

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

October 25, 2005

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

Subject: Amendment: Change "tropical tree fruits" to "a list of tree fruits"
per Agency's letter of July 8, 2005.
Conserve Professional Fire Ant Bait
EPA Reg. No. 62719-329
Your submission dated July 25, 2005

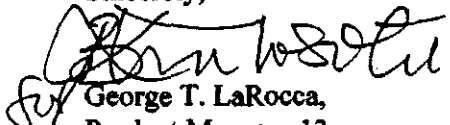
Dear Mr. Robertson:

We have reviewed the above referenced submission, in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. The labeling is acceptable with the following comments:

- Under "Labeled Use Sites" - 7th bullet, 4th line-: Delete "ti palm leaves" from the list of "tree fruits", or provide more information relative to this use. This particular use, "ti palm leaves" is neither among the uses listed on the label for the technical products, nor included in the list of "tolerances for residues" (40CFR 180.495).

Please revise the labeling accordingly, and submit two copies of the final printed label to the Agency. Enclosed, please find a copy of the stamped label for your records. If you have any questions concerning this action, contact Dr. B. A. Akinlosotu at (703) 605-0653.

Sincerely,


George T. LaRocca,

Product Manager 13
Insecticide Branch
Registration Division (7505C)

enclosure:

CONCURRENCES

| | | | | | | | | |
|---------|------------|--|--|--|--|--|--|--|
| SYMBOL | 7505C | | | | | | | |
| SURNAME | Akinlosotu | | | | | | | |
| DATE | 10/25/05 | | | | | | | |

OFFICIAL FILE COPY

(front panel)

(Logo) Dow AgroSciences LLC

**Conserve® Professional
Fire Ant Bait****Insect Control****ACCEPTED
with COMMENTS
In EPA Letter Dated:****OCT 21 2005****Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.****62719-32A****For control or suppression of red imported fire ant (*Solenopsis invicta*) and
harvester ant 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, tree fruits, 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/Harvester 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/Harvester Ants |
| and/or | and/or |
| Controls Fire Ants/Harvester Ants for up to 2 Months | Treats (depends on package size) Mounds |
| and/or | |
| No Watering Necessary | |

| | | |
|--------------|----------|--------------------|
| Group | 5 | INSECTICIDE |
|--------------|----------|--------------------|

Active Ingredients:

spinosad (a mixture of spinosyn A and

spinosyn D)..... 0.015%

Inert Ingredients..... 99.985%

Total Ingredients..... 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 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.

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.]

Net Wt. _____

(back panel)

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION

Harmful If Swallowed.

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

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 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 harvester ants 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/harvester 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, tree fruit s (ac  rola, atem  ya, avocado, biriba, black sapote, canistel, cherimoya, custard apple, feijoa, gu  ya, llama, jaboticaba, longan, lychee, mamey sapote, m  ngo, papaya, passionfruit, pulasan, rambutan, sapodilla, soursop, Spanish lime, star apple, starfruit, sugar apple, (ti palm leaves, wax jambu (wax apple), white sapote), 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/harvester 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.

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/harvester 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/harvester 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.

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. 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.

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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