UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF CHEMICALSAFETY
AND POLLUTION PREVENTION

Texas Department of Agriculture
P.O. Box 12847
Austin Texas, 78711

DATE: November 1, 2012
EXPIRATION DATE: November 1, 2015
ANNUAL REPORTS DUE: November 1, 2013, November 1, 2014

FINAL REPORT DUE: May 1, 2016
FILE SYMBOL: 12TX09

Attn: Dale R. Scott

The Environmental Protection Agency hereby issues a quarantine exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the Texas Department of Agriculture for expanded use of fipronil to control an invasive crazy ant species (*Nylanderia* sp. nr. *pubens*, commonly referred to as the Rasberry crazy ant) around the outside of manmade structures, in counties where the ant has been confirmed. This exemption is subject to the conditions and restrictions specified in the request submitted to the EPA, as well as the following, outlined below:

1. The Texas Department of Agriculture (TDA) is responsible for ensuring that all provisions of this quarantine exemption are met. TDA is also responsible for providing information in accordance with 40 Code of Federal Regulations (CFR) §166.32 (b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Regional office annually, and within 6 months following the expiration of these exemptions, or prior to requesting subsequent specific exemptions for these uses. In accordance with 40 CFR §166.32(a) these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption. Any future correspondence regarding these exemptions should refer to file symbol 12TX09.

2. The registered product, Termidor® SC Termiticide/Insecticide (9.1% fipronil), EPA Reg. No. 7969-210, manufactured by BASF Corporation, may be applied. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed, as well as those on the section 18 use directions submitted to EPA with the exemption application on September 18, 2012

3. Termidor® SC Termiticide/Insecticide must be applied only by certified pest control operators (PCOs) certified in a category applicable to the application of this product. Only protected applicators wearing personal protective equipment as required by this product's EPA-registered container label may be in the area during application.

4. Termidor SC® Termiticide/Insecticide may be applied as detailed on the EPA-registered label for perimeter pest control with the exception of the following:

    a. Treatments may be made as a low-pressure general surface spray (coarse flat fan), crack and crevice spray or wall void application, where ants enter the structure, trail around the structure, or where they crawl and hide. For exterior perimeter treatments, apply 0.06% Termidor® SC finished dilution to surfaces up to, but not to exceed, 3 ft. up and 10 ft. of sod out from the foundation. Mounds or nests can be treated directly.

    b. Treatments are to be made up to 10 feet around areas where ants are found associated with utility wires (electrical, telephone or cable). Foam treatments can be applied to structural voids where ants may enter, trail or nest.

5. Two treatments are permitted per year per structure, at intervals of 60 days.

6. This exemption expires three (3) years from the date of issuance, as given above.

7. To date, the Rasberry crazy ant has been identified in the following counties: Bexar, Brazoria, Brazos, Cameron, Chambers, Comal, Fort Bend, Galveston, Hardin, Harris, Hidalgo, Jefferson, Jim Hogg, Liberty, Matagorda, Montgomery, Nueces, Orange, Polk, Travis, Walker, Wharton, and Williamson. Use may be expanded by TDA permission to additional counties when positive identification of the presence of the Rasberry crazy ant is confirmed. TDA must notify EPA if the use under this exemption is expanded into other counties in addition to those already listed here and in the section 18 use directions.

8. A final report summarizing the results of this program is due within 6 months of the expiration of this exemption, and annual reports must be submitted on a yearly basis, by the dates provided above. The reports should contain updated information about the current range of this species and progress related to efforts to identify integrated techniques for responding to infestations of the invasive crazy ant.

Lois Rossi

Lois Rossi, Director
Registration Division
Office of Pesticide Programs

cc: U.S. EPA Region 6
Elizabeth Reyes