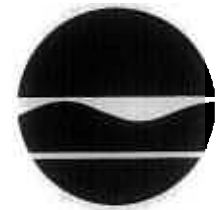


New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Pesticides Management
Pesticide Product Registration Section
625 Broadway, Albany, New York 12233-7257
Phone 518-402-8768 **FAX** 518-402-9024
Website: <http://www.dec.ny.gov>
E-Mail: ppr@gw.dec.state.ny.us



Alexander B. Grannis
Commissioner

June 12, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Judy Fersch
State Registration Specialist
BASF Corporation
P.O. Box 13528
Research Triangle Park, North Carolina 27709-3528

Dear Ms. Fersch:

Re: **Registration of the New Pesticide Product Termidor NY (EPA Reg. No. 7969-210) Which Represents a Major Change in Labeling for the Active Ingredient Fipronil**

The New York State Department of Environmental Conservation (Department) has completed its review of your application, received August 10, 2006, and additional information, received September 5, 2006, November 3, 2006, November 7, 2006, January 8, 2007 and April 16, 2007, to register the new pesticide product **Termidor NY** (EPA Reg. No. 7969-210) in New York State. **Termidor NY** is a water-based suspension concentrate and is labeled only for the control of ants around houses and other structures. The new product represents a major change in labeling for the active ingredient fipronil (chemical code 129121).

The application was deemed complete for purposes of review on December 28, 2006 and the registration decision which was originally due by May 25, 2007 has been waived until June 15, 2007 in order to allow for more time to review the submitted information.

The Department has reviewed the information supplied to date in support of registration of **Termidor NY** (EPA Reg. No. 7969-210) and concludes that when used as labeled this product should not have an adverse effect on the health of applicators or the general public, the fish and wildlife resources, or the ground and surface water of New York State.

The New York State Department of Health (DOH) stated that fipronil is currently registered in the State in products labeled for flea and tick control on cats and dogs (Frontline products), as an indoor/outdoor bait station for insect control (Combat and Maxforce products) and for control of insects and their larvae on field corn (Regent products). The **Termidor NY** product was not very acutely toxic to laboratory animals by the oral, dermal or inhalation routes of exposure. Also, this product was not irritating to the eyes or skin (tested on rabbits), nor was it a skin sensitizer (tested on guinea pigs).

Fipronil was moderately acutely toxic in laboratory animal studies by the oral, dermal or inhalation exposure routes. It, however, was not very irritating to the eyes or skin (tested on rabbits) nor did it show skin sensitizing properties (tested on guinea pigs). Although this chemical did not cause adverse developmental or genotoxic effects, it did produce some reproductive (decreased mating and fertility) and oncogenic effects (increased incidence of thyroid follicular cell adenomas in male and female rats). Based on the oncogenic effects, the United States Environmental Protection Agency (USEPA) classified fipronil as a Group C, "possible human carcinogen." Using data from the chronic feeding/oncogenicity study in rats, the USEPA Office of Pesticide Programs established a reference dose (RfD) of 0.0002 milligrams per kilogram body weight per day (mg/kg/day) based on a no-observed-effect level (NOEL) of 0.02 mg/kg/day (alterations in clinical chemistry and thyroid gland functioning) and an uncertainty factor of 100. A current search of the toxicological literature did not find any significant new information on the toxicity of fipronil.

The registrant submitted a USEPA memorandum that summarizes their occupational risk assessment for the handling of the Termidor NY product. The estimated margin of exposure (MOE) from occupational exposure to the active ingredient fipronil exceeded 100 in this assessment (the USEPA generally considers MOEs of 100-fold or greater to be adequate for the protection of workers). No details were given on either the estimated level of exposure to fipronil or the NOEL that this exposure level was compared to in order to make this MOE determination. However, because the quantity of finished product used was assumed in the assessment to about three-fold greater than that called for by the product label (5 gallons of finished product applied per 1,000 square feet of surface versus 1.5 gallons per 1,000 square feet), the estimated MOE from using Termidor NY accordingly should increase about three-fold. While the DOH had some questions regarding how the USEPA conducted their worker risk assessment, their own assessment using the Pesticide Handler Exposure Database and the available toxicity study data indicate adequate MOEs for applicators. In regard to post-application residential exposure to fipronil-treated exterior surfaces, the USEPA considered such exposure to be negligible "...due primarily to a dermal absorption rate of 1% for fipronil, a very low dose rate per unit area of structure, and limited contact in terms of time and surface area." Moreover, fipronil has a very low vapor pressure (2.8×10^{-9} mm Hg at 25 degrees Celsius) and the product label contains the statement "DO NOT allow residents and pets into the immediate area during application and DO NOT contact treated areas until sprays have dried."

There are no chemical specific federal or New York State drinking water/groundwater standards for fipronil. Based on its chemical structure, fipronil falls under the 50 microgram per liter general New York State drinking water standard for an "unspecified organic contaminant" (10 NYCRR Part 5, Public Water Systems). If one uses the oral RfD (0.0002 mg/kg/day) for fipronil and procedures for deriving ambient water quality standards and guidelines based on non-oncogenic effects (6 NYCRR Part 702.5), a value of 1.4 micrograms per liter can be derived. Furthermore, if one uses the oral RfD (0.0002 mg/kg/day) and USEPA procedures for determining maximum contaminant level goals for Group C carcinogens (Federal Register, 55:30,374-30,375, July 25, 1990), a potential chemical specific drinking water standard of 0.14 micrograms per liter can be calculated.

The available information on Termidor NY indicates that this formulated product was not very acutely toxic in laboratory animal studies. The active ingredient fipronil did not cause adverse developmental or genotoxic effects. Although data from the toxicity studies on fipronil showed that this chemical has the potential to cause some toxicity, the expected exposure from using

fipronil in the Termidor NY product should not pose a significant risk to applicators or the general public. To minimize exposure to the general public, the product is labeled "For sale to, use and storage only by individuals/firms licensed or registered by the state to apply general pest control products", and the product would be classified as a "restricted use" pesticide. Furthermore, the product label states: "DO NOT allow residents and pets into the immediate area during application and DO NOT contact treated areas until sprays have dried." Given the above, the DOH does not object to the registration of Termidor NY in New York State.

The Department's groundwater staff stated that Termidor NY is labeled for control of ants around houses and other structures by application to the structure around doors, windows, vents, pipes or other exterior openings (such as foundation cracks or drilled holes) where ants could enter the structure. The application rate is 0.33 pounds fipronil per acre and two applications are allowed for a maximum application rate of 0.66 pounds fipronil per acre per year. The label contains text limiting the use of the product to certified applicators. The inerts do not appear to be solvent carriers.

Transformation Products

- RPA 200766 5-amino-3-carbamoyl-1-(2,6-dichloro-4-trifluoromethylphenyl)-4-trifluoromethanesulfinyl pyrazole
- MB 45950 5-amino-1-(2,6-dichloro-4-trifluoromethylphenyl)-3-cyano-4-trifluoro-methyl-thio-pyrazole
- MB 46136 5-amino-2-(2,6-dichloro-4-trifluoro methylphenyl)-3-cyano-4-trifluoromethyl-sulphonyl-pyrazole
- MB 46513 5-amino-3-cyano-1-(2,6-dichloro-4-trifluoromethyl-phenyl)-4-trifluoro-methylpyrazole
- RPA 105048 5-amino-3-carbamoyl-1-(2,6-dichloro-4-trifluoromethylphenyl)-4-trifluoromethylsulfonyl pyrazole

Technical Review

Hydrolysis: In a study that EPA found scientifically valid, fipronil is stable (half-life >30 days) in pH 5 and 7 buffer, and hydrolyzes slowly (half-life of 28 days) in pH 9 buffer. Major degradate is RPA 200766 at 51.7% at day 30. These data suggest that abiotic hydrolysis of fipronil is an alkaline-catalyzed degradation process. (MRID 42194701 and 11/20/97 EFED memo.)

Aqueous Photolysis: In a study that EPA found scientifically valid, fipronil has a half-life of 3.63 hours. (MRID 42918661)

Soil Photolysis: In a study that EPA found scientifically valid, fipronil degraded slowly with a half-life of 34 days on a loam soil. One major degradate was found: RPA 200766 at 11%. (MRID 42918662).

Aerobic Soil Metabolism: Fipronil appears to degrade slowly by biotic mediated processes. It was reported to degrade faster in a sandy loam soil (half-life 128 days) than in a sand soil (half-life 308 days). Two major degradates were found: RPA 200766 at 38%, and MB46136 at 24%.

Photodegradate MB 46513 had a half-life of 630 and 693 days in loamy sand soils with major metabolite RPA 105048 at 17%.

Aerobic Aquatic Metabolism: Fipronil degraded rapidly with a half-life of 14.5 days in a sandy loam soil under stratified redox conditions. Major metabolites were MB 45950 at 82% at 365 days, RPA 200766 at 11% at 60 days. (From EFED 11/20/97 memo.)

Anaerobic Aquatic Metabolism: Fipronil has an anaerobic aquatic half-life of 116 to 130 days. Major degradates are MB 45950 at 47% mostly in the soil and RPA 200766 at 18% in both soil and water. (From EFED 11/20/97 memo.)

Column Leaching: (MRID 42918664) In a study that the EPA found scientifically valid, unaged fipronil was slightly mobile to immobile in five soils—UK loamy sand, German loamy sand, UK loam, and two French sandy clay loam soils. Degradate RPA 200766 was found at up to 13% of recovered extract in the UK loam, UK loamy sand and the two French sandy clay loam soils. Aged fipronil was slightly mobile to immobile in five soils—UK loamy sand, German loamy sand, UK loam, and two French sandy clay loam soils. Degradate RPA 200766 was found at up to 17% of recovered extract in all but the UK loamy sand.

Adsorption/Desorption: (MRID 44039003) In a study that EPA found scientifically valid, fipronil has adsorption Kocs of 1248 in sandy loam (0.57% om), 800 in sandy clay loam (1.98% om), 427 in a Speyer loamy sand (5.7% om), 673 sandy clay loam (2.71% om) and 486 in a loam soil (7.23% om). Desorption coefficients were not significantly higher. Fipronil soil sorption appears to be lower on coarse-textured soils with low organic matter.

MB 46513 has adsorption Kocs of 1150 in sand loam, 1498 loamy sand soil, 1164 in silt loam soil, 1245 for clay and 1392 for pond sediment. All desorption values increased, indicating that sorption on soil is not completely reversible. (MRID 44262831)

MB 45950 has adsorption Kocs of 2404 in a silt loam soil, 3120 in a sandy loam soil, 2925 on a loam soil, 3521 on a sandy clay loam soil, 1619 on a silt loam soil. In another study (MRID 44537902) which EPA found did not fulfill the guidelines, MB 45950 has Kocs of 5621 in a silt loam, 3530 in a sandy loam, 4362 in a UK loam, 1695 in a UK silt loam, and 4349 UK sandy clay loam aquatic sediment.

In a study for MB 46136 (MRID 44537901) which EPA found did not fulfill the requirements, the Kocs were 5310 in a silt loam, 4054 in a sandy loam, 6745 in a UK loam, 1448 in a UK silt loam, and 3486 in a UK sandy clay loam aquatic sediment.

(MRID 44537903) In a study that EPA found acceptable, RPA 200766 has Kocs of 173 in a silt loam, 188 in a sandy loam soil, 177 in a UK loam, 96 in a UK silt loam and 203 in a UK sandy clay loam aquatic sediment.

Aged Leaching: Aged soil column leaching studies demonstrated the immobility of RPA 200766, MB 45950 and MB 46136. RPA 200766 was detected at 17% in all soils except the sandy loam. Detections of MB 45950 and MB 46136 were sporadic in the soil columns and were detected at up to 4% in the leachate samples.

Field Dissipation: In a study that EPA found scientifically valid, fipronil was applied at 0.13 lb ai/a and had half-lives of 3.4 months in a loam soil, 3.0 months in a clay loam soil, 3.8 months in a sand soil and 7.3 months in a loamy sand soil. Fipronil was detected predominantly in the to 15 cm of soil at all test sites. Three major degradates were found: RPA 200766 at 10.86%. MB 45950,

MB 46136 and RPA 200766 were detected at 15-45 cm for in-furrow treatments on the coarse sandy loam. The half-life of combined fipronil residues and degradates was 9 to 16 months. (MRID 43401103 and EFED 11/20/97 memo.)

(MRID 44262826) In an upgradable supplemental study, fipronil was applied at 0.3 lb ai/a and had a registrant calculated half-life of 159 days in a cotton site in California (fine sandy clay loam <1% OM, neutral pH), 30.2 days on a cotton site in Texas (fine sandy loam 1% OM, alkaline pH) and 192 days on a potato site in Washington (coarse sandy loam 1.3% OM, slightly acidic pH). Combined residues of fipronil (MB 45950, MB 46136, MB 46513 and RPA 200766) had half-lives of 478 at the California site, 134 days at the Texas site and 745 days at the Washington site. Confirmed routes of fipronil dissipation were microbial mediated degradation and photodegradation.

EPA Comments: Fipronil dissipation appears to be dependent on photodegradation in water, microbially mediated degradation, and soil binding. Data indicate that fipronil is relatively persistent and immobile in terrestrial environments. In aquatic environments, a determination of the environmental behavior of fipronil is more tentative because soil and aquatic metabolism studies provide contradictory data on fipronil persistence to microbially mediated degradative processes. Photolysis is expected to be major factor in controlling fipronil dissipation in aquatic environments. Fipronil degrades to form persistent and immobile degradates. Since fipronil and its degradates have a moderate to high sorption affinity to soil, it is likely soil sorption will control fipronil residue movement into ground and surface waters. However, fipronil residues can have the potential to move in very vulnerable soils (e.g. coarse-textured soils with low organic matter content). Fipronil is expected to move (primarily in dissolved state) with runoff water into surface waters. In-furrow fipronil applications are expected to limit runoff potential. (From EFED 11/16/01 memo.)

Computer Modeling: Staff ran LEACHM using Riverhead soil, an application rate of 0.66 lb ai/a/year, a Koc of 427 and an aerobic half-life of 128 days, the modeling projected cyclical peaks, ranging up about 0.25 ppb. Staff ran the degradate MB 45136 at 24% of parent, using a chemical specific Koc of 4054. The modeling projected increasing concentrations, reaching 0.000013 ppb at ten years. Staff ran the degradate RPA 200766 at 38% of parent, using a chemical specific Koc of 203 and a half-life of 124 days. The modeling projected increasing concentrations up to about 3 years, then leveling off at about 2 ppb.

The modeling assumes that the maximum total application rate is applied to the surface of an acre. However, this product is labeled to be applied to the structure exterior as a low pressure coarse spray around doors, windows or any other exterior opening where ants could enter the structure and one foot out and one foot up the foundation wall.

Due to the very limited use pattern of this product and the fact that it will be applied only by applicators certified in category 7A (structural) in New York State, groundwater staff have no objections to registration of this product as labeled.

The Department concludes that the use of Termidor NY should not have an adverse effect on the health of applicators or the general public, the fish and wildlife resources, or the ground and surface water of New York State when used as labeled.

Therefore, the Department hereby accepts for registration the new pesticide product **Termidor NY** (EPA Reg. No. 7969-210).

A copy of the New York State stamped "ACCEPTED" labeling for Termidor NY (EPA Reg. No. 7969-210) is enclosed for your records.

Please note that this product is classified as "restricted use" in New York State under rules and regulations 6NYCRR 326.2(g). As such, this product is restricted in its purchase, distribution, sale, use, and possession in New York State.

According to New York State Department of Environmental Conservation Regulations 6NYCRR 326.3(a): "It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit."

Should you require information to obtain a commercial permit, please contact the Pesticide Reporting & Certification Section, at (518) 402-8748.

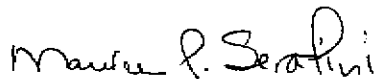
The Pesticide Reporting Law (PRL) in the Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. **Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production.** If no sales are made within New York State, a report still must be filed with the Department indicating this is the case.

If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department's website at <http://www.dec.ny.gov/chemical/27506.html> or call (518) 402-8748.

BASF Corporation is reminded that if New York State registration is requested for Termidor NY or for any other product which contains fipronil with an increased application rate, different application method and/or expanded use sites, the product will be considered a **Major Change in Labeling and the Department will require an extensive review.**

If you have any questions, please contact Mr. Samuel Jackling, Chief of our Pesticide Product Registration Section, at (518) 402-8768.

Sincerely,



Maureen P. Serafini
Director
Bureau of Pesticides Management

Enclosures

cc: w/enc. - R. Mungari - NYS Dept. of Ag. & Markets
W. Smith - Cornell University, PMEP



**For sale to, use and storage only
by individuals/firms licensed or registered by the
state to apply general pest control products.**

ACTIVE INGREDIENTS:

Fipronil: 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)
phenyl)-4-((1, R, S)-(trifluoromethyl)sulfinyl)
-1-H-pyrazole-3-carbonitrile 9.1%

INERT INGREDIENTS: 90.9%

TOTAL: 100.0%

One gallon of Termidor NY contains 0.8 lbs of fipronil.

EPA Reg. No. 7969-210

EPA Est. No. 264-MO-02

**KEEP OUT OF REACH OF CHILDREN.
CAUTION/PRECAUCIÓN**

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 inside for additional **First Aid, Precautionary
Statements** and **Directions for Use.**

For Additional Product Information, Visit
www.pestcontrolfacts.com

**FOR MEDICAL AND TRANSPORTATION
EMERGENCIES ONLY CALL 24 HOURS A DAY
1-800-832-HELP (4357).**

NET CONTENTS: 21 fl oz

**"RESTRICTED USE"
IN NEW YORK STATE
UNDER 6NYCRR PART 326**

**ACCEPTED
FOR REGISTRATION**

JUN 12 2007

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PESTICIDE PRODUCT REGISTRATION



TERMIDOR®



The Chemical Company

BASF Corporation
Agricultural Products
26 Davis Drive
Research Triangle Park, NC 27709

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have a person sip a glass of water if able to swallow. • DO NOT induce vomiting unless told to by a poison control center or doctor. • DO NOT give anything by mouth to unconscious person.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
IF INHALED	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or ambulance, then give artificial respiration, preferably mouth to mouth if possible. • Call a poison control center or doctor for treatment advice.
IF IN EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p> <p>NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and in extreme cases, possibly convulsions may occur.</p>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, absorbed through skin or inhaled. Causes eye irritation. **DO NOT** get in eyes, on skin or on clothing. **DO NOT** breathe spray mist.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves.

USER SAFETY RECOMMENDATIONS

Users should wash hands thoroughly with soap and water before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove contaminated clothing. Then wash body thoroughly with soap and water and put on clean clothing. Wash clothing with detergent and hot water before reusing.

Remove PPE immediately after handling this product. Wash outside of gloves before removing. Wash PPE before reusing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, fish, and aquatic invertebrates. **DO NOT** apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Care must be taken to avoid runoff. **DO NOT** contaminate water by cleaning equipment or disposal of wastes. **DO NOT** contaminate water 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 entire label before using this product.

For sale to, use and storage only by individuals/firms licensed or registered by the state to apply general pest control products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the structural pest control regulatory agency of your state prior to use of this product.

STORAGE AND DISPOSAL

DO NOT contaminate water, food, or feed by storage or disposal.

STORAGE

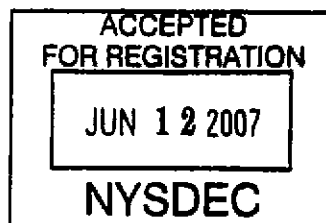
Store unused product in original container only, out of reach of children and animals.

PESTICIDE DISPOSAL

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide is a violation of federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL

Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state or local authorities, by burning. If burned, stay out of smoke. In case of minor spills or leaks, soak up with sand, earth or other suitable material and dispose of as pesticide waste.



**CLASSIFIED FOR
"RESTRICTED USE"
IN NEW YORK STATE
UNDER 6NYCRR PART 326**

GENERAL PRECAUTIONS

- **DO NOT** apply **Termidor NY** in a way that will contact any other person. Only protected applicators wearing personal protective equipment as required by this product label may be in the area during application.
- **DO NOT** treat around any edible plants with **Termidor NY**.
- **DO NOT** contaminate public and private water supplies.
- **DO NOT** treat while precipitation is occurring.
- **DO NOT** treat soil that is water-saturated or frozen.
- Use anti-backflow equipment on all filling hoses.
- **DO NOT** use in tanks with borate contaminants.

GENERAL INFORMATION

Termidor NY is formulated as a water-based suspension concentrate liquid containing 9.1% active ingredient.

MIXING INSTRUCTIONS

Mix **Termidor NY** in the following manner:

1. Fill tank 1/4 to 1/3 full with water. Filling hose must be equipped with an anti-backflow device.
2. Start pump to begin by-pass agitation and place end of treating tool in tank to allow circulation through hose.
3. Add appropriate amount of **Termidor NY**. Refer to the table in the box below to determine the proper amount to add to desired gallons of water.
4. Add remaining amount of water.
5. Let pump run and allow recirculation through the hose for 2 to 3 minutes or longer, until **Termidor NY** in the tank has dispersed completely.

To Mix 0.06% Desired Finished Dilution of Termidor NY	Start with (gallons of water)	Add (fluid ounces of Termidor NY)
25 gallons finished dilution	24.75	19 oz (or 1 pt + 3 oz)
1 gallon of finished dilution	1	0.8 oz

Termidor NY can be used to control ants, Carpenter ants and nuisance ants (including Argentine ants, Big-Headed ants, Odorous House ants and Pavement ants).

DIRECTIONS FOR USE: Carpenter Ants and Nuisance Ant Control (Argentine ants, Big-Headed ants, Odorous House ants and Pavement ants):

For control of ants around houses and other structures, apply 0.06% **Termidor NY** to the structure exterior as a low pressure coarse spray where ants enter the structure, trail around the structure or where they crawl and hide. Also spray 0.06% **Termidor NY** around doors, windows, vents, pipes or any other exterior openings (including foundation cracks or drilled holes) where ants could enter the structure. Be especially careful to treat the joint where exterior siding (wood, vinyl, aluminum or any similar material) meets the cement, block or brick foundation. Treat all areas where any wires (electrical, telephone or cable)

enter the house. This treatment should be made as a general surface spray, crack and crevice spray or wall void application. Apply 2 quarts of 0.06% **Termidor NY** finished spray per 160 linear feet. (This rate is approximately 1.5 gallons finished spray per 1000 square feet). Application is made one foot out and one foot up the foundation wall with a maximum number of 2 applications per year.

It is recommended to remove or prune away shrubbery, bushes, and tree branches touching the structure. Vegetation touching the structure may offer a route of entry for ants into the structure. This may allow ants to inhabit the structure without coming in contact with the treatment. If nests are found, direct treatment of **Termidor NY** can be made to these nests.

DO NOT allow residents and pets into the immediate area during application and DO NOT contact treated areas until sprays have dried.

CLASSIFIED FOR
"RESTRICTED USE"
IN NEW YORK STATE
UNDER 6NYCRR PART 326

ACCEPTED
FOR REGISTRATION

JUN 12 2007

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PESTICIDE PRODUCT REGISTRATION

LIMITED WARRANTY AND DISCLAIMER

The label instructions for the use of this product reflect the opinion of experts based on research and field use. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the use of, or application of the product contrary to label instructions, all of which are beyond the control of BASF Corporation (BASF). All such risks shall be assumed by the user.

BASF shall not be responsible for losses or damages resulting from use of this product in any manner not set forth on this label. User assumes all risks associated with the use of this product in any manner not specifically set forth on this label.

BASF warrants only that the material contained herein conforms to the chemical description of the label and is reasonably fit for the use therein described when used in accordance with the directions for use, subject to the risks referred to above. BASF does not make or authorize any agent or representative to make any other warranties, express or implied, and expressly excludes and disclaims all implied warranties of merchantability or fitness for a particular purpose.

Buyer's exclusive remedy and BASF's exclusive liability, whether in contract, tort, negligence, strict liability or otherwise, shall be limited to repayment of the purchase price. In no case shall BASF or the seller be liable for consequential, special or indirect damages resulting from the use or handling of this product.

BASF makes no other express or implied warranty, including other express or implied warranty of FITNESS or of MERCHANTABILITY. Read the entire directions for use, conditions, disclaimer or warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once.

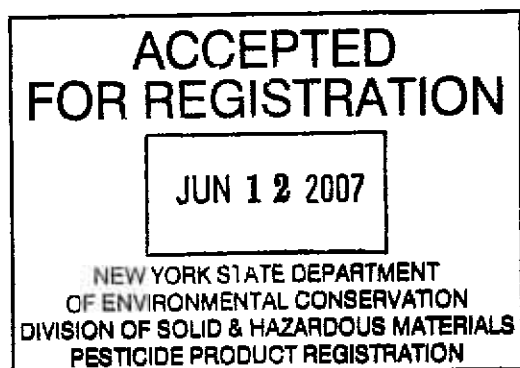
NOTICE TO BUYER

Purchase of this material does not confer any rights under patents governing this product or the use thereof in countries outside the United States.

LABEL LICENSE FOR TERMIDOR®

The purchase price of **TERMIDOR** includes a royalty whereby the purchaser acquires a prepaid license under U.S. Patent Nos. 5,232,940 and 5,700,460 under which purchaser agrees to employ the purchased quantity of **TERMIDOR** only for the above-specified uses under BASF's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of **TERMIDOR** other than those specified on this label are not licensed through the purchase of this product and the use of this product for other purposes may violate this license and patent rights of BASF.

*Termidor is a registered trademark of BASF.
Fipronil is protected by U.S. Patent No. 5,232,940.*



CLASSIFIED FOR
"RESTRICTED USE"
IN NEW YORK STATE
UNDER 6NYCRR PART 326

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007969-00210.20060831.NVA 2006-04-289-0249
Supersedes: NVA 2005-04-220-0343

BASF Corporation
Agricultural Products
26 Davis Drive
Research Triangle Park, NC 27709


The Chemical Company