



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

EPA Reg. Number:
62719-508

Date of Issuance:
05/04/05

NOTICE OF PESTICIDE:
 Registration
 Reregistration

Term of Issuance:
Conditional

Name of Pesticide Product:
Conserve Fly Bait AF

(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. 62719-508"

Signature of Approving Official:

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

Date:

May 04, 2005

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. Under General Use Precautions; fourth bullet: Qualify animals by adding livestock (i.e., revise statement to read ***"livestock animals and pets . . . , etc."***.
10. 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.
11. 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[®] Fly Bait AF

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

For control of the adult common housefly outdoors around animal housing, including poultry houses, broiler houses, caged poultry, turkeys or rabbits on wire, dairies, dairy barns, milking parlors, milk sheds, loafing sheds, hog farms, pig pens, pig parlors, livestock barns, stock barns, livestock pens, feed lots, fur bearing animal units, horse barns, stables, silos, 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
- 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
- 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[™]

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:
MAY 4 2005**

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
62719-508**

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.

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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.

EPA Reg. No. 62719-XXX

EPA Est. _____

®Trademark of Dow AgroSciences LLC

Dow AgroSciences LLC • Indianapolis, IN 46268 USA

Net Weight __ lb

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(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 AF granular [**Naturalyte®**] fly control is intended for control of the adult common housefly outdoors around the following: poultry houses, broiler houses, caged poultry, turkeys or rabbits on wire, dairies, dairy barns, milking parlors, milk sheds, loafing sheds, hog farms, pig pens, pig parlors, livestock barns, stock barns, livestock pens, feed lots, fur bearing animal units, horse barns, stables, silos, or other animal handling or feeding facilities. Conserve Fly Bait AF can also be used indoors, but only in areas where animals cannot come into 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 AF contains the bittering agent, Bitrex™, an intensely bitter substance intended to prevent inadvertent consumption by humans. Conserve Fly Bait AF 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 AF 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 AF to contact food, feedstuffs, water, milk and milking utensils. Protect exposed food, feedstuffs, water, milk and milking utensils where necessary to avoid contamination. Do not use where milk is processed or stored.
- Apply Conserve Fly Bait AF 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.
- Conserve Fly Bait AF bait stations or trays and hang-boards/cards must be located at least 4 feet above the ground.

Good Practice for Insecticide Resistance Management

Spinosad, the active ingredient in Conserve Fly Bait AF, has a novel mode of action and has shown no cross resistance with existing chemistries. Experience has shown that the overuse of effective insecticides can lead to a build up of resistance to virtually any insecticide.

To preserve the effectiveness of Conserve Fly Bait AF as a fly pest control product, the following actions are recommended:

- Whenever possible, use an Integrated Pest Management Program including use of screens, sanitation and manure management, and preservation of predators.
- If chemical control is warranted, monitor the fly population carefully and target early infestations.

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- Do not use less than the recommended labeled dose rate.
- If sequential treatments are required, rotate Conserve Fly Bait AF with at least 1 or 2 other products that have a different active ingredient (Conserve Fly Bait AF, then product A, then product B, then back to Conserve Fly Bait AF, etc.) and, if necessary, with a product that has a different method of control such as space sprays.
- Do not apply Conserve Fly Bait AF more than 7 times in any 12-month period.

Application Timing, Rate and Placement

Apply Conserve Fly Bait AF at the rate of 12 to 16 oz of bait per 2000 sq ft (6 to 8 oz per 1000 sq ft) of the total floor area of the infested building or use site. 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 where possible or consider the use of a larvicide treatment. Regardless of application method used, it is important to place the required amount of Conserve Fly Bait AF only in infested areas where flies are observed to be resting or feeding. Place Conserve Fly Bait AF on clean paper if floor is limed.

Bait Application Methods

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

Scatter Bait: Scatter Conserve Fly Bait AF evenly outdoors on surfaces where flies are observed to be resting or feeding such as, but not limited to, windowsills, tops of walls, edges or walkways, etc. Do not put into piles.

Station/Tray Bait: Spread Conserve Fly Bait AF 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 AF 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 AF 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 12 to 16 oz of Conserve Fly Bait AF 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 AF 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 12 to 16 oz of Conserve Fly Bait AF 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.

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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 AF 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

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. 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 extreme weather conditions), 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 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: __/__/__