



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 13, 2008

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

Subject: Response to EPA letters of May 4, 2005
Conserve Fly Bait PCO; EPA Reg. No. 62719-506
Conserve Fly Bait RTL; EPA Reg. No. 62719-507
Applications dated June 1, October 26 and December 5, 2005.

Dear Dr. Racke:

The labeling for each of the above referenced products, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable subject to the following comments:

- On the front panel, and first the bullet under General Use Precautions, revise the statement "Contains the bittering agent, Bitrex" to read "Contains Bitrex"; and delete the last statement of the first sentence ("an intensely bitter by humans."). This statement is considered an "implied safety claim", with no supporting data. Please note that the cited/me-too product's labeling have been revised appropriately.
- Delete the statement "No chemical odor", due to its subjectivity – depending on an individual's senses. Thus, this term is unacceptable, and product labels with this claim should be revised accordingly.
- Under Warranty Disclaimer and Limitation of Remedies, add "*To the extent consistent with applicable law*" to the beginning of the statements "*Dow AgroSciences makes no . . . implied warranty*", "*The exclusive remedy for losses . . .*" and "*AgroSciences shall not be liable . . . loss or damage in writing*" and "*In no case shall AgroSciences . . . damages or losses*". Please refer to the following EPA website for further guidance on warranty statements:
<http://www.epa.gov/pesticides/regulating/labels/projects.html>

Please make the above stated revisions and submit the final printed labels to the Agency. See enclosed copies of the stamped label for your record. If you have any questions, please contact Dr. B.A. Akinlosotu at (703) 605-0653.

Sincerely,

George T. LaRocca

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

Enclosure

(front panel)

Conserve[®] Fly Bait PCO

Granular Fly Control
[Alt. Naturalyte[®] Fly Control]

For control of the adult common housefly outdoors around dog kennels, garbage cans and dumpsters, outdoor latrines, dumps, incinerators, compost areas, parks, picnic areas, fairs and camps, zoos, markets, cafes, restaurants, fast food establishments, bakeries, commissaries, supermarkets, warehouses, industrial plants, meat and poultry processing plants, beverage processing plants, canneries and food processing plants, non-commercial animal housing (e.g., on hobby farms) including poultry houses, pig pens, livestock barns, livestock pens, horse stables, stables or other animal handling or feeding facilities.

[Optional marketing claims that may be included on front panel of label.]

- Ready to use
- Use straight from the bag [bottle] [container]
- Contains spinosad
- Flexible application methods
- Broadcast application
- Bait station or tray application
- Hang-board or card application
- Paint on application
- Spray on application
- Contains the fly attracting pheromone, Z-9 tricosene
- With pheromone attractant, special fly bait and fly killer
- Follow all label directions
- Spinosad is biologically derived from the fermentation of saccharopolyspora spinosa, a naturally occurring soil organism
- Bait formula with Z-9 tricosene
- Kills both sexes of flies
- Contains adult fly sex attractant
- Attracts and kills house flies
- Flies feed and die
- Attracts and kills resistant house flies
- 1 ounce treats 125 sq ft
- Yellow color [red color]
- No chemical odor
- With a pheromone fly attractant
- Flies feed on the bait and die
- Flies ingest a lethal dose of bait and die
- For use in and around food processing plants
- For use in and around food establishments
- Contains the bittering agent, Bitrex[™]

Active Ingredient:

spinosad (a mixture of spinosyn A and spinosyn D)	0.50%
(Z)-9-tricosene (Pheromone)	0.04%
Other Ingredients ^{††}	99.46%
Total	100.00%

[†] Contains the bittering agent, Bitrex[™]
 U.S. Patent No. 5,362,634 and 5,496,931

**ACCEPTED
 with COMMENTS
 In EPA Letter Dated:
 FEB 13 2007
 Under the Federal Insecticide,
 Fungicide, and Rodenticide Act,
 as amended, for the pesticide
 registered under EPA Reg. No.
 62719-506**

Keep Out Of Reach Of Children

Precautionary Statements

User Safety Recommendations

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

- Use of waterproof gloves is recommended when handling this product to avoid staining of skin or clothing.

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.

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. 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. 62719-506

EPA Est. _____

®Trademark of Dow AgroSciences LLC
Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight __ lb

(back panel)

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read entire label before using.

Storage and Disposal

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

Pesticide Storage: Store in original container, tightly closed in a secure place. Keep out of the reach of children and domestic animals. 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 directions or at an approved waste disposal facility.

Container Disposal: Triple rinse empty container. Then dispose of empty bag/container in a sanitary landfill, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

General Information

Conserve[®] Fly Bait PCO granular [**Naturalyte[®]**] fly control is intended for control of the adult common housefly outdoors around the following: dog kennels, garbage cans and dumpsters, outdoor latrines, dumps, incinerators, compost areas, parks, picnic areas, fairs and camps, zoos, markets, cafes, restaurants, fast food establishments, bakeries, commissaries, supermarkets, warehouses, industrial plants, meat and poultry processing plants, beverage processing plants, canneries and food processing plants, non-commercial animal housing (e.g., on hobby farms) including poultry houses, pig pens, livestock barns, livestock pens, horse stables, stables, or other animal handling or feeding facilities. Conserve Fly Bait PCO can also be used indoors, but only in areas where children, animals or pets cannot come in contact with or ingest the granules. See specific use instructions and practices below. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism.

General Use Precautions

- Conserve Fly Bait PCO contains the bittering agent, Bitrex[™], an intensely bitter substance intended to prevent inadvertent consumption by humans. Conserve Fly Bait PCO also contains a fluorescent yellow [red] pigment that makes the bait more attractive to flies. Use of waterproof gloves is recommended when handling Conserve Fly Bait PCO to avoid staining of skin or clothing.
- Keep in original container and store out of direct sunlight in a cool and dry location. To preserve effectiveness, reseal container immediately after measuring and using the product.
- Do not allow Conserve Fly Bait PCO to contact food, feedstuffs, and water. Protect exposed food, feedstuffs, and water, where necessary, to avoid contamination.
- Apply Conserve Fly Bait PCO only in locations inaccessible to children, livestock animals and pets where bait granules cannot be picked up or where animals and pets cannot lick surfaces on which the bait has been placed.
- Conserve Fly Bait PCO bait stations or trays and hang-boards/cards must be located at least 4 feet above the ground.
- Do not feed garbage treated with Conserve Fly Bait PCO to animals.
- Except for station or hang-board/card placement, do not use in food/feed areas of food handling establishments, restaurants, or other areas where food/feed is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared foods are served such as dining rooms, but excluding areas where foods may be prepared or held.

Can be used in non-food/non-feed areas of food handling establishments such as garbage rooms, lavatories, floor drains (to sewers), entries, vestibules and hallways, offices, locker rooms, machine

rooms, basements, boiler rooms, garages, utility rooms, mop closets and storage rooms (after canning or bottling).

Insecticide Resistance Management

Due to its unique mode of action, Conserve Fly Bait PCO can be used in resistance management programs in rotation with many other classes of products. However, experience has shown that the overuse of effective insecticides can lead to a build up of fly tolerance to virtually any insecticide.

To preserve the effectiveness of Conserve Fly Bait PCO as an adult housefly pest control product, it is recommended to carefully monitor the adult fly population and target early infestations.

The following actions are required:

- Do not use less than the recommended dose rate of 1 lb of Conserve Fly Bait PCO per 2000 sq ft of floor area of the infested building or use site.
- Do not apply Conserve Fly Bait PCO more than 5 times during a 12-month period. Applications are to be spaced out over time using a rotation program with 1 to 2 other bait products and/or, if necessary, with 1 to 2 different control products such as space or surface sprays, all of which contain different active ingredients. Follow label instructions for rotation bait and space or surface spray products.

Integrated Pest Management

Whenever possible, the following Integrated Pest Management practices are recommended:

- Monitor routinely to determine the need for control measures.
- Use screens or barriers to prevent flies from migrating
- Remove manure and garbage whenever possible

Application Rate and Placement

Apply Conserve Fly Bait PCO at the rate of 1 lb of bait per 2000 sq ft of the total floor area of the infested building or use site. Regardless of application method used, it is important to place the required amount of Conserve Fly Bait PCO only in/on infested areas where flies are observed to be resting or feeding.

Application Timing

Start baiting early before the population of adult flies has reached an unacceptable level. A knockdown space or surface spray product may be used to rapidly control an initially high adult fly population. Remove manure and garbage where possible.

Re-application: Applied bait that is kept dry, clean, unfouled, and out of direct sunlight should continue to provide fly control for at least 3 to 5 weeks. Rotate Conserve Fly Bait AF as required under the Insecticide Resistance Management section using the application methods below.

Bait Application Methods

One or a combination of the following bait presentation methods may be used:

Scatter Bait: Scatter Conserve Fly Bait PCO evenly outdoors around dog kennels and other use sites on surfaces where flies are observed to be resting or feeding such as, but not limited to, windowsills, tops of walls, edges or walkways, floor, ground, etc. Do not put into piles. Conserve Fly Bait PCO can also be used in areas where children and animals will not come into contact with the material.

Station/Tray Bait: Spread Conserve Fly Bait PCO evenly onto the station or tray in a thin uniform layer, avoiding heaps. To optimize bait distribution, it is recommended to hang or place 8 to 10 stations or trays per 2000 sq ft of floor space or other use site in areas where flies are observed to be resting or feeding. Do not put into piles. Stations or trays must be located at least 4 feet above the ground.

Hang-Board/Card Bait: For hang-board/card application, lightly moisten one side of the board/card with beaten eggs, beer, cola, or starch-based wallpaper glue. While still wet, sprinkle Conserve Fly Bait PCO onto the card to ensure adherence of the granules using 3.5 oz of bait per 10 sq ft of hang-board/card. Allow the surface to dry and then shake off any non-adhered granules. An alternative application method for applying Conserve Fly Bait PCO to hang-boards/cards is to use the paint or spray on methods described below. Use a total of 50 sq ft of hang-boards/cards per 2000 sq ft of area. To optimize bait distribution, it is recommended to hang or place 8 to 10 individual boards/cards per 2000 sq ft of floor space or use site where flies are observed to be resting or feeding (up to 25 may be used depending upon the size of the board/card). Hang-boards/cards must be located at least 4 feet above the ground.

Paint On Bait: In a bucket mix 1 lb of Conserve Fly Bait PCO into 1/2 to 1 qt of warm water and stir vigorously until granules are completely dissolved. Use a paintbrush or roller to apply the dilution to surfaces where flies are observed to be resting or feeding. Treated areas may be continuous or made up of separate spot treatments. The finished dilution is sufficient for an area of 2000 sq ft of floor space or use site. **Conserve Fly Bait PCO contains a fluorescent yellow [red] pigment. Do not apply to surfaces where yellow [red] discoloration cannot be tolerated.**

Spray On Bait: In a bucket mix 1 lb of Conserve Fly Bait PCO into 1 qt of warm water and stir vigorously until granules are completely dissolved. Do not attempt to mix the granules and water in the spray equipment. Pour the mixture into a sprayer (such as, but not limited to, pump up compression, etc.) only after all the granules have completely dissolved. Apply the dilution to surfaces where flies are observed to be resting or feeding. Treated areas may be continuous or made up of separate spot treatments. The finished dilution is sufficient for an area of 2000 sq ft of floor space or use site.

Prepare only enough for use and apply immediately. Shake the mixture prior to and during application. Thoroughly rinse spray equipment, including hose and nozzle, immediately after application to avoid clogging of spray equipment from build-up of dry residues. **Conserve Fly Bait PCO contains a fluorescent yellow [red] pigment. Do not apply to surfaces where yellow [red] discoloration cannot be tolerated.**

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

Dow AgroSciences 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. **Dow AgroSciences 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 Dow AgroSciences or the 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 Dow AgroSciences' 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.

✓ Dow AgroSciences shall not be liable for losses or damages resulting from handling or use of this product unless Dow AgroSciences is promptly notified of such loss or damage in writing. In no case shall Dow AgroSciences be liable for consequential or incidental damages or losses.

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EPA Accepted: 05/04/05