

62719-508

03/29/06

17

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

March 29, 2006

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

Subject: Amendment: Change mandatory to advisory statement under Pesticide Resistance Management labeling.  
Conserve Fly Bait AF  
EPA Reg. No. 62719-508  
Your submission dated June 28, 2005

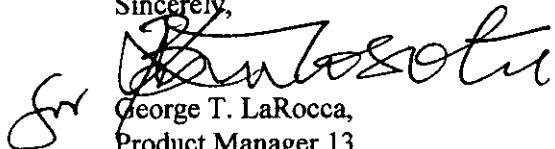
Dear Mr. Robertson:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is acceptable provided you address the following issues:

- Provide justification for the requested amendment to change *"Do not apply Conserve Fly Bait AF more than 7 times in any 12-month period"* to *"Conserve Fly Bait AF should not be applied more than 7 times in any 12-month period"*. Neither the provisions of PR Notice 98-10 nor the terms of 40 CFR 152.46, as stated in your application addresses this pesticide resistance management labeling.
- Delete the claims *"Attracts and kills resistant house flies"*, and *"Contains the bittering agent bitrex"*, located beneath the ingredient statement. These revisions were stated in our Notice of Registration of May 4, 2005.

Please revise the labeling accordingly, and submit two copies of the final printed label to the Agency. A copy of the stamped label is enclosed 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	03/29/06						

T6P / Conserve Fly Bait AF / Notif / 06-24-05  
file: Conserve Fly Bait AF-508 24Jun05N.doc

# Conserve<sup>®</sup> Fly Bait AF

EPA Reg. No. 62719-508

## Registration Notes:

Source label text based on EPA-accepted copy dated May 4, 2005.

### Change by notification:

1. Good Practice for Insecticide Resistance Management: Revised last bullet point in section from "Do not apply Conserve Fly Bait AF more than 7 times in any 12-month period." to read "Conserve Fly Bait AF should not be applied more than 7 times in any 12-month period."

<sup>®</sup>Trademark of Dow AgroSciences LLC

(front panel)

# Conserve<sup>®</sup> Fly Bait AF

Granular Fly Control  
[Alt. Naturalyte<sup>®</sup> 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
- 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
- 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
- Contains the bittering agent, Bitrex<sup>™</sup>

NOR 5/4/05

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

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

**MAR 29 2006**

**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.

4/7

**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. 62719-508

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

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Dow AgroSciences LLC • Indianapolis, IN 46268 USA

**Net Weight \_\_ lb**

5/7

(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<sup>®</sup> Fly Bait AF granular [**Naturalyte<sup>®</sup>**] 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<sup>™</sup>, 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, 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 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.

6/7

- 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.
- Conserve Fly Bait AF should not be applied 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.

717

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.**

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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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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

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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 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.

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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 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: 05/04/05