. Robertson:

The amendment referred to above, submitted in connection with registration under section 3 (c)(5) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable, subject to the comments listed below. .

1. Delete the reference to the National Organic Program designation from the label.

A stamped copy of the label is enclosed for your records. If you have any questions, please call Dr. William Sproat of my team at 703-308-8587.

Sincerely,

A handwritten signature in black ink, appearing to read "George T. LaRocca", is written over the word "Sincerely,".

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

Enclosure

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ACCEPTED  
with COMMENTS  
in EPA Letter Dated

NOV 12 2002

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.  
62719-329

(front panel)

(Logo) Dow AgroSciences LLC

## Conserve\* Professional Fire Ant Bait

For control or suppression of Red Imported Fire Ant (*Solenopsis invicta*) in:

- Lawns and other turf areas, including sod farms
- Recreation areas, including golf courses, playgrounds and playing fields
- Noncrop areas such as roadsides, rights of way, industrial areas, campgrounds, parks, recreational areas, rough turf areas, farmsteads, corrals and around animal housing facilities
- Ornamentals in landscapes and nurseries
- Rangeland and permanent pastures
- Greenhouses
- Most crops, including, but not limited to tree nuts, citrus, stone fruit, tropical tree fruit, soybeans, and vegetables

[Editors note: If applicable, supplemental distributor may include one or more of the following label claims in sale copy.]

Kills the Queen	Effective Kill of Fire Ants
and/or	and/or
Kills the Mound	Ready to Use
and/or	and/or
Controls the Colony	No Odor
and/or	and/or
No Mixing Required	Easy to Use
and/or	and/or
No Mound Movement	Mound or Broadcast Treatments
and/or	and/or
Dead Ants in 24 Hours	Use Straight from the Bag (Bottle, Container)
and/or	and/or
Contains Conserve	Kills Fire Ants
and/or	and/or
Controls Fire Ants for up to 2 Months	Treats (depends on package size) Mounds
and/or	
No Watering Necessary	

Group	5	INSECTICIDE
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NOP
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The ingredients in this product meet the requirements of the USDA National Organic Program.

### Active Ingredients:

spinosad (a mixture of spinosyn A and  
spinosyn D) ..... 0.015%  
Inert Ingredients ..... 99.985%

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.....  
.....  
.....  
.....

Total Ingredients ..... 100.000%

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

**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.)

**See back panel of label for additional Precautionary Statements.**

**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 on back panel of label. 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. If you wish to obtain additional product information, visit our web site at [www.dowagro.com](http://www.dowagro.com).

EPA Reg. No. 62719-329

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

\*Trademark of Dow AgroSciences LLC

**Dow AgroSciences LLC • Indianapolis, IN 46268 USA**

**[Editor's note: If applicable, substitute name and address of supplemental distributor.]**

## **Insect Control**

**Net Wt.** \_\_\_\_\_

(back panel)

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## Precautionary Statements

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### Hazards to Humans and Domestic Animals

## CAUTION

**Harmful If Swallowed.**

**Wash thoroughly with soap and water after handling.**

### Personal Protective Equipment (PPE)

**Non-WPS Uses [Any use NOT covered by the Worker Protection Standard (40 CFR Part 170)]:**

**There are no specific PPE requirements for applicators and other handlers; however, the following is recommended as a minimum:**

- Short-sleeved shirt and long pants
- Shoes plus socks

**WPS Uses: Applicators and other handlers who handle this product for any use covered by the Worker Protection Standard (40 CFR Part 170) -- such as agricultural plants grown for sale or research purposes in sod farms, forests, nurseries and greenhouses -- must wear:**

- Long-sleeved shirt and long pants
- Shoes plus socks
- Waterproof gloves

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, 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.

### 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 the 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 water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or when disposing of equipment washwaters.

### Directions for Use

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state

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or tribe, consult the agency responsible for pesticide regulation.

### **Agricultural Use Requirements**

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 4 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Waterproof gloves
- Shoes plus socks

### **Non-Agricultural Use Requirements**

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants in nurseries, greenhouses, and on sod and seed farms.

- Do not allow unprotected workers or other persons or pets in treated area during application.

### **Storage and Disposal**

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

**Pesticide Storage:** Store in original container in a cool dry place. In case of leak or spill, contain material and dispose as waste.

**Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site according to label use directions or at an approved waste disposal facility.

**Container Disposal:** Completely empty bag/container into application equipment. Then dispose of empty bag/container in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

### **General Information**

Conserve\* Professional Fire Ant Bait insect control contains spinosad, which is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. Spinosad is classified as an organic substance by the USDA National Organic Standards Board.

**Insecticidal Activity:** Conserve Professional Fire Ant Bait is attractive to foraging red imported fire ants (*Solenopsis invicta*) and is readily taken back into the nest as food for the colony. The active ingredient in the bait is distributed throughout the colony, killing the ants including the queen. Fire ants that consume the bait will appear sick and lethargic within 12-24 hours. Dead ants will frequently be seen near treated mounds 24-36 hours after application. The entire colony, including the queen, will usually be controlled within 3 to 14 days after treatment, depending on environmental conditions. Control of extremely large colonies may take longer or may require reapplication. If reapplication is required, use recommended mound or broadcast application rates at intervals of no less than 14 days until control is achieved. Control may be slower with broadcast applications than with individual mound treatments. Maintain the freshness

and attractiveness of the bait by keeping the container tightly sealed and using the product within the season of purchase.

**Labeled Use Sites:** This product may be applied in:

- Lawns and other turf areas, including sod farms
- Recreation areas, including golf courses, parks, playgrounds and playing fields
- Noncrop areas such as roadsides, rights of way, industrial areas, campgrounds, parks, recreational areas, rough turf areas, farmsteads, corrals and around animal housing facilities
- Ornamentals in landscapes and nurseries
- Rangeland and permanent pastures
- Greenhouses
- Most crops, including, but not limited to tree nuts, citrus, stone fruit, tropical tree fruit, soybeans, and vegetables

**Precaution:** Do not use kitchen utensils for measuring. Keep measuring utensils with pest control products and away from children. Do not allow livestock or domestic animals to consume the bait.

## Application

### Application Timing

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 hours when fire ant foraging is at its peak. Tillage operations should be timed so as to avoid interference with foraging and consumption of the bait by fire ants (see Insecticidal Activity under General Information above). To prevent damage to seeds and seedling crops, apply 7 to 28 days before planting. To reduce stings during harvest or other activities, apply 7 to 28 days before the scheduled activity.

### Mound Application

Apply according to the rate table below. Evenly distribute the bait over the mound and extend out to about 2 feet surrounding the mound. Do not disturb the mound before, during or after treatment. Avoid mowing or tillage operations before or after application. Disturbing the mound may cause the ants to relocate. If mound disturbance cannot be avoided, supplement mound treatments with a broadcast application. If rain occurs within 6 hours of application, adequate foraging of the bait may not occur and re-treatment may be necessary.

### Mound Application Rate (all labeled use sites):

Mounds Less Than 15" in Diameter	Mounds Greater Than 15" in Diameter
4 Tablespoons	4 - 6 Tablespoons

**Note:** Only mound treatments should be used in rangeland and permanent pastures.

### Broadcast Application

Apply according to the rate table below. Distribute as evenly as possible over the infested area with a calibrated rotary-type hand-held, PTO, electric or ground driven spreader. Broadcast applications will control established mounds and new colonies that are just becoming established. Applications every 2 months during the warm part of the year when the ants are active will help keep invading queens from establishing new colonies. If rain occurs within 12 hours of application, adequate foraging may not have occurred and re-treatment may be necessary.

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**Broadcast Application Rate** (all labeled use sites including: noncrop areas such as roadsides, rights of way, industrial areas, campgrounds, parks, recreational areas, rough turf areas, farmsteads, corrals and around animal housing facilities, except rangeland and permanent pastures):

Cups per 1000 Sq. Ft.	Cups per 10,000 Sq. Ft.	Pounds per Acre
1/3 - 2/3	3 - 6	2.5 - 5

Use higher rates for heavier infestations, faster activity and greater overall control.

#### **Reinfestation and Multiple Queen Colonies**

Fire ant colonies become established when newly mated queens fly into an area, burrow into the ground and begin to lay eggs. Several mating flights are common during the summer months, often occurring shortly after rainfall. It may take several months for new mounds to appear. Combining mound and broadcast applications will control established colonies and help prevent new ones from developing.

An increasing number of fire ant infested areas have seen the development of multiple queen (polygyne) colonies that can be particularly difficult to eliminate. Consult your County Extension Agent or other authority to determine if these colonies exist in your area. Conserve Professional Fire Ant Bait will control these colonies with a combination of individual mound treatment and subsequent broadcast application within 1 week. Repeating broadcast applications as directed above will help prevent reinfestation.

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#### **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 Limitations of Remedies.

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#### **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.

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#### **Inherent Risks of Use**

It is impossible to eliminate all risks associated with use of this product. Plant injury, 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 temperature, 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.

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#### **Limitation of Remedies**

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 this 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.

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EPA-accepted: \_\_/\_\_/\_\_\_\_

