

62719-507

05/04/2005

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U.S. ENVIRONMENTAL PROTECTION AGENCY  
Office of Pesticide Programs  
Antimicrobials Division (7510C)  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

EPA Reg. Number:  
62719-507

Date of Issuance:  
05/04/05

NOTICE OF PESTICIDE:

Registration  
 Reregistration

Term of Issuance:

Conditional

Name of Pesticide Product:

Conserve Fly Bait ~~RTL~~ ✓  
RTL

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268-1054

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. Make the following labeling changes before you release the product for shipment:  
Revise the EPA Registration Number to read: "EPA Registration No. 62719-507"

Signature of Approving Official:

*George LaRocca*

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

Date:

May 04, 2005

for

3. Submit to the Agency within 6 months of this product registration, raw data in the form of data sheets, as a component of each efficacy study.
4. Delete the following marketing claims from the labeling:
  - **"The unique approach to fly control."** - There are similar registered products.
  - **"Advanced"** from the statement "Advanced Bait formula with Z-9 tricosene". - Misleading. You may replace "Advanced" with "New".
  - **"Attracts and kills female flies"**. - Misleading.
  - **"Deadly"** - - Misleading.
  - **"Low odor"**.
5. Delete or submit/cite confirmatory/supporting data for the following marketing claims:
  - **"Unique particle composition reduces dust."**
6. Delete the claim **"Attracts and kills resistant house flies"**. To support this claim, provide the pesticide (active ingredient -a.i) resistant strains against which this product is known to be effective. The users need to have this information, so that they may better implement a resistance management strategy. Submit the public literature to which you have referred as confirmation of the active listed on the revised label.
7. Delete the separate marketing claims **"Derived from a naturally occurring organism"**, **"Fermented from a naturally occurring organism"** and **"Sourced from a naturally occurring organism"**. These are considered direct/implied safety claims. You may include a complete statement such as "Spinosad is biologically derived from the fermentation of saccharopolyspora spinosa, a naturally occurring soil organism".
8. Delete **"contains the bittering agent bitrex"**, located beneath the ingredient statement. If you intend to list or identify the inerts, you must list all the inert ingredients.
9. On page 2, change **"child-proof"** to **"child resistant"**.
10. Under General Use Precautions/Fourth bullet: Qualify animals by adding livestock (i.e., revise statement to read **"livestock animals and pets . . . , etc."**).
11. Submit to the Agency, data on one year storage stability testing (830.6317), conducted concurrently with the corrosion characteristics study (830-6320) at 0, 3, 6, 9 and 12 months of warehouse storage.
12. Submit two (2) copies of the revised final printed label bearing the above stated revisions prior to releasing this product for sale.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A copy of the accepted label is enclosed for your records. If you have any questions concerning this action, please contact Dr. B. A. Akinlosotu at (703) 605-0653.

Enclosure

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(front panel)

# Conserve<sup>®</sup> Fly Bait RTL

**Granular Fly Control**  
[Alt. Naturalyte<sup>®</sup> Fly Control]

**For control of houseflies outdoors around houses, garbage cans, garbage collection points, outdoor latrines, pet kennels, compost areas, 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 [device] application
- Hang-board [device] application
- Hang-card [device] application
- Contains the fly attracting pheromone, Z-9 tricosene
- Unique particle composition reduces dust
- The unique approach to fly reduction and control
- With pheromone attractant, special fly bait and deadly fly killer
- Follow all label directions
- Derived from a naturally occurring organism
- Fermented from a naturally occurring organism
- Sourced from a naturally occurring organism
- Advanced bait formula with Z-9 tricosene
- Kills both sexes of flies
- Contains adult fly sex attractant
- Attracts and kills female flies
- Attracts and kills house flies
- Flies feed and die
- Attracts and kills resistant house flies
- 1 ounce treats 125 sq ft
- X device(s) treats X sq ft
- Yellow color [red color]
- No chemical odor
- Low odor
- With a pheromone fly attractant
- Flies feed on the bait and die
- Flies ingest a lethal dose of bait and die
- Contains the bittering agent, Bitrex<sup>™</sup>

**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<sup>™</sup>  
U.S. Patent No. 5,362,634 and 5,496,931

**Keep Out Of Reach Of Children**

[Include the following statements only if sold in granule form.]

**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.

**ACCEPTED  
with COMMENTS  
In EPA Letter Dated:**

MAY 4 2005

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

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**[Include the following statement if sold as a bait station or hang-board/card device]**  
Do not tamper with child-proof feature of bait station [device] or hang-board/card bait [device].

**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 or rinsate.

**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](http://www.dowagro.com).

EPA Reg. No. 62719-XXX

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

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Dow AgroSciences LLC • Indianapolis, IN 46268 USA

**Net Weight \_\_ lb**

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(back panel)

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### Directions for Use

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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.

**Pesticide Disposal: [Granular products] If empty:** Do not reuse this container. 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.

**Disposal [Bait station device or hang-board/card device]:** Dispose of in trash after use.

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### General Information

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Conserve<sup>®</sup> Fly Bait RTL granular [**Naturalyte<sup>®</sup>**] fly control is intended for control of houseflies outdoors around houses, garbage cans, garbage collection points, outdoor latrines, pet kennels, compost areas, 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 RTL 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 precautions 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 RTL contains the bittering agent, Bitrex<sup>™</sup>, an intensely bitter substance intended to prevent inadvertent consumption by humans. Conserve Fly Bait RTL also contains a fluorescent yellow [red] pigment that makes the bait more attractive to flies.
- [Include the following four (4) statements only if product is sold in granule form]
- Use of waterproof gloves is recommended when handling Conserve Fly Bait RTL 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 RTL to contact food, feedstuffs, and water. Protect exposed food, feedstuffs, and water, where necessary, to avoid contamination.
  - Do not allow pets to feed on garbage treated with Conserve Fly Bait RTL.
  - Apply Conserve Fly Bait RTL only in locations inaccessible to children, 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.

### Application Timing

**Re-application:** Re-apply [Install new bait station device or hang-board/card bait device] when bait [device] is no longer effective in controlling flies.

### Bait Application Methods

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

**Scatter Bait:** Scatter Conserve Fly Bait RTL evenly outdoors around garbage cans, garbage collection points, outdoor latrines, and compost areas where flies are observed to be resting or feeding. Scatter uniformly at the rate of 1 oz per 125 sq ft of area (XX oz of container treats approximately XXX sq ft of area). Do not put into piles. **Note:** Do not use scatter bait application method inside the house, or in areas where children, animals or pets could come in contact with the granules.

**Station Bait [Station Delivery Device]:** Place a minimum of 1 [station delivery device] per XXX sq ft of open house floor space or other use site in areas where flies are observed to be resting or feeding. Additional stations [delivery devices] may be used in large rooms or areas separated by hallways, doors, or screens.

[Editor's note: Bait to be provided in child-resistant/spill-proof bait station delivery device designed by supplemental distributor. Bait station devices will be designed to deliver in total approximately 1 oz of bait per 125 sq ft of open house floor space or other use site through use of one or multiple station devices]

**Hang-Board/Card Bait [Hang-Board/Card Delivery Device]:** Place a minimum of 1 [hang-board/card delivery device] per XXX sq ft of open house floor space or other use site in areas where flies are observed to be resting or feeding. Additional [hang-board/card delivery devices] may be used in large rooms or areas separated by hallways, doors, or screens.

[Editor's note: Bait to be provided in child-resistant hang-board/card delivery device designed by supplemental distributor. Hang-board or card devices will be designed to deliver in total approximately 1 oz of bait per 125 sq ft of open house floor space or other use site through use of one or multiple hang-board or card devices]

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### Terms and Conditions of Use

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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.

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### Warranty Disclaimer

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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.

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### Inherent Risks of Use

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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.

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### Limitation of Remedies

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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:

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1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of product.

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.

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 Dow AgroSciences 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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Bitrex™ is a trademark of Macfarlin Smith Ltd.

EPA Accepted: \_\_/\_\_/\_\_