Board Enforcement Case Pre-Review
Background Summary

Subject:
TruGreen Lawncare
2 Delta Drive
Westbrook, Maine 04092

Summary of Complaints/Incidents:

Incident 1:

On August 4, 2025, the Board received a call from a resident of Berwick, Maine. The caller stated that a lawn care application, possibly for weed control, was conducted at their property at around 9:00 AM on Monday, August 4, 2025. The caller does not contract with any company for lawn care or pesticide applications. The caller is concerned about their dogs and children entering the treated areas.

A follow-up inspection conducted by the Board staff revealed that a TruGreen employee applied the pesticides Change Up, EPA Reg. No. 228-445 and Drive XLR8, EPA Reg. No. 7969-272 at 13 Haflinger Lane instead of the intended customer at 9 Haflinger Lane. The follow-up inspection further revealed that the employee did not use a system to positively identify the property of the Company's customer, and that the Company had not recorded any data to positively identify its customer location.

Incident 2:

On August 17, 2025, the Board received an email from a former employee of TruGreen who left the company in June of 2025, due in part to "leaking or inoperative equipment". In the email sent to the Board, the former employee alleged that:

1. Incorrect pesticide applications happen and are typically handled in-house (there are no verification processes for making sure techs are at the correct house).

2. If the app used to track jobs indicates that weather conditions exceed the acceptable range, they were directed by my manager (Nick Greer) to change the wind speed to 10mph and proceed.

3. They stated "there was a day when the backpack sprayer leaked and soaked my whole back with Talstar. When I called my manager (John Tripp), he told me to use a different piece of equipment but didn't want me to clean myself up or change my uniform."

From the First Aid Section of the Talstar P label:

If on skin or clothing
• 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.

Summary of Relevant Laws

7 U.S.C. § 136j(a)(2)(G):

It shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling**;**

01-026 CMR ch. 20, Section 6 D (2):

No person may apply a pesticide to a property of another unless prior authorization for the pesticide application has been obtained from the owner, manager or legal occupant of that property. The term "legal occupant" includes tenants of rented property.

01-026 CMR ch. 20, Section 7 (A):

Commercial applicators making outdoor treatments to residential properties must implement a system, based on Board approved methods, to positively identify the property of their customers.

22 M.R.S. § 1471-D (8) (B):

Has engaged in fraudulent business practices in the application or distribution of pesticides;

Attachments: Inspection report, Email, Talstar P label, 2020 Consent Agreement, 2023 Consent Agreement

Inquiry / Complaint **(EC-107857)**

Inquiry/Complaint | **Overview** | **Caller** | **Actions** | **Audit**

Action Taken
Inspection Required

Finalized / Resolved ☐

Comments
—

Resolution Details
—

Inquiry / Complaint Details

Complaint ID
COMPLAINT-1006

Event Type
Complaint

Company / Agency Name
TRUGREEN LAWNCARE

Inquiry / Complaint Details
This call was received on 8/4/2025. The caller stated that a lawn care application, possibly for weed control, was conducted at their property at around 9:00 AM on Monday, August 4, 2025. The caller does not contract with any company for lawn care or pesticide applications. The caller is concerned about their dogs and children entering the treated areas.

Estimated Date of Incident
Aug 4, 2025

Urgency Level
High

Topic
Unauthorized Application

Site
Turf/Ornamental

Application Method
Unknown

Inquiry / Complaint Physical Location Address

Address Line
—

Address Line 2
—

City
Berwick

Directions
—

Pesticide Use Inspection Report

Inspected Company/Agency
sample text

sample text

Company/Agency Name
TRUGREEN LAWNCARE

Company/Agency Type
FH

Category

Address Line
2 Delta Dr

City
Westbrook

Primary Phone

Email

Contact First Name
John

Contact Last Name
Tripp

Type and size of operation:
no value

Do you have obsolete pesticides?
no value

APPLICATOR, SUPERVISOR, LICENSING

no value

Licensing is:
- (●) Correct
- ( ) Violation
- ( ) Not Required

Applicator

Name
Noah Sterling

License (If any)
COA-9650

Firm License (If any)
SCF-1800

Supervisor (When required)

Name
John Trip

License (If any)
CMA-6108

Location
Westbrook

APPLICATION SITE

Latitude

Longitude

Field Name, Address or Description of Application Site (If different than on Notice of Inspection)

Field Name	Description	Address Line 1	City	State	Postal Code
	no value	13 Haflinger Lane	Berwick	ME	no value

Owner Name & Address (If different than on Notice of Inspection)

Owner Name	Address Line 1	City	State	Postal Code
			ME	no value

Type of establishment treated (Farm, home, etc)	Site treated (Crop, structure, vegetation, etc.)	Size of area treated	Target pest(s)	Cropping stage (If applicable)	Application Date Time	Wind Speed	Direction	Temperature	Sky Conditions
Home	Lawn	807 sq. ft.	Weeds		August 4, 2025 11:00:00 AM EDT	1.1 mph	NNW	76	missing

PESTICIDES APPLIED

Formatted Text
no value

Add item
Delete

	Brand Name	EPA Reg #	Site as specified on label	Violation?	Formulation	RUP
1	Change Up	228-445	Lawns	No	Liquid	False
2	Drive XLR8	7969-272	Lawns	No	Liquid	False

APPLICATION RATE

Application Method (Equipment)	Pressure	Nozzle(s)	Calibration Adequate	Calibration Documented
Ride on sprayer		N/A	no value	no value

Total Mix in Tank
25 Gallons

*Amount used if Part Tank Used
.54 g

Area Covered per Tank/Use

Quantity of Pesticide Formulation In Tank

Add item
Delete

	Quantity
1	34 fl. oz.
2	54 fl. oz.

Formulation Applied Per Unit Area Or Volume

Add item
Delete

1	.9183 fl. oz./1000 sq. ft.
2	1.45 fl. oz./1000 sq. ft.

Maximum Labeled Rate Per Unit Area or Per Volume

Add item
Delete

		Violation?
1	1.1 fl. oz./1000 sq. ft.	No
2	1.45 fl. oz./1000 sq. ft.	No

PERSONAL PROTECTIVE EQUIPMENT

R=Required W=Worn

	Apply		Mix	
Long sleeve shirt	☑ R	☑ W	☑ R	☑ W
Long pants	☑ R	☑ W	☑ R	☑ W
Shoes/socks	☑ R	☑ W	☑ R	☑ W
Chemical resistant boots	☐ R	☐ W	☐ R	☐ W
Coveralls	☐ R	☐ W	☐ R	☐ W
Chemical resistant suit	☐ R	☐ W	☐ R	☐ W
Gloves, regular	☐ R	☐ W	☐ R	☐ W
Gloves, waterproof	☐ R	☐ W	☐ R	☐ W
Gloves, chemical resistant	☑ R	☐ W	☑ R	☐ W
Chemical resistant hat	☐ R	☐ W	☐ R	☐ W
Chemical resistant apron	☐ R	☐ W	☐ R	☐ W
Protective eyewear	☑ R	☐ W	☑ R	☐ W
Respirator	☐ R	☐ W	☐ R	☐ W
Enclosed cab	☐ Y	☐ N		
PPE in cab	☐ R	☐ W		

Other Items
no value

OTHER COMPLIANCE ITEMS

no value

Storage Area
○ Violation
○ No Violation Observed

no value

Posting
◉ Violation
○ No Violation Observed

no value

Application Method
○ Violation
○ No Violation Observed

no value

Mixing/Loading Area
○ Violation
○ No Violation Observed

no value

Spray Interval
○ Violation
○ No Violation Observed

no value

Rinsing/Disposal

○ Violation
○ No Violation Observed

no value

Preharvest Interval
○ Violation
○ No Violation Observed

no value

Off target drift
○ Violation
○ No Violation Observed

no value

Other
○ Violation
○ No Violation Observed

Comments
no value

RECORD DETAILS

no value

Are records maintained for two years?
◉ Yes
○ No

no value

Reviewed by Inspector? If no, explain in comments.
◉ Yes
○ No

Comments
no value

no value

Application Method
◉ Yes
○ No

no value

Brand name of pesticide
◉ Yes
○ No

no value

Active ingredient(s)
◉ Yes
○ No

no value

EPA registration #

no value

Size of treated area
◉ Yes
○ No

no value

Target pest
◉ Yes
○ No

no value

Site or crop treated
◉ Yes
○ No

no value

Sensitive areas noted

◉ Yes
○ No

no value

REI or Ventilation
○ Yes
◉ No

no value

Applicator name
◉ Yes
○ No

no value

Applicator license #
○ Yes
◉ No
○ N/A

no value

Date of application
◉ Yes
○ No

no value

Time of application
◉ Yes
○ No

no value

Town of application
◉ Yes
○ No

no value

Site name or description
◉ Yes
○ No

Comments

no value

Did inspector take copy of records
◉ Yes
○ No

no value

Hazard Communication Standard
◉ Yes
○ No

○ Yes
◉ No
○ N/A

no value

Wind speed & direction
◉ Yes
○ No
○ N/A

no value

Temperature
◉ Yes
○ No
○ N/A

no value

Sky conditions
○ Yes
◉ No
○ N/A

no value

Total amount of RUP
○ Yes
○ No
◉ N/A

no value

Application rate GUP
◉ Yes
○ No

no value

Sprayer calibration
◉ Yes
○ No
○ N/A

Comments
no value

Worker Protection Standard?
No

Worker Protection Standard

no value

Provide supporting details and documents.

Physical Samples Taken

Sample Number	Sample Description	Sample Type	Date of Submission	Result	Lab Location	Analysis Completion Date
No items						

Add Physical Sample

Documentary Samples

Sample Number	Sample Description	
250805JEP01A	Copy of application records	Delete
250805JEP01B	Photo of label for Drive XLR8 EPA Reg. No. 7969-272	Delete
250805JEP01C	Photo of label for Change Up EPA Reg. No. 228-445	Delete

Add Documentary Sample

Reportable Data

Number of Documentary Samples Collected
2

Supporting Documents

(5)

Loading...

Brief Summary of Inspection
On 8/05/2025 a non-agricultural follow up use inspection was conducted with Noah Sterling, applicator for TruGreen, and supervisor John Tripp at 2 Delta Drive in Westbrook. This inspection was completed as a follow up to the complaint filed in EC-107857, alleging unauthorized application. The complainant was home at time of application, she saw the applicator spraying on lawn, the applicator left after she confronted him, and he did not leave signage.

On 8/4/2025, applicator Noah Sterling made an application of Change Up EPA Reg. No. 228-445 and Drive XLR8 EPA Reg. No. 7969-272 to 13 Haflinger Lane in Berwick to control weed in the yard. Sterling applied to 807 sq. ft. before the homeowner told him he was at the wrong property. Change Up and Drive XLR8 both require the applicator to where chemical resistant gloves when mixing and applying, sterling admitted he did not wear gloves, he also did not wear protective eye wear which is

required by Change Up. Records are missing application method, REI, applicator license #, and sky conditions

The target site for this application was supposed to be 9 Haflinger Lane, which is next door to 13 Haflinger Lane. When shown a picture of each property Sterling confirmed he made an application to 13 Haflinger Lane. Sterling said he knock on the door and no one answered so he started the application.

In November 2024 there was a misapplication of a fertilizer at TruGreen, recommended Tripp have multiple verification methods for a property such as pictures of the property and electric meter numbers. This property did not have any method of positive identification of proper treatment which is a violation of Chapter 20: Special Provisions.

Recommendations
no value

Acknowledgement

Acknowledgement:

The physical and/or documentary samples listed above were collected by a Maine Board of Pesticides Control Representative in connection with administration of FIFRA and/or State of Maine Pesticide Statutes and Regulations.

Accept Clear

no value

Maine
Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028
Tel: (207) 287-2731
Fax: (207) 287-7548
www.thinkfirstspraylast.org

NOTICE OF PESTICIDE USE RELATED INSPECTION & RECEIPT FOR SAMPLES

Date 8/5/25 — Appointment ◉ Unannounced ○
Time 6:30a — Response to Complaint ◉ Y ○ N
Inspection # 250805JEP01

Individual Noah Sterling — Title
Owner/Manager (If different) — Title
Company or Farm Name Tru Green
Address 2 Delta Drive — Phone 2078567117
Town Westbrook — Zip 04092

Name of Pesticide Inspector (Please print): Jennie Poisson
Signature of Pesticide Inspector: Jennie Poisson

NOTICE OF INSPECTION & CONSENT TO INSPECTION

☐ Credentials presented

This investigation is being conducted by a representative of the Maine Board of Pesticides Control for the purpose of inspecting sites where pesticides are being/have been used, to collect data on their use in order to determine whether pesticides are being/have been used in compliance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and/or State of Maine Pesticide Statutes and Regulations.

☐ Routine inspection
◉ Violation suspected (Describe) Unauthorized Application

The undersigned hereby voluntarily consents to an inspection of pesticide use related property, records and procedures, of which I am Owner, Agent or Person-In-Charge, for the purposes of gathering information and/or samples in connection with the administration and enforcement of FIFRA and State Pesticide Statutes and Regulations.

Print Name	Signature	Date
⇨ Noah Sterling	⇨ Noah Sterling	⇨

RECEIPT FOR SAMPLES (If applicable)

Samples Collected *Describe fully. List sample number, registration number and other positive identification.*

The following pesticide and/or environmental samples or other documentation were collected by a Maine Board of Pesticides Control Representative indicated below in connection with the administration and enforcement of FIFRA and/or State Pesticide Statutes and Regulations.

250805JEP01A Application Records for 9 Hidflingerdn
250805JEP01B- Photo of label for Drive XLR8 EPA Reg. No. 7969-272
250805JEP01C- Photo of label for Change UP EPA Reg. No. 228-445

☐ Duplicate samples provided
☐ Duplicate samples not requested

Samples were ☐ Purchased ☐ Received, no charge ☐ Borrowed

Amount paid for samples ☐ Cash ☐ Voucher ☐ To be billed

Signature of inspector, samples collected	Date	Signature of agent, samples acknowledged	Date
Jennie Poisson	8/5/25	Noah Sterling	8/5/25

Form 27 Rev 02/2016

Maine Board of Pesticides Control — PESTICIDE USE INSPECTION REPORT

Inspection # 250805JEP01

Company or Farm Name: TruGreen | Person Interviewed: Noah Sterling | Date: 250805

Do you have obsolete pesticides? Y ☐ N ☑ NA ☐

Type and size of operation: Commercial lawn care company

Licensing is: Correct ☐ Violation ☐ Not Required ☐

APPLICATOR, SUPERVISOR, LICENSING

	Name	License (If any)	Firm License (If any)
Applicator	Noah Sterling	COA - 9650	SCF - 1800
Supervisor (When required)	John Fripp	CMA - 10108	Supervisor's Location: Westbrook

APPLICATION SITE

N Deg Min Sec W Deg Min Sec

Field Name, Address or Description of Application Site (If different than on Notice of Inspection): 13 Hatthaer Lane Berwick

Owner Name & Address (If different than on Notice of Inspection):

Type of establishment treated (Farm, home, etc): Home

Site treated (Crop, structure, vegetation, etc.): Lawn

Size of area treated: 807 sqft

Target pest(s): Weeds

Cropping stage (If applicable):

Application Date: 8/4/2025

Time: 11:00 am ~ 4:00 pm

Wind Speed: 1-1 mph N/A ☐

Direction: NNW N/A ☐

Temperature: ~ 76° N/A ☐

Sky Conditions: N/A ☐

PESTICIDES APPLIED

	EPA Reg #	Site as specified on label	Violation?	Formulation	
a. Brand Name: Change Up	228-445	Lawns	Y ☐ N ☑	Liquid	RUP ☐
b. Brand Name: DriveXLR8	7969-272	lawns	Y ☐ N ☑	Liquid	RUP ☐
c. Brand Name	EPA Reg #	Site as specified on label	Y ☐ N ☐	Formulation	RUP ☐

APPLICATION RATE

Application Method (Equipment): Ride on Spreader | Pressure: N/A ☐ | Nozzle(s): N/A ☐ | Calibration Adequate: Y ☑ N ☐ N/A ☐ | Calibration Documented: Y ☑ N ☐ N/A ☐

	Quantity of Pesticide Formulation In Tank	Total Mix in Tank	Area Covered per Tank/Use	Formulation Applied Per Unit Area Or Volume	Maximum Labeled Rate Per Unit Area or Per Volume	Violation?
a.	34 fl oz	25 gals	.34 g *Amount used if Part Tank Used	a. .9183 fl oz / 1000	a. 1.1 fl oz / 1000	☐ N ☐
b.	54 fl oz			b. 1.45 fl oz / 1000	b. 1.45 fl oz / 1000	☐ N ☐
c.				c.	c.	Y ☐ N ☐

PERSONAL PROTECTIVE EQUIPMENT R = Required W = Worn

	Apply	Mix		Apply	Mix		Apply	Mix
Long sleeve shirt	R ☑ W ☐	R ☑ W ☐	Gloves, regular	R ☐ W ☐	R ☐ W ☐	Protective eyewear	R ☑ W ☐	R ☑ W ☐
Long pants	R ☑ W ☐	R ☑ W ☐	Gloves, waterproof	R ☐ W ☐	R ☐ W ☐	Respirator	R ☐ W ☐	R ☐ W ☐
Shoes/socks	R ☑ W ☐	R ☑ W ☐	Gloves, chemical resistant	R ☑ W ☐	R ☑ W ☐	Enclosed cab	Y ☐ N ☐	
Chemical resistant boots	R ☐ W ☐	R ☐ W ☐	Chemical resistant hat	R ☐ W ☐	R ☐ W ☐	PPE in cab	R ☐ W ☐	
Coveralls	R ☐ W ☐	R ☐ W ☐	Chemical resistant apron	R ☐ W ☐	R ☐ W ☐		R ☐ W ☐	R ☐ W ☐
Chemical resistant suit	R ☐ W ☐	R ☐ W ☐		R ☐ W ☐	R ☐ W ☐		R ☐ W ☐	R ☐ W ☐

OTHER COMPLIANCE ITEMS NVO = No Violation Observed V = Violation

Storage Area	NVO ☐ V ☐	Application Method	NVO ☐ V ☐	Spray Interval	NVO ☐ V ☐	Preharvest Interval	NVO ☐ V ☐
Posting	NVO ☐ V ☐	Mixing/Loading Area	NVO ☐ V ☐	Rinsing/disposal	NVO ☐ V ☐	Off target drift	NVO ☐ V ☐
Other	NVO ☐ V ☐						

RECORDS DETAILS

Are records maintained for two years? Y ☑ N ☐ Reviewed by Inspector? Y ☑ N ☐ If no, explain in comments.

Application method	Y ☐ N ☑	Date of application	Y ☑ N ☐	Sensitive areas noted	Y ☐ N ☐ N/A ☑
Brand name of pesticide	Y ☑ N ☐	Time of application	Y ☐ N ☑	Wind speed & direction	Y ☑ N ☐ N/A ☐
Active ingredient(s)	Y ☑ N ☐	Town of application	Y ☑ N ☐	Temperature	Y ☑ N ☐ N/A ☐
EPA registration #	Y ☑ N ☐	Site name or description	Y ☑ N ☐	Sky conditions	Y ☐ N ☑ N/A ☐
REI or Ventilation	Y ☐ N ☑	Size of treated area	Y ☑ N ☐	Total amount of RUP	Y ☐ N ☐ N/A ☑
Applicator name	Y ☑ N ☐	Target pest	Y ☑ N ☐	Total or rate of GUP	Y ☑ N ☐
Applicator license # NA ☐	Y ☐ N ☑	Site or crop treated	Y ☑ N ☐	Sprayer calibration	Y ☑ N ☐ N/A ☐

Did inspector take copy of records Y ◯ N ◯

COMMENTS

Knocked on door did halt application

Hazard Communication Standard Y ☐ N ☑

Pesticide Inspector's Signature: Jamie Rosson Date: 8/5/2025

250805JEP01A

TRUGREEN
Live life outside.®

5028 - PORTLAND, ME
2 DELTA DR
WESTBROOK, ME, 04092
(207)856-7117

Master Form #:

Work order #: WO7838165504

CUSTOMER SERVICE INFORMATION

CHAPMAN JR., AARON
5028-7009265787
9 HAFLINGER LN
BERWICK, ME, 03901
HOME: (603)520-5776

SPECIALIST INFORMATION

TRUCK ID: 216729
SPECIALIST: 207145-NOAH STERLING

CUSTOMER BILLING INFORMATION

CHAPMAN JR., AARON
9 HAFLINGER LN
BERWICK, ME, 03901
HOME: (603)520-5776

CONDITIONS

START:
TEMP: 76 ° F
WIND: 1.1 MPH NNW

TODAY'S SERVICE	DESCRIPTION	PROPERTY SQFT	DATE	TIME
TruPro Lawn Plan	TruPro Lawn Service	8073 sqft	8/4/2025	10:58 AM

COMMENTS

- We hope that with today's treatment you can better live life outside, thank you for trusting us to take care of your landscape. I've left my notes below.

WHAT I DID AND WHAT TO EXPECT

- Today I treated for broadleaf weeds and annual grasses in your lawn. You should see weeds turn color and begin to decline in a few weeks. For best results avoid mowing for 24 hours.

- Thank you for your business! Please keep an eye out for a message following today's application containing a link to our post-service survey.

	PRODUCTS APPLIED		TOTAL VOLUME	SQFT
	BROADLEAF & GRASSY WEED CONTROL		0.54 GAL	807
METHOD:	Spray, 0.67 GAL/1000 SQFT			
AREAS:	Where Needed			
PRODUCTS:	CHANGE UP (MCPA,FLUROXYPYR,DICAMBA) EPA# 228-445			
	RATE:	0.9183 FLOZ/1000 SQFT		
	APPLIED AMT:	0.7413 FLOZ		
	TARGETS:	Annual Broadleaf Weeds		
	DRIVE XLR8 (QUINCLORAC) EPA# 7969-272			
	RATE:	1.4500 FLOZ/1000 SQFT		
	APPLIED AMT:	1.1706 FLOZ		
	TARGETS:	Crabgrass		
	METHYLATED SEED OIL (METHYLATED SEED OIL) EPA#			
	RATE:	0.0017 GAL/1000 SQFT		
	APPLIED AMT:	0.0013 GAL		

Thank you for your business!

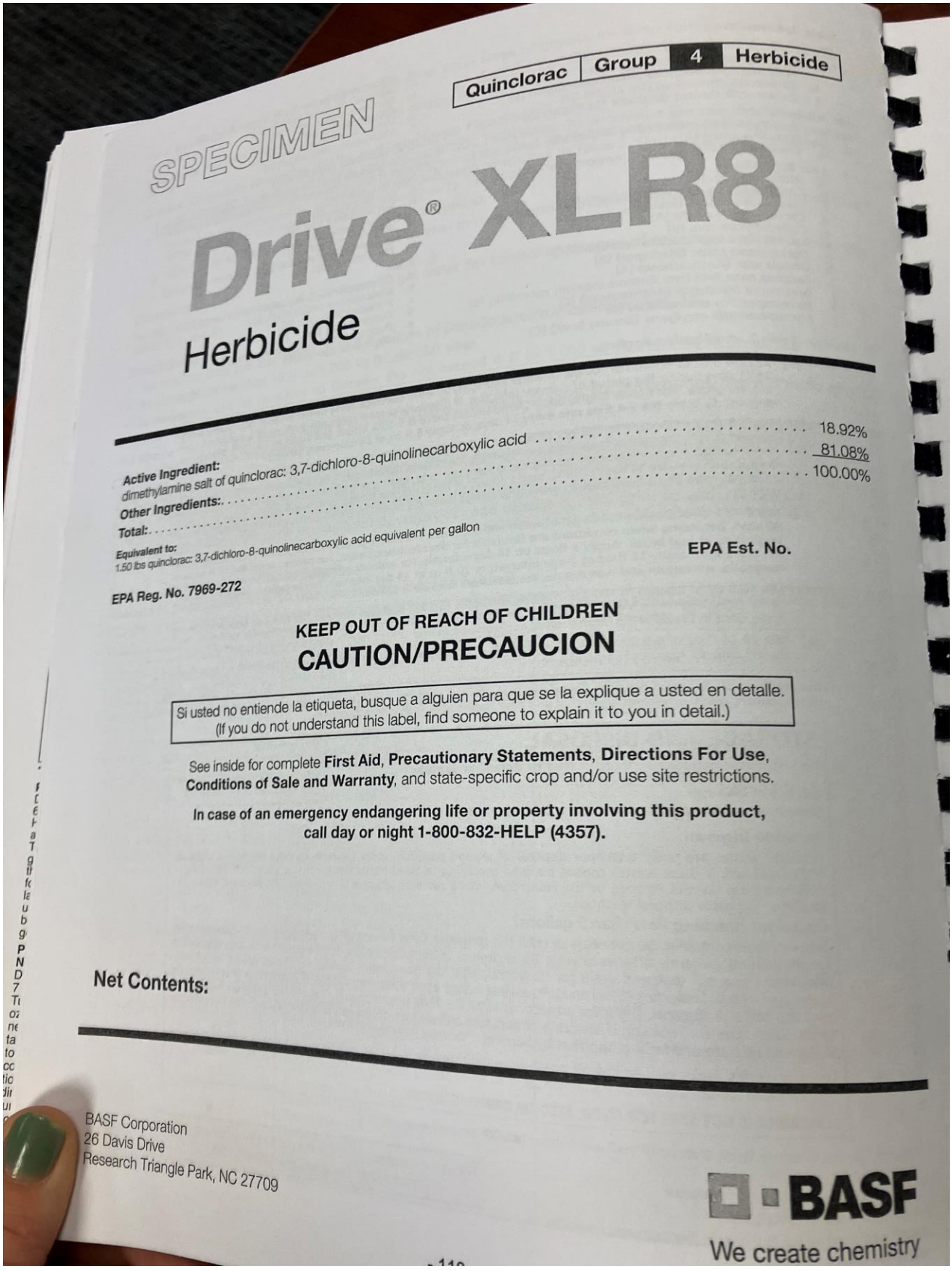
Please note: This is not an invoice. For billing information, please visit MyAccount.TruGreen.com.

To optimize the effectiveness of your program, it is important to apply the right products at the right time. For this reason, your program continues from year to year without any action on your part.

Notice: I acknowledge I have received a copy of my written TruGreen contract and I agree to all terms contained therein, and by signing, I am giving TruGreen permission to apply the materials that may be needed to promote a healthy and vigorous landscape, and that my signature will have all the same effect as if I had signed the actual contract, which is incorporated herein verbatim.

Documentary Sample No. 250805JEP01B

Photo of label for Drive XLR8 EPA Reg. No. 7969-272



FIRST AID	
If swallowed	• Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • **DO NOT** induce vomiting unless told to do so by a poison control center or doctor. • **DO NOT** give anything by mouth to an unconscious person.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
If in eyes	• Hold eyes open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after first 5 minutes; then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
If inhaled	• Move person to fresh air. • If person is not breathing, call 911 or an ambulance; then give artificial respiration, preferably by mouth to mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).	

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves, made of butyl rubber ≥ 14 mils, natural rubber ≥ 14 mils, neoprene rubber ≥ 14 mils, or nitrile rubber ≥ 14 mils
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Engineering Controls

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

Environmental Hazards

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Keep out of lakes, ponds and streams. **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 by cleaning of equipment or disposal of rinsate.

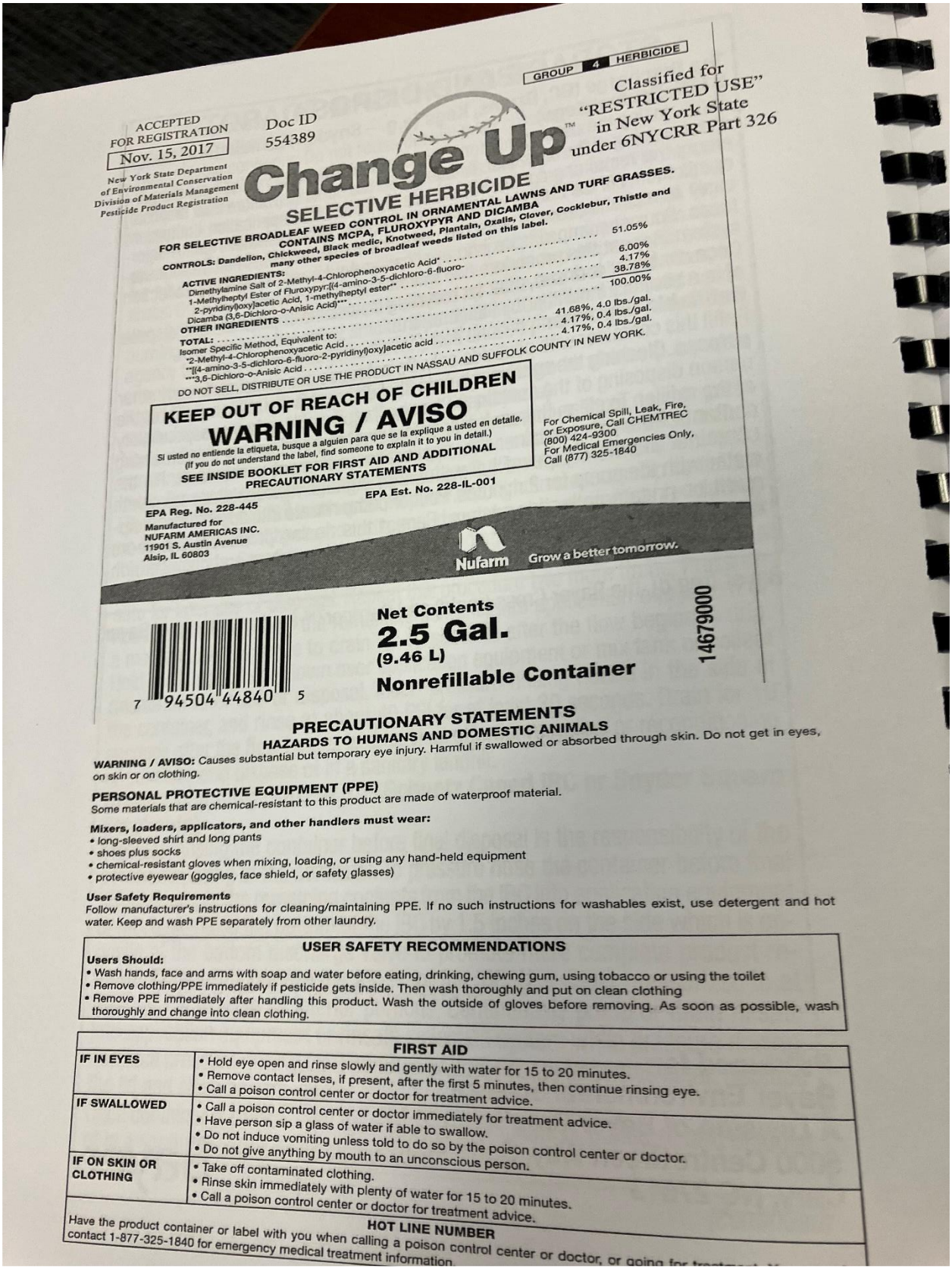
Directions For Use

It is a violation of federal law to use this product in a manner inconsistent with this labeling. All applicable directions, restrictions and precautions are to be followed. This labeling must be in the possession of the user at time of application.

DO NOT apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the specified area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

Documentary Sample No. 250805JEP01C

Photo of label for Change Up EPA Reg. No. 228-445



ACCEPTED
FOR REGISTRATION
Nov. 15, 2017
New York State Department
of Environmental Conservation
Division of Materials Management
Pesticide Product Registration

Doc ID
554389

GROUP 4 HERBICIDE

Classified for
"RESTRICTED USE"
in New York State
under 6NYCRR Part 326

Change Up™

SELECTIVE HERBICIDE

FOR SELECTIVE BROADLEAF WEED CONTROL IN ORNAMENTAL LAWNS AND TURF GRASSES.
CONTAINS MCPA, FLUROXYPYR AND DICAMBA

CONTROLS: Dandelion, Chickweed, Black medic, Knotweed, Plantain, Oxalis, Clover, Cocklebur, Thistle and many other species of broadleaf weeds listed on this label.

ACTIVE INGREDIENTS:	
Dimethylamine Salt of 2-Methyl-4-Chlorophenoxyacetic Acid*	51.05%
1-Methylheptyl Ester of Fluroxypyr:[(4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxy]acetic Acid, 1-methylheptyl ester**	6.00%
Dicamba (3,6-Dichloro-o-Anisic Acid)***	4.17%
	38.78%
OTHER INGREDIENTS	100.00%
TOTAL:	
Isomer Specific Method, Equivalent to:	
*2-Methyl-4-Chlorophenoxyacetic Acid	41.68%, 4.0 lbs./gal.
**[(4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxy]acetic acid	4.17%, 0.4 lbs./gal.
***3,6-Dichloro-o-Anisic Acid	4.17%, 0.4 lbs./gal.

DO NOT SELL, DISTRIBUTE OR USE THE PRODUCT IN NASSAU AND SUFFOLK COUNTY IN NEW YORK.

KEEP OUT OF REACH OF CHILDREN

WARNING / AVISO

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 BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300
For Medical Emergencies Only, Call (877) 325-1840

EPA Est. No. 228-IL-001

EPA Reg. No. 228-445

Manufactured for
NUFARM AMERICAS INC.
11901 S. Austin Avenue
Alsip, IL 60803

Nufarm Grow a better tomorrow.

7 94504 44840 5

Net Contents
2.5 Gal.
(9.46 L)
Nonrefillable Container

14679000

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING / AVISO: Causes substantial but temporary eye injury. Harmful if swallowed or absorbed through skin. Do not get in eyes, on skin or on clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)
Some materials that are chemical-resistant to this product are made of waterproof material.

Mixers, loaders, applicators, and other handlers must wear:
- long-sleeved shirt and long pants
- shoes plus socks
- chemical-resistant gloves when mixing, loading, or using any hand-held equipment
- protective eyewear (goggles, face shield, or safety glasses)

User Safety Requirements
Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users Should:
- Wash hands, face and arms with soap and water before eating, drinking, chewing gum, using tobacco or using the toilet
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

FIRST AID	
IF IN EYES	• Hold eye open and rinse slowly and gently with water for 15 to 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.
IF SWALLOWED	• Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for [illegible]
contact 1-877-325-1840 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates and aquatic plants. 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 disposing of equipment washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

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. USE STRICTLY IN ACCORDANCE WITH LABEL DIRECTIONS.

Do not apply this product in a way that will contact any person, or pet, either directly or through drift. Keep people and pets out of the area during application. Aerial application is prohibited.

This pesticide must be used strictly in accordance with the drift and run-off precautions on this label in order to minimize off- site exposure. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Under some conditions this product may have a potential to run-off to surface water or adjacent land. Where possible, use methods which reduce soil erosion, such as no till, limited till and contour plowing; these methods also reduce pesticide run-off. Where feasible, use application techniques such as T-banding and in-furrow techniques which incorporate the pesticide into the soil. Use of vegetation filter strips along rivers, creeks, streams, wetlands, etc. or on the downhill side of fields where run-off could occur will minimize water run-off is recommended.

Low humidity and high temperatures increase the evaporation rate of spray droplets and therefore, the likelihood of increased spray drift. Avoid spraying during conditions of low humidity and/or high temperatures.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- coveralls worn over short-sleeved shirt and short pants
- chemical-resistant footwear plus socks
- chemical-resistant gloves made of any waterproof material
- chemical-resistant headgear for overhead exposure, and
- protective eyewear

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses. For Turf use, the maximum number of broadcast applications per treatment site is 2 per year.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter or allow others to enter the treated area until sprays have dried.

This product is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees* and Roughs); also for use on Sod Farms.

*Excluding Bentgrass Tees.

SPRAY DRIFT MANAGEMENT

Preventing spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when the wind speed is 2-10 mph at the application site.

For groundboom application, do not apply with a nozzle height greater than 4 feet above the crop canopy.

Avoid drift of spray mist to vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not use on Dichondra, nor on lawns or turf where desirable clovers are present. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Avoid contact with exposed feeder roots of ornamentals and trees. Do not allow the herbicide solution to mist, drip, drift, or splash from treated areas onto desirable broadleaf plants as small amounts of this product can damage sensitive plants near the treated area. If desirable plants are accidentally sprayed, immediately rinsing leaves with water may reduce or eliminate plant damage.

Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. The degree of weed control and duration of effect will vary with weed size and density, spray rate and coverage, and growing conditions before, during, and after the time of treatment. Use the higher rate for hard-to-control weeds. Avoid broadcast applications when air temperature exceeds 90°F. When using in small, spot treatment applications in temperatures over 90°F, turf injury may occur. Use added caution when treating Carpetgrass and St. Augustinegrass and air temperature exceeds 80°F.

APPLICATION RESTRICTIONS

- Do not apply more than 3 pints of this product per acre per application (1.5 lbs MCPA ae, 0.15 lbs Fluroxypyr ae, 0.15 lbs Dicamba ae).
- Do not apply more than 2 broadcast applications of this product to the same treatment site per year, excluding spot treatments.
- Do not apply more than 6 pints of this product per acre per year, including all broadcast and spot treatments combined.
- The minimum retreatment interval for this product is 21 days.
- Do not apply this product to lawn or turf during spring transition (green-up).
- Do not exceed specified dosages for any area; be particularly careful within the dripline of tree and other ornamental species.
- Do not apply to newly seeded grasses until well established.
- Do not apply by air.
- Do not apply this product through any type of irrigation system.

ACTIVE INGREDIENT APPLICATION RESTRICTIONS

- Application of MCPA is limited to 3.0 lbs ae per acre per year, no more than 1.5 lbs ae per application, and no more than 2 broadcast applications per year.
- Application of Fluroxypyr is limited to 0.47 lbs ae per acre per year
- Application of Dicamba is limited to 2.0 lbs ae per acre per year, no more than 1.0 lbs ae per application, and no more than 2 broadcast applications per year.

The suitable use of this product on non-labeled turf species may be determined by treating a small area at any rate/acre which does not exceed 3 pints/acre. The treated area should be observed for any sign of turf injury for a period of 30 days of normal growing conditions to determine the phytotoxicity and efficacy to the treated area.

For optimum results: (1) avoid applying during excessively dry or hot periods unless irrigation is used; (2) turf should not be mowed 1 to 2 days before and following application; (3) reseed no sooner than 3 to 4 weeks after application of this product. Adding oil, wetting agent, or other appropriate surfactant to the spray may be used to increase effectiveness on weeds but doing so may reduce selectivity to turf resulting in turf damage. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other sprays.

250805JEP01

Photos of 9 and 13 Haflinger Lane in Berwick

13 Haflinger Lane, Berwick. Incorrect site/location.

9 Haflinger Lane

Target site

Peacock, Alexander R

From: Pesticides
Sent: Monday, August 18, 2025 7:42 AM
To: Peacock, Alexander R
Subject: FW: TruGreen concerns

Follow Up Flag: Follow up
Flag Status: Flagged

From: [redacted]
Sent: Sunday, August 17, 2025 11:11 AM
To: Pesticides <Pesticides@maine.gov>
Subject: TruGreen concerns

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it concerns at the Maine Board of Pesticide,

My name is [redacted], and for several months (until the beginning of June), I worked for TruGreen in Westbrook. Part of why I left was leaking or inoperative equipment, but it didn't occur to me until I'd recently caught up with a current employee that you should be notified of some other issues.

Incorrect pesticide applications happen, and are typically handled in-house (there are no verification processes for making sure techs are at the correct house). Between when I started (8/24) and when I left, we never calibrated our equipment (ride-on spreaders or walk-behinds, mosquito backpacks or hand cans). Pesticide is sprayed even when temps exceed the label's indication. If the app used to track jobs indicates weather conditions exceed acceptable range, I was directed by my manager (Nick Greer) to change the wind speed to 10mph and proceed. Some technicians wear t-shirts when spraying or mixing pesticides. And the last thing I can think of right now is that when I started doing mosquito treatments, there was a day when the backpack sprayer leaked and soaked my whole back with Talstar. When I called my manager (John Tripp), he told me to use a different piece of equipment, but didn't want me to clean myself up or change my uniform.

I'm sure you'll want to speak further, and you can reach me at [redacted]. I'll likely miss your call at first, but I'll get back as soon as I can.

Thank you for your time,

[redacted]

Talstar® P

PROFESSIONAL

INSECTICIDE

To control pests indoors and outdoors on residential, institutional, public, commercial, and industrial buildings, greenhouses, animal confinement facilities/livestock premises, kennels, food handling establishments, and lawns, ornamentals, parks, recreational areas and athletic fields.

When used as a termiticide, individuals/firms must be licensed by the state to apply termiticide products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the pest control regulatory agency of your state prior to use of this product.

Provides up to 1 month residual control of house flies
Kills fleas for up to 3 months

EPA Reg. No. 279-3206	**EPA Est. 279-NY-1**
Active Ingredient:	**By Wt.**
Bifenthrin*	7.9%
Other Ingredients:	92.1%
	100.0%

Talstar® P Professional Insecticide contains ⅔ pound active ingredient per gallon.
*Cis isomers 97% minimum, trans isomers 3% maximum.

KEEP OUT OF REACH OF CHILDREN

CAUTION

FMC

FMC Corporation
2929 Walnut Street
Philadelphia PA 19104

Net Contents: 1 Gallon

2-28-19

FIRST AID	
If swallowed	• Call poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled	• Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice
If on skin or clothing	• 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 in eyes	• 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.

HOTLINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-(800)-331-3148 for Emergency Assistance.

NOTE TO PHYSICIAN

This product is a pyrethroid. If large amounts have been ingested, the stomach and intestine should be evacuated. Treatment is symptomatic and supportive. Digestible fats, oils, or alcohol may increase absorption and so should be avoided.

For Information Regarding the Use of this Product Call 1-800-321-1FMC (1362).

PRECAUTIONARY STATEMENTS

Hazards to Humans (and Domestic Animals)

CAUTION

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove contaminated clothing and wash before reuse.

All pesticide handlers (mixers, loaders and applicators) must wear long-sleeved shirt and long pants, socks, shoes and chemical-resistant gloves. After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system (such as an in-line injector system), shirt, pants, socks, shoes and waterproof gloves are sufficient. In addition, all pesticide handlers must wear a respiratory protection device[1] when working in a non-ventilated space. All pesticide handlers must wear protective eyewear when working in non-ventilated space.

[1]Use one of the following NIOSH approved respirator with any R, P or HE filter or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P or HE prefilter.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations:
Users should:
- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. Care should be used when spraying to avoid fish and reptile pets in/around ornamental ponds.

To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help to avoid run off to water bodies or drainage systems.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow to drift to blooming crops if bees are foraging the treatment area.

Physical and Chemical Hazards

Do not apply water-based dilutions of Talstar® P Professional Insecticide to electrical conduits, motor housings, junction boxes, switch boxes or other electrical equipment because of possible shock hazard.

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DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Do not apply a broadcast application to interior surfaces of homes.

Do not apply by air.

Do not apply in plant nurseries.

Do not apply this product through any kind of irrigation system.

Not for use on sod farm turf, golf course turf, or grass grown for seed.

Do not water treated area to the point of run-off.

Do not make applications during rain.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

Additional Application Restrictions for Residential Outdoor Surface and Space Sprays:

All outdoor applications, if permitted elsewhere on this label, must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses, if allowed elsewhere on this label:

1. Applications to soil or vegetation, as listed on this label, around structures;

2. Applications to lawns, turf, and other vegetation, as listed on this label;

3. Applications to the side of a building, up to a maximum height of 3 feet above grade;

4. Applications to underside of eaves, soffits, doors, or windows permanently protected from rainfall by a covering, overhang, awning, or other structure;

5. Applications around potential pest entry points into buildings, when limited to a surface band not to exceed one inch in width;

6. Applications made through the use of a coarse, low pressure spray to only those portions of surfaces that are directly above bare soil, lawn, turf, mulch or other vegetation, as listed on this label, and not over an impervious surface, drainage or other condition that could result in runoff into storm drains, drainage ditches, gutters or surface waters, in order to control occasional invaders or aggregating pests.

AGRICULTURE USE REQUIREMENTS*

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as, plants, soil, or water is:

- Coveralls
- Chemical-resistant gloves, such as barrier laminate or butyl rubber or nitrile rubber or neoprene rubber or polyvinyl chloride or viton.
- Shoes plus socks

Do not apply this product in a way that will contact workers or other persons either directly or through drift. Only protected handlers may be in the area during application. For any requirement specific to your State or Tribe, consult the State/Tribal agency responsible for pesticide regulation.

For California

Greenhouse Applicators must wear:

- Full body chemical-resistant protective suit (such as barrier laminate, butyl rubber, nitrile rubber, polyvinyl chloride, or equivalent).

Reapplication Interval: Reapplications to greenhouses must be at intervals of 30 days or longer.

Greenhouse Harvesters must wear:

- Regular length gloves plus a long sleeved shirt or elbow-length (gauntlet type) gloves during the 30 days following application.

*These requirements apply only to the greenhouse uses on this label

NON-AGRICULTURAL USE REQUIREMENTS**

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standards for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries and greenhouses.

Do not allow people or pets on treated surfaces until the spray has dried.

**These requirements apply to all other non-greenhouse uses on this label

Use Directions for Container

1. Remove the measuring chamber cap and induction seal. Replace the cap and securely tighten. Tip container until liquid fills measuring chamber.
2. Return container to level position. No adjustment is needed.
3. Remove measuring chamber cap and dispense into proper application equipment.

For multiple dose measuring: Remove fill chamber cap and dispense according to markings on side of bottle.

STORAGE AND DISPOSAL

Prohibitions: Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use replace lids and close tightly. Do not put concentrate or dilute material into food or drink container.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call CHEMTREC (Transportation and Spills): (800) 424-9300.

To Confine Spill: If liquid, dike surrounding area or absorb with sand, cat litter or commercial clay. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

Pesticide Disposal: Pesticide wastes are toxic. Do not contaminate water, food or feed by storage or disposal. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. Dispose of excess or waste pesticide by use according to label directions, or contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal:
Container Handing: Non-refillable container. Do not reuse or refill this container. Triple rinse as follows: (For containers less than 5 gallons) Empty the contents into application equipment or a mix tank and drain for 10 seconds after flow begins to drip. Fill container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling, if available or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.
(For containers greater than 5 gallons) Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinstea for later use or disposal. Repeat this procedure two more times.

Returnable/Refillable Sealed Container: Refill this container with pesticide only. Do not reuse this container for any other purpose. Do not rinse container. Do not empty remaining formulated product. Do not break seals. Return intact to point of purchase. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

Product Information

Talstar® P Professional Insecticide controls a wide spectrum of insects and mites on trees, shrubs, foliage plants, non-bearing fruit and nut trees, and flowers in greenhouses, interiorscapes including hotels, shopping malls, office buildings, etc., and outdoor plantscapes, such as around residential dwellings, parks, institutional buildings, recreational areas, athletic fields and home lawns. Non-bearing crops are perennial crops that will not produce a harvestable raw agricultural commodity during the season of application. Talstar® P Professional Insecticide may also be used in feed and food handling establishments, animal confinement facilities, kennels, confined animal feeding operations, livestock premises, and in/around/under structures.

Resistance: Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. Consult your local or state pest management authorities for details.

If resistance to this product develops in your area, this product, or other products with a similar mode of action, may not provide adequate control. If poor performance cannot be attributed to improper application or extreme weather conditions, a resistant strain of insect may be present. If you experience difficulty with control and suspect that resistance is a reasonable cause, immediately consult your local company representative or pest management advisor for the best alternative method of control for your area.

Talstar® P Professional Insecticide Dilution Chart

			Fluid Ounces of Talstar P Professional Diluted to these Volumes of Finished Spray			
Applic. Volume:		Applic. Rate:	1 Gallon	5 Gallons	10 Gallons	100 Gallons
% a.i.	Gal/ 1000 sq. ft.	Fl. oz./ 1000 sq. ft.	fl. oz.	fl. oz.	fl. oz.	fl. oz.
0.008	1.0	0.125	0.125	0.63	1.25	12.5
0.011	1.0	0.18	0.18	0.90	1.8	18.0
0.015	1.0	0.25	0.25	1.25	2.5	25.0
0.020	1.0	0.33	0.33	1.67	3.33	33.3
0.031	1.0	0.5	0.5	2.5	5.0	50.0
0.041	1.0	0.67	0.67	3.33	6.67	66.7
0.046	1.0	0.75	0.75	3.75	7.5	75.0
0.062	1.0	1.0	1.0	5.0	10.0	100.0
0.004	2.0	0.125	-	0.31	0.63	6.3
0.006	2.0	0.18	-	0.45	0.90	9.0
0.008	2.0	0.25	0.13	0.63	1.25	12.5
0.010	2.0	0.33	0.17	0.83	1.65	16.5
0.015	2.0	0.5	0.25	1.25	2.5	25.0
0.021	2.0	0.67	0.33	1.67	3.35	33.5
0.023	2.0	0.75	0.38	1.88	3.75	37.5
0.031	2.0	1.0	0.5	2.5	5.0	50.0
0.003	3.0	0.125	-	0.21	0.42	4.2
0.004	3.0	0.18	-	0.30	0.60	6.0
0.005	3.0	0.25	-	0.42	0.83	8.3
0.007	3.0	0.33	0.11	0.55	1.10	11.0
0.010	3.0	0.5	0.17	0.83	1.67	16.7
0.014	3.0	0.67	0.22	1.11	2.23	22.3
0.015	3.0	0.75	0.25	1.25	2.5	25.0
0.021	3.0	1.0	0.33	1.67	3.33	33.3
0.002	4.0	0.125	-	0.16	0.31	3.1
0.003	4.0	0.18	-	0.23	0.45	4.5
0.004	4.0	0.25	-	0.31	0.63	6.3
0.005	4.0	0.33	-	0.41	0.83	8.3
0.008	4.0	0.5	0.13	0.63	1.25	12.5
0.010	4.0	0.67	0.17	0.84	1.67	16.7
0.012	4.0	0.75	0.19	0.94	1.88	18.8
0.015	4.0	1.0	0.25	1.25	2.5	25.0
0.002	5.0	0.125	-	0.13	0.25	2.5
0.002	5.0	0.18	-	0.18	0.36	3.6
0.003	5.0	0.25	-	0.25	0.5	5.0
0.004	5.0	0.33	-	0.33	0.67	6.7
0.006	5.0	0.5	0.1	0.5	1.0	10.0
0.008	5.0	0.67	0.13	0.67	1.33	13.3
0.009	5.0	0.75	0.15	0.75	1.5	15.0
0.012	5.0	1.0	0.2	1.0	2.0	20.0
0.001	10.0	0.125	-	-	0.13	1.3
0.001	10.0	0.18	-	-	0.18	1.8
0.002	10.0	0.25	-	0.13	0.25	2.5
0.002	10.0	0.33	-	0.17	0.33	3.3
0.003	10.0	0.5	-	0.25	0.5	5.0
0.004	10.0	0.67	-	0.33	0.67	6.7
0.005	10.0	0.75	-	0.38	0.75	7.5
0.006	10.0	1.0	0.1	0.5	1.0	10.0

1 fluid oz. = 29.57 ml = 2 tablespoons = 6 teaspoons
Do not use household utensils to measure Talstar® P Professional Insecticide.

Note: Higher finished volume should be applied to penetrate thatch, mulch, brush, and porous surfaces. Lower finished volumes can be used indoors and for non-porous surfaces. Do not apply more than 1 oz. Talstar Professional per 1,000 square feet.

Application Instructions

Talstar® P Professional Insecticide formulation mixes readily with water and other aqueous carriers.

Talstar® P Professional Insecticide may be tank-mixed with adjuvants, and with other pesticides, including insect growth regulators. When tank mixing Talstar® P Professional Insecticide with other pesticides, observe all precautions and limitations on each separate product label. The physical compatibility of Talstar® P Professional Insecticide may vary with different sources of pesticide products, and local cultural practices. Any tank mixture which has not been previously tested should be prepared on a small scale (pint or quart jar), using the proper proportions of pesticides and water to ensure the physical compatibility of the mixture.

The following procedure is recommended for preparation of a new tank mix, unless specified otherwise in label directions: (1) Add wettable powders to tank water, (2) Agitate, (3) Add liquids and flowables, (4) Agitate, (5) Add emulsifiable concentrates, and (6) Agitate. If a mixture is found to be incompatible following this order of addition, try reversing the order of addition, or increase

the volume of water. Note: If the tank-mixture is found to be compatible after increasing the amount of water, then the sprayer will need to be recalibrated for a higher volume application. Do not allow tank mix to stand overnight.

Formula for Determining the Active Ingredient Content of the Finished Spray Mixture: The following formula may be used to determine the percent active ingredient that is in the spray tank after mixing Talstar® P Professional Insecticide:

$$\frac{(7.9)(\text{Fl. Oz. of Talstar P Professional added to tank})}{(\text{Gallons of finished spray mix})(128)} = \text{Percent Active Ingredient of spray mix}$$

APPLICATION DIRECTIONS

ANT CONTROL

Nuisance Ants Indoors: For best results, locate and treat ant nests. Dilute 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply at the rate of one gallon of dilution per 1,000 square feet as a crack and crevice or spot treatment to areas where ants have been observed or are expected to forage. These areas include, but are not limited to, baseboards, in and behind cabinets, under and behind dishwashers, furnaces, refrigerators, sinks and stoves, around pipes, cracks and crevices and in corners. Particular attention should be given to treating entry points into the home or premises such as around doors and windows. When using Talstar® P Professional Insecticide in combination with baits, apply Talstar® P Professional Insecticide as instructed above, and use baits in other areas that have not been treated with Talstar® P Professional Insecticide

Nuisance Ants Outdoors: For best results, locate and treat ant nests. Apply Talstar® P Professional Insecticide to ant trails around doors and windows and other places where ants have been observed or are expected to forage. Apply a perimeter treatment using either low or high volume applications described in the "Pest Control on Outside Surfaces and Around Buildings" section of this label. The higher dilutions and/or application volumes, as well as more frequent applications, may be necessary when treating concrete surfaces for ant control. Maximum control is generally achieved using the following procedure:

The following procedure must be followed to help achieve maximum control of the pest:

1) Treat non-porous surfaces only in areas protected from rainfall and spray from sprinklers with low volume applications using 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and applying this dilution at the rate of one gallon per 1,000 square feet.
2) Treat porous surfaces and vegetation with high volume applications (usually 5 to 10 finished gallons per 1,000 square feet) using dilutions that are calculated to deliver 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per 1,000 square feet (refer to the Talstar® P Professional Insecticide Dilution Chart).
3) For maximum residual control, dilute 1.0 fluid oz of Talstar P Professional Insecticide per gallon of water and apply at a rate of up to 10 gallons of dilution per 1,000 square feet.

Carpenter Ants Indoors: Dilute 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply at the rate of one gallon of dilution per 1,000 square feet as a crack and crevice or spot treatment to areas where carpenter ants have been observed or are expected to forage. These areas include, but are not limited to, baseboards, in and behind cabinets, under and behind dishwashers, furnaces, refrigerators, sinks, and stoves, around pipes, cracks and crevices and in corners. Particular attention should be given to treating entry points into the home or premises such as around doors and windows. Spray or foam into cracks and crevices or drill holes and spray, mist or foam into voids where carpenter ants or their nests are present. When using Talstar® P Professional Insecticide in combination with baits, apply Talstar® P Professional Insecticide as instructed above, and use baits in other areas that have not been treated with Talstar® P Professional Insecticide.

Carpenter Ants Outdoors: Apply Talstar® P Professional Insecticide to carpenter ant trails around doors and windows and other places where carpenter ants have been observed or are expected to forage. For best results, locate and treat carpenter ant nests. Apply a perimeter treatment using either low or high volume applications described in the "Pest Control on Outside Surfaces and Around Buildings" section of this label. The higher dilutions and/or application volumes, as well as more frequent applications, may be necessary when treating concrete surfaces for carpenter ant control. Maximum control is generally achieved using the following procedure:

The following procedure must be followed to help achieve maximum control of the pest:

1) Treat non-porous surfaces only in areas protected from rainfall and spray from sprinklers with low volume applications using 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and applying this dilution at the rate of one gallon per 1,000 square feet
2) Treat the trunks of trees that have carpenter ant trails, or upon which carpenter ants are foraging, using 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and applying this dilution to thoroughly wet the bark from the base of the tree to as high as possible on the trunk
3) Treat porous surfaces and vegetation with high volume applications (usually 5 to 10 finished gallons per 1,000 square feet) using dilutions that are calculated to deliver 0.5 to 1.0 fluid oz. of Talstar® P Professional Insecticide per 1,000 square feet (refer to the Talstar® P Professional Insecticide Dilution Chart)
4) For maximum residual control, dilute 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply at a rate of up to 10 gallons of dilution per 1000 square feet.

To control carpenter ants inside trees, utility poles, fencing or deck materials and similar structural members, drill to locate the interior infested cavity and inject or foam a 0.06% dilution (1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water) into the cavity using a sufficient volume and an appropriate treatment tool with a splashback guard.

To control carpenter ants that are tunneling in the soil, dilute 0.5 to 1.0 fluid ounces of Talstar® P Professional Insecticide per gallon of water and apply as a drench or inject the dilution or foam at intervals of 8 to 12 inches. Establish a uniform vertical barrier at the edges of walls, driveways or other hard surfaces where ants are tunneling beneath the surfaces.

To protect firewood from carpenter ants (and termites), dilute 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply to the soil beneath where the firewood will be stacked at the rate of one gallon of dilution per 8 square feet

For wood piles and stored lumber apply a 0.06% dilution. Use a hose-end sprayer or sprinkling can to deliver a coarse drenching spray. Treated wood can be burned as firewood or used for lumber one month after treatment. Do not use in structures.

For Ant and Fire Ant Mounds control is optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound drenches that will control existing colonies. If the soil is not moist, then it is important to irrigate before application or use a high volume application. Apply broadcast treatments at 0.6 to 1 fluid oz. per 1,000 square feet. Use enough finished volume to penetrate thatch or sod. Treat mounds by applying 1 fl oz Talstar P Professional per mound in 1 to 2 gallons water by sprinkling the mound until it is wet and treat 3 feet out around the mound. Use the higher volume for mounds larger than 12". Treat mounds with sufficient force to break their apex and allow the insecticide solution to flow into the ant tunnels. For best results, apply in cool weather (65 - 80˚F) or in early morning or late evening hours.

Pest Control on Outside Surfaces and Around Buildings

Talstar® P Professional Insecticide will provide up to 1 month residual control of house flies. Length of residual control is dependant upon rate and surface treated.

Follow Additional Application Restrictions for Outdoor Surface and Space Sprays under DIRECTIONS FOR USE

Applications to vertical exterior surfaces (e.g., foundations) are permitted to a maximum height of 3 feet from ground level. Sections of vertical exterior surfaces that abut non-porous horizontal surfaces can only be treated if either 1) these sections are protected from rainfall and spray from sprinklers or 2) they do not drain into a sewer, storm drain, or curbside gutter (e.g., not to sections that abut driveways or sidewalks that drain into streets).

For control of Ants, Carpenter Ants, Fire Ants, Armyworms, Lady Beetle, Bees, Beetles†, Biting Flies, Boxelder Bugs, Centipedes, Chiggers, Chinch Bugs, Cicadas, Clover Mites, Cockroaches, Crickets, Cutworms, , Dichondra Flea Beetles, Earwigs, Elm Leaf Beetles, Firebrats, Fleas, Flies, Gnats, Grasshoppers, Hornets, Japanese Beetles†, Midges, Millipedes, Mosquitoes, Moths, Scorpions, Silverfish, Sod Webworms, Sowbugs (Pillbugs), Spider Mites, Spiders (including Black Widow, Brown Recluse and Hobo Spiders), Springtails, Stink Bugs, Ticks (including Brown Dog Ticks), Vinegar (Fruit) Flies, and Wasps.

†Not for use in California.

Apply Talstar® P Professional Insecticide using a 0.02 to 0.06% dilution as a residual spray to outside surfaces of buildings including, but not limited to, exterior siding, foundations, porches, window frames, eaves, patios, garages, refuse dumps, lawns such as grass areas adjacent or around private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, garages, fence lines, storage sheds, barns, and other residential and non-commercial structures, soil, trunks of woody ornamentals and other areas where pests congregate or have been seen. Do not apply more than 1 oz. Talstar P Professional per 1000 square feet. (Refer to the Talstar P Professional Dilution Chart.). Higher application volumes may be used to obtain the desired coverage of dense vegetation or landscaping materials.

Mixing Directions: For 0.02% dilution, mix 0.33 fluid oz. of Talstar® P Professional Insecticide per gallon of water. For 0.06% dilution, mix 1 fluid oz. Talstar® P Professional Insecticide per gallon of water (1 fluid oz. = 2 tablespoons). Do not use household utensils to measure Talstar® P Professional Insecticide. Use the higher rate for heavy pest infestation, quicker knockdown or longer residual control. Retreatment may be nec-

essary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed insect activity. Repeat application should be limited to no more than once per seven days.

Perimeter Treatment: Apply to a band of soil and vegetation 6 to 10 feet wide around and adjacent to the structure. Also, treat the foundation of the structure to a height of 2 to 3 feet. Apply 0.33 to 1.0 fluid oz. of Talstar® P Professional Insecticide per 1,000 square feet in sufficient water to provide adequate coverage (refer to Talstar® P Professional Insecticide Dilution Chart). For sections of foundation that abut non-porous horizontal surfaces, the treated areas must be protected from rainfall and spray from sprinklers or they do not drain into a sewer, storm drain, or curbside gutter (e.g. not to sections that abut driveways or sidewalks that drain into streets).

Broadcast Treatment of Wood for the Control of Wood-infesting Insects and Nuisance Pests Outside of Structure
Apply a 0.06% dilution with a fan spray using a maximum pressure of 25 psi. Treatment should be made to thoroughly and uniformly cover the surface but limit excess runoff.

To control wood-infesting insects active inside trees, utility poles and/or fence posts, drill to find the interior infested cavity and inject a 0.06% dilution. To control Bees, Wasps, Hornets, and Yellow-Jackets, apply in late evening when insects are at rest. Aim spray at nest openings in ground, bushes and in cracks and crevices which may harbor nests, saturating nest openings and contacting as many insects as possible.

Pests Under Slabs
Infestations of Arthropods, such as Ants, Cockroaches and Scorpions inhabiting under slab area may be controlled by drilling and injecting or horizontal rodding and then injecting 1 gallon of a 0.06% or 1/2 gallon of a 0.12% dilution per 10 square feet (or 2 gallons of a 0.06% dilution or 1 gallon of a 0.12% dilution per 10 linear feet).

MOSQUITO CONTROL

To control adult mosquitoes outdoors on residential, institutional, public, commercial and industrial buildings, and lawns, ornamentals, parks, recreational areas and athletic fields.

Apply Talstar® P Professional Insecticide for mosquito control at an application rate of 0.33 to 1.0 fluid oz. Talstar® P Professional Insecticide per gallon of water (0.07 to 0.22 lbs bifenthrin/acre), and apply at the rate of one gallon of dilution per 1,000 square feet as a general spray (refer to the Talstar® P Professional Insecticide Dilution Chart). Use the high rate for residual control of mosquitoes. Use this product for control of mosquitoes that may potentially transmit malaria and arboviruses (West Nile fever, dengue fever, Eastern equine encephalitis, and St. Louis encephalitis).

Apply as a residual spray to outside surfaces of buildings including but not limited to, exterior siding, foundations, porches, window frames, eaves, patios, garages, refuse dumps, lawns such as grass areas adjacent to or around private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, fence lines, storage sheds, barns, and other commercial, residential and non commercial structures, soil, trunk of woody ornamentals, trees, shrubs, ground cover, bedding plants, foliage plants, flowers, non-bearing fruit and nut trees, urban areas, parks, campsites, athletic fields, playgrounds, recreational and overgrown waste areas, roadsides and other areas where mosquitoes are found. May also be applied to non-bearing crops or perennial crops that will not produce harvestable raw agricultural commodities during the season of application.

Use the high rate for heavy pest infestation, quicker knockdown, or longer residual control. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure, or if there are signs of renewed insect activity. For the lower use rates, repeat application should be limited to no more than once per seven days. For the high use rate of 1.0 fluid oz. Talstar® P Professional Insecticide per gallon of water, do not apply more than once per four weeks.

Apply with hand-held and back pack sprayers or mist blowers, ground sprayers, power sprayers, truck mounted hydraulic sprayers or mist blowers. Do not apply by air or with hand held or truck mounted cold aerosol ULV sprayers and thermal fogging devices. For best results apply when mosquitoes are most active. Application during the cooler hours of the night or early mornings is recommended.

Do not apply more than 1.0 fluid oz. of Talstar® P Professional Insecticide per 1,000 square feet (equivalent to 0.22 lbs. bifenthrin/acre) per application

Do not apply when wind speed exceeds 10 MPH.

INDOOR USE

For control of Ants, Carpenter Ants, Bedbugs, Bees, Beetles, Biting Flies, Boxelder Bugs, Centipedes, Cicadas, Cockroaches, Crickets, Earwigs, Firebrats, Fleas, Flies, Gnats, Millipedes, Mosquitoes, Moths, Scorpions, Silverfish, Sowbugs (Pillbugs), Spider Mites, Spiders (including Black Widow, Brown Recluse and Hobo Spiders), Springtails, Stink Bugs, Ticks (including Brown Dog Ticks), Vinegar (Fruit) Flies, and Wasps.

In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food should be covered or removed.

Use a 0.02% to 0.06% dilution (0.33 to 1 fluid oz. per gallon of water) for residual pest control in buildings and structures and on modes of transport. Apply either as a crack and crevice, pinstream, spot, coarse, low pressure spray (25 psi or less) or with a paint brush.

Apply as a coarse, low pressure, crack and crevice or spot spray to areas where pests hide, such as baseboards, corners, storage areas, closets, around water pipes, doors and windows, attics and eaves, behind and under refrigerators, cabinets, sinks, furnaces, stoves, the underside of shelves, drawers and similar areas. Do not use as a space spray. Pay particular attention to cracks and crevices.

Mixing Directions: See mixing directions in "Pest Control on Outside Surfaces and Around Buildings" section.

Talstar® P Professional Insecticide is to be diluted with water for spray or brush application. Fill sprayer with the desired volume of water and add Talstar® P Professional Insecticide. Close and shake before use in order to ensure proper mixing. Mix only the amount of solution needed for the application. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed insect activity. Limit repeat application to no more than once per seven days.

Talstar® P Professional Insecticide may be converted to a foam and used to treat void spaces, or as a spot spray on vertical or horizontal surfaces where visual marking of application is desired. Use of a foaming agent increases a.i. surface contact time on challenging surfaces and provides visual marking of the application.

Bedbugs: Thorough application should be made to crack and crevices where evidence of bed bugs occurs. This includes bed frames, box springs, inside empty dressers and clothes closets and carpet edges, high and low wall moldings and wallpaper edges. Do not use this product on bed linens, pillows, mattresses or clothes. Remove all clothes and other articles from dressers or clothes closets before application. Allow all treated areas to thoroughly dry before use. Not recommended for use as sole protection against bedbugs. If evidence of bedbugs is found in/on mattresses, use products approved for this use.

Use a 0.06% dilution (1 fluid oz. per gallon of water) for residual pest control in buildings and structures and on modes of transport. Apply either as a crack and crevice, pinstream, spot, coarse, low pressure spray (25 psi or less) or with a paint brush.

Cockroaches, Crickets, Firebrats, Flies, Gnats, Moths, Mosquitoes, Scorpions, Silverfish, Spiders, Ticks

Talstar® P Professional Insecticide will provide up to 1 month residual control of house flies. Length of residual control is dependant upon rate and surface treated.

Apply as a coarse, low pressure spray to areas where these pests hide, such as baseboards, corners, storage areas, closets, around water pipes, doors and windows, attics and eaves, behind and under refrigerators, cabinets, sinks, furnaces, and stoves, the underside of shelves, drawers and similar areas. Pay particular attention to cracks and crevices.

Ants: Apply to any trails, around doors and windows and other places where ants may be found.

Fleas:

Talstar® P Professional Insecticide will kill fleas for up to 3 months

Apply as a coarse, low pressure spot or crack and crevice treatment to areas frequented by pets, such as under bedding, rugs, next to furniture. Do not apply Talstar® P Professional Insecticide dilution directly to pets. Treatment must be dry before pet re-entry. Vacuum prior to treatment.

Boxelder Bugs, Centipedes, Cicadas, Earwigs, Beetles, Millipedes, Pillbugs, Sowbugs, Springtails, and Stink Bugs: Apply around doors and windows and other places where these pests may be found or where they may enter premises. Check damp areas and drains for pest access. Spray baseboards, storage areas and other locations.

Spider Mites: Treat houseplants thoroughly but do not allow run off to occur. Make sure to treat underside of leaves.

Bees and Wasps
To control Bees, Wasp, Hornets, and Yellow-Jackets apply a 0.06% dilution. Application should be made in the late evening when insects are at rest. Thoroughly spray nest and entrance and surrounding areas where insects alight. Spray liberally into hiding and breeding places, especially under attic rafters, contacting as many insects as possible. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed insect activity.

Precautions: Do not apply dilution until location of heat pipes, ducts, water and sewer lines and electrical conduits are known and identified. Caution must be taken to avoid puncturing and injection into these structural elements. During any overhead applications to overhead interior areas of structures, cover surfaces below with plastic sheeting or similar materials.

Restrictions:

Do not apply into electrical fixtures, switches, or sockets.

In the home, all food processing surfaces and utensils in the treatment area should be covered during treatment or thoroughly washed before re-use. Remove pets, birds, and cover aquariums before spraying. Do not permit humans or pets to contact treated surfaces until the spray has dried.

Wear protective clothing, unvented goggles, gloves and respirator, when applying to overhead areas or in poorly ventilated areas. Avoid touching sprayed surfaces until spray has completely dried.

FOR CONTROL OF STORED PRODUCTS PESTS

Including Indian Meal Moths, Rice Moths, Tobacco Moths, Flour Beetles, Lesser Grain Borers, Merchant Grain Beetles, Sawtoothed Grain Beetles, Grain Weevils, Warehouse Beetles, Cigarette Beetles, and Dermestid Beetles, Psocids, and other similar pests. Inspect to locate and remove infested food sources, remove or cover any food items or food serving dishes or utensils prior to treatment. Apply Talstar P Professional using a 0.02 to 0.06% dilution, Apply as a coarse, low pressure spray to areas where these pests hide, such as baseboards, corners, storage areas, closets, around water pipes, doors and windows, attics and eaves, behind and under refrigerators, cabinets, sinks, furnaces, and stoves, the underside of shelves, drawers and similar areas. Pay particular attention to cracks and crevices. Do not apply directly to food.

WAREHOUSES and GROCERY/PET STORES: Talstar® P Professional Insecticide dilution may be applied as a surface, spot or crack and crevice treatment in food and storage warehouses and stores. Apply to all areas that may harbor pests, including under and between pallets, bins, and shelves. Do not apply directly to food, grain bins (interior), or animals.

FOOD/FEED HANDLING ESTABLISHMENT APPLICATIONS

Applications of this product are permitted in both food/feed and non-food areas of food/feed handling establishments as a surface, spot, or crack and crevice treatment.

Talstar P Professional Insecticide will provide up to 1 month residual control of house flies. Length of residual control is dependant upon rate and surface treated.

Food/feed handling establishments are defined as places other than private residences in which exposed food/feed is held, processed, prepared or served. Included also are areas for receiving, storing, packing (canning, bottling, wrapping, boxing), preparing, edible waste storage and enclosed processing systems (mills, dairies, edible oils, syrups) of food. Serving areas where food is exposed and the facility is in operation are also considered food areas.

Permitted non-food areas of use include, garbage rooms, lavatories, entries and vestibules, offices, locker rooms, machine rooms, garages, mop closets and storage (after canning or bottling).

Permitted use sites include, but are not limited to: Aircraft (Do not use in aircraft cabins), bakeries, bottling facilities, breweries, buses, cafeterias, candy plants, canneries, dairy product processing plants, food manufacturing plants, food processing plants, food service establishments, granaries, grain mills, hospitals, hotels, industrial buildings, laboratories, meat/poultry/egg processing plants, mobile/motor homes, nursing homes offices, railcars, restaurants, schools, ships, trailers, trucks, vessels, warehouses and wineries.

Surface Application: Do not use this application method in food/feed handling establishments when the facility is in operation or foods/feeds are exposed. Do not apply directly to food products. Cover or remove all food processing and/or handling equipment during application. After application in food processing plants, bakeries, cafeterias and similar facilities, wash all equipment, benches, shelving and other surfaces which food will contact. Clean food handling or processing equipment and thoroughly rinse with clean, fresh water.

Spot, Crack and Crevice Application: Spot or crack and crevice applications may be made while the facility is in operation; however, food should be covered or removed from area being treated. Do not apply directly to food. For this application a "spot" will not exceed 2 ft^2

ANIMAL CONFINEMENT FACILITIES, LIVESTOCK PREMISES, CONFINED ANIMAL FEEDING OPERATIONS, and KENNELS

Controls biting flies, filth-breeding flies, fleas, litter beetles, hide beetles, bed bugs, mites, and ticks. Apply as a surface (including directed spray) and/or crack and crevice treatment. Control is enhanced when interior and exterior perimeter applications are made in and around the livestock, poultry, or pet housing structures. Normal cleaning practices of the structure also must be followed along with applications of Talstar P Professional Insecticide to effectively control crawling and flying insect pests.

For occupied areas of poultry/livestock facilities and kennels, apply to indoor cracks and crevices only. Exterior applications to walls and foundation perimeters can help prevent interior infestations of flying and crawling insect pests. Apply Talstar P Professional Insecticide at a rate equivalent to 0.33 to 1 fl. oz per 1000 sq. feet.

For unoccupied areas of poultry/livestock facilities and kennels, apply to floors, vertical and overhead surfaces where crawling or flying insect pests may be present. Feeders, waterers, and feed carts should be covered before application to prevent contamination. Do not apply to milk rooms. Pay attention to animal areas including stanchions, pipes, windows, doors, and areas where insect pests hide or congregate. Exterior applications to walls and foundation perimeters can help prevent interior infestations of flying and crawling insect pests. Apply Talstar P Professional Insecticide at a rate equivalent to 0.33 to 1 fl. oz per 1000 sq. feet. Use sufficient finished volume to penetrate leaf litter, thatch, mulch, or porous surfaces.

To control bed bugs, mites and ticks in animal facilities, treat cracks/crevices, walls, posts, nest boxes, and mobile side curtains. Do not apply Talstar P Professional Insecticide directly to animals. To control bedbugs, use 0.5 to 1 fl. oz per 1000 sq. ft. Use the higher rate of application on painted and non-porous surfaces.

For adult fly control in and around animal facilities, spray application should target areas where flies will rest, such as the ceiling, rafters, and trusses. Also treat windows, interior and exterior walls and supports, fences, and vegetation. Talstar P Professional Insecticide dilution may be sprayed on manure in areas where fly larvae are abundant and the area cannot be cleaned.

For poultry houses, apply to floor area (birds grown on litter) or to walls, posts, and cage framing (birds grown in cages). Application should also be made into cracks and crevices around insulation. Reapply after each growout or sanitization procedure, but not more frequently than every 8 weeks. Indoor control can be enhanced by making perimeter treatments around the outside of building foundations to prevent immigrating adult beetles. Apply in a uniform band 2 to 3 feet up and 6 to 10 feet out from the structure. Maintaining a year-round treatment program will prevent background populations from reaching problem levels.

To control beetles in houses containing birds grown on litter, apply Talstar P Professional Insecticide at a rate equivalent to 0.33 to 1 fl. oz per 1000 sq. feet to litter after birds are removed and during tilling. If litter is removed and replaced with fresh litter, apply Talstar P Professional Insecticide at a rate equivalent to 0.33 to 1 fl. oz per 1000 sq. feet to bare soil or concrete, and treat new litter after it is spread. Apply spray to inside walls, posts, and exterior perimeter. Reapply between each flock.

To control beetles in broiler-breeder houses, apply as directed above for litter and soil/floor treatment.

To control beetles in caged-layer houses, do not treat accumulated manure, as it will likely disrupt natural enemies that control fly breeding. Instead, treat the perimeter of the manure at a rate equivalent to 0.33 to 1 fl. oz Talstar P Professional Insecticide per 1000 sq. feet. Pit walls, posts, and exterior of structure should also be sprayed. Reapply between each flock.

Allow Talstar P Professional Insecticide treatment to dry before applying disinfectants.

DO NOT apply Talstar P Professional Insecticide as a surface spray when animals are present in the facility. Allow applications to dry before restocking the facility. Treatment may be made to cracks and crevices when animals are present.

DO NOT apply Talstar P Professional Insecticide to any animal feed, water, or watering equipment.

DO NOT contaminate any animal feed, food, or water in and around livestock, poultry, or pet housing when making applications.

Foam Applications

Talstar® P Professional Insecticide may be converted to a foam and used to treat void spaces, or as a spot spray on vertical or horizontal surfaces where visual marking of application is desired. Use of a foaming agent increases a.i. surface contact time on challenging surfaces and provides visual marking of the application. Ensure that the foaming agent is approved for food surface/area contact use.

Specific Pest Control Applications

Underground Services such as: wires, cables, utility lines, pipes, conduits, etc. Services may be within structures or located outside structures, in right-of-ways or to protect long range (miles) of installations of services.

Soil treatment may be made using 0.06 to 0.12% Talstar® P Professional Insecticide dilution to prevent attack by Termites and Ants.

Apply 2 gallons of dilution per 10 linear feet to the bottom of the trench and allow to soak into the soil. Lay services on the treated soil and cover with approximately 2 inches of fill soil. Apply another 2 gallons per 10 linear feet over the soil surface to complete the treatment barrier. In wide trenches, only treat the soil in the area near the services. It is important to establish a continuous barrier of treated soil surrounding the services.

Where soil will not accept the above labeled volume, 1 gallon of 0.12% Talstar® P Professional Insecticide may be used per 10 linear feet of trench both to the bottom of the trench and over the soil on top of the services.

Finish filling the trench with treated fill soil. The soil where each service protrudes from the ground may be treated by trenching/rodding of no more than 1 to 2 gallons of dilution into the soil.

Restrictions:

Do not treat electrically active underground services.

Posts, Poles, and Other Constructions
Create an insecticidal barrier in the soil around wooden constructions such as signs, fences and landscape ornamentation by applying a 0.06% dilution.

Previously installed poles and posts may be treated by sub-surface injection or treated by gravity-flow through holes made from the bottom of a trench around the pole or post. Treat on all sides to create a continuous insecticidal barrier around the pole. Use 1 gallon of dilution per foot of depth for poles and posts less than six inches in diameter. For larger poles, use 1.5 gallons of dilution per foot of depth. Apply to a depth of 6 inches below the bottom of the wood. For larger constructions, use 4 gallons per 10 linear feet per foot of depth.

Treatment of Wood-in-Place for Control of Wood-Infesting Insects: (Localized Areas in Structure) For the control of insects such as Termites, Ants, Carpenter Ants, and wood-infesting beetles such as Old House Borer and Powder Post in localized areas of infested wood in and around structures, apply a 0.06% dilution to voids and galleries in damaged wood and in spaces between wooden members of a structure and between wood and foundations where wood is vulnerable. Paint on or fan spray applications may also be used. Plastic sheeting must be placed immediately below overhead areas that are spot treated except for soil surfaces in crawl spaces. Application may be made to inaccessible areas by drilling, and then injecting dilution with a crack and crevice injector into the damaged wood or void spaces. This type of application is not intended to be a substitute for soil treatment, mechanical alteration or fumigation to control extensive infestation of wood-infesting insects.

Termite carton nests in trees or building voids may be injected with 0.06% dilution. Multiple injection points to varying depths may be necessary. It is desirable to physically remove carton nest material from building voids when such nests are found.

Pest Control in Crawlspaces and Voids: Broadcast Talstar® P Professional Insecticide at 0.02% to 0.06% to all surfaces in crawlspace and/or void to control ants, fleas, roaches, scorpions, or other arthropods. This treatment is not intended as a substitute for termite control. Treatment should be made to thoroughly and uniformly cover the surface but limit excess runoff. Keep children and pets off surface until dry.

SUBTERRANEAN TERMITE CONTROL

Directions For Use

All pesticide handlers (mixers, loaders and applicators) must wear long-sleeved shirt and long pants, socks, shoes and chemical-resistant gloves. After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system (such as an in-line injector system) , shirt, pants, socks, shoes and waterproof gloves are sufficient. In addition, all pesticide handlers must wear a respiratory protection device[1] when working in a non-ventilated space. All pesticide handlers must wear protective eyewear when working in non-ventilated space or when applying termiticide by rodding or sub-slab injection.

[1]Use one of the following NIOSH approved respirator with any R, P or HE filter or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P or HE prefilter.

When treating adjacent to an existing structure, the applicator must check the area to be treated, and immediately adjacent areas of the structure, for visible and accessible cracks and holes to prevent any leaks or significant exposures to persons occupying the structure. People present or residing in the structure during application must be advised to remove their pets and themselves from the structure if they see any signs of leakage. After application, the applicator is required to check for leaks. All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the clean-up is completed

The use of this product prevents and controls termite infestations in and around structures and constructions.

The insecticidal dilution must be adequately dispersed in the soil to establish a barrier between the wood and the termites in the soil. As a good practice: 1) all non-essential wood and cellulose containing materials, should be removed from around foundation walls, crawl spaces, and porches; 2) eliminate termite access to moisture by repairing faulty plumbing and/or construction grade. Soil around untreated structural wood in contact with soil should be treated as described below.

To establish an effective insecticidal barrier with this product the service technician must be familiar with current termite control practices such as: trenching, rodding, sub-slab injection, coarse fan spraying of soil surfaces, crack and crevice (void) injection, excavated soil treatment, and brush or spray applications to infested or susceptible wood. These techniques must be correctly employed to prevent or control infestations by subterranean termites such as: *Coptotermes, Heterotermes, Reticulitermes* and *Zootermopsis*. The biology and behavior of the species involved should be considered by the service technician in determining which control practices to use to control or prevent the termite infestation.

Choice of appropriate procedures should include consideration of such variable factors as the design of the structure, location of heating, ventilation, and air conditioning (HVAC) systems, water table, soil type, soil compaction, grade conditions, and location and type of domestic water supplies and utilities.

For advice concerning current control practices with relation to specific local conditions, consult resources in structural pest control and state cooperative extension and regulatory agencies.

Important: Contamination of public and private water supplies must be avoided by following these restrictions and procedures: Use anti-backflow equipment or procedures to prevent siphonage of insecticide into water supplies. Do not contaminate cisterns or wells. Do not treat soil that is water saturated or frozen or in any conditions where runoff or movement from the treatment area (site) is likely to occur. Consult state and local specifications for recommended distances of wells from treated areas, or if such regulations do not exist, refer to Federal Housing Administration Specifications (H.U.D.) for guidance.

Note: Crawl spaces are considered inside of the structure.

Critical Areas: Critical areas include areas where the foundation is penetrated by utility services, cracks and expansion joints, bath traps and areas where cement constructions have been poured adjacent to the foundation such as stairs, patios and slab additions.

Structures with Wells/Cisterns Inside Foundations
Structures that contain wells or cisterns within the foundation of a structure can only be treated using the following techniques:

1. Do not treat soil while it is beneath or within the foundation or along the exterior perimeter of a structure that contains a well or cistern. The treated backfill method must be used if soil is removed and treated outside/away from the foundation. The treated backfill technique is described as follows:
   a. Trench and remove soil to be treated onto heavy plastic sheeting or similar material or into a wheelbarrow.
   b. Treat the soil at the rate of 4 gallons of dilution per 10 linear feet per foot of depth of the trench, or 1 gallon per 1.0 cubic feet of soil. See "Mixing Directions section of the label. Mix thoroughly into the soil taking care to contain the liquid and prevent runoff or spillage.
   c. After the treated soil has absorbed the dilution, replace the soil into the trench.
2. Treat infested and/or damaged wood in place using an injection technique such as described in the "Control of Wood Infesting Insects" section of this label.

Structures with Adjacent Wells/Cisterns and/or Other Water Bodies
Applicators must inspect all structures with nearby water sources such as wells, cisterns, surface ponds, streams, and other bodies of water and evaluate, at a minimum, the treatment recommendations listed below prior to making an application

1. Prior to treatment, if feasible, expose the water pipe(s) coming from the well to the structure, if the pipe(s) enter the structure within 3 feet of grade.
2. Prior to treatment, applicators are advised to take precautions to limit the risk of applying the termiticide into subsurface drains that could empty into any bodies of water. These precautions include evaluating whether application of the termiticide to the top of the footer may result in contamination of the subsurface drain. Factors such as depth to the drain system and soil type and degree of compaction should be taken into account in determining the depth of treatment.
3. When appropriate (i.e., on the water side of the structure), the treated backfill technique (described above) can also be used to minimize off-site movement of termiticide.

Prior to using this technique near wells or cisterns, consult state, local or federal agencies for information regarding approved treatment practices in your area.

Application Rate:
Use a 0.06% dilution for subterranean termites. For other pests on the label use specific listed rates.

Mixing Directions: Mix the termiticide use dilution in the following manner: Fill tank 1/4 to 1/3 full. Start pump to begin by-pass agitation and place end of treating tool in tank to allow circulation through hose. Add appropriate amount of Talstar® P Professional Insecticide. Add remaining amount of water. Let pump run and allow recirculation through the hose for 2 to 3 minutes.

Talstar® P Professional Insecticide may also be mixed into full tanks of water, but requires substantial agitation to ensure uniformity of the dilution.

To prepare a 0.06% water dilution, ready to use, dilute 3 quarts of Talstar® P Professional Insecticide with 99.25 gallons of water.

Mixing:
For the desired application rate, use the chart below to determine the amount of Talstar® P Professional Insecticide for a given volume of finished dilution:

Amount of Talstar® P Professional Insecticide (Gallons except where noted)			
Dilution Concentration	**Amount of Talstar P Professional**	**Amount of Water**	**Desired Gallons of Finished Dilution**
0.06%	1 fl oz	127 fl oz.	1
	5 fl oz	4.9	5
	10 fl oz.	9.9	10
	25 fl oz.	24.8	25
	1.5 qt.	49.6	50
	2.25 qt.	74.4	75
	3 qt	99.25	100
0.12%*	2 fl oz	126 fl oz.	1
	10 fl oz	4.9	5
	19.5 fl oz.	9.8	10
	1.5 qt.	24.6	25
	3 qt.	49.2	50
	4.5 qt.	73.8	75
	6 qt	98.5	100

Common units of measure:
1 pint = 16 fluid ounces (fl oz.)
1 quart = 2 pints = 4 cups = 32 fluid ounces (fl oz.)

*For termite applications, only use this rate in conjunction with the application volume adjustments as listed in the section below or in the foam or underground service application sections.

Application Volume: To provide maximum control and protection against termite infestation apply the specified volume of the finished water dilution and active ingredient as set forth in the directions for use section of this label. If soil will not accept the labeled application volume, the volume may be reduced provided there is a corresponding increase in concentration so that the amount of active ingredient applied to the soil remains the same.

Note: Large reductions of application volume reduce the ability to obtain a continuous barrier. Variance is allowed when volume and concentration are consistent with label directed rates and a continuous barrier can still be achieved.

Where desirable for pre and post construction treatments, the volume of the 0.12% dilution may be reduced by ½ the labeled volume. See Volume Adjustment Chart below.

Note: When volume is reduced, the hole spacing for subslab injection and soil rodding may require similar adjustment to account for lower volume dispersal of the termiticide in the soil.

Volume Adjustment Chart		
Rate (% dilution)	**0.06%**	**0.12%**
Volume allowed		
Horizontal (gallons dilution/10 ft^2)	1.0 gallons	0.5 gallons
Vertical (gallons dilution/10 lin. ft.)	4.0 gallons	2.0 gallons

After Treatment: All holes in commonly occupied areas into which Talstar® P Professional Insecticide has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material.

Pre-Construction Subterranean Termite Treatment

The treatment site must be covered prior to a rain event in order to prevent run-off of the pesticide into non-target areas.

The applicator must either cover the soil him/herself or provide written notification of the above requirement to the contractor on site and to the person commissioning the application (if different than the contractor). If notice is provided to the contractor or the person commissioning the application, then they are responsible under FIFRA to ensure that: 1) if the concrete slab cannot be poured over the treated soil within 24 hours of application the treated soil is covered with a waterproof covering (such as polyethylene sheeting), and 2) the treated soil is covered if precipitation is predicted to occur before the concrete slab is scheduled to be poured.

Do not treat soil that is water-saturated or frozen.

Do not treat when raining.

Do not allow treatment to runoff from the target area.

Do not apply within 10 feet of storm drains. Do not apply within 25 feet of aquatic habitats (such as, but not limited to, lakes; reservoirs; rivers; permanent streams; marshes or ponds; estuaries; and commercial fish farm ponds).

Do not make on-grade applications when sustained wind speeds are above 10 mph (at application site) at nozzle end height.

Pre-Construction Treatment: Do not apply at a lower dosage and/or concentration than specified on this label for applications prior to the installation of the finished grade.

When treating foundations deeper than 4 feet, apply the termiticide as the backfill is being replaced, or if the construction contractor fails to notify the applicator to permit this, treat the foundation to a minimum depth of 4 feet after the backfill has been installed. The applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements, at the rate prescribed from grade to a minimum depth of 4 feet. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. However, in no case should a structure be treated below the footing.

Effective pre-construction subterranean termite control is achieved by the establishment of vertical and/or horizontal insecticidal barriers using 0.06% dilution of Talstar® P Professional Insecticide.

Horizontal Barriers
Create a horizontal barrier wherever treated soil will be covered by a slab, such as footing trenches, slab floors, carports, and the soil beneath stairs and crawl spaces.

For a 0.06% rate apply 1 gallon of dilution per 10 square feet, or use 1 fluid ounce of Talstar® P Professional Insecticide per 10 square feet in sufficient water (no less than 1/2 gallon or more than 2 gallons) to provide thorough and continuous coverage of the area being treated.

If the fill is washed gravel or other coarse material, it is important that a sufficient amount of dilution be used to reach the soil substrate beneath the coarse fill.

Applications shall be made by a low pressure spray (less than 50 p.s.i.) using a coarse spray nozzle. If slab will not be poured the same day as treatment, cover treated soil with a water-proof barrier such as polyethylene sheeting. This is not necessary if foundation walls have been installed around the treated soil.

Vertical Barriers
Vertical barriers must be established in areas such as around the base of foundations, plumbing, utility entrances, back-filled soil against foundation walls and other critical areas.

For a 0.06% rate, apply 4 gallons of dilution per 10 linear feet per foot of depth or 4 fluid ounces of Talstar® P Professional Insecticide 10 linear feet per foot of depth from grade to top of footing in sufficient water (not less than 2 gallons or more than 8 gallons) to ensure complete coverage.

a. When trenching and rodding into the trench, or trenching, it is important that dilution reaches the top of the footing. Rod holes must be spaced so as to achieve a continuous termiticide barrier, but in no case more than 12 inches apart.
b. Care should be taken to avoid soil wash-out around the footing.
c. Trenches need not be wider than 6 inches. Dilution should be mixed with the soil as it is being replaced in the trench.
d. For a monolithic slab, an inside vertical barrier may not be required.

Treat hollow block voids at a rate of 2 gallons of dilution per 10 linear feet so that the dilution will reach the top of the footing.

Prior to each application, applicators must notify the general contractor, construction superintendent, or similar responsible party, of the intended termiticide application and intended sites of application and instruct the responsible person to notify construction workers and other individuals to leave the area to be treated during application and until the termiticide is absorbed into the soil.

Post Construction Subterranean Termite Treatment

Use a 0.06% dilution for post-construction treatment. Post-construction soil applications shall be made by injection, trenching and rodding into the trench or trenching, or coarse fan spray with pressures not exceeding 25 p.s.i. at the nozzle. Care should be taken to avoid soil wash-out around the footing.

Do not apply dilution until location of wells, radiant heat pipes, water and sewer lines and electrical conduits are known and identified. Caution must be taken to avoid puncturing and injection into these elements.

Foundations: For applications made after the final grade is installed, the applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements, at the rate prescribed from grade to the top of the footing. When the footing is more than four (4) feet below grade, the applicator must trench and rod into the trench or trench along the foundation walls at the rate prescribed to a minimum depth of four feet. The actual depth of treatment will vary depending on soil type, degree of compaction, and location of termite activity. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. However, in no case should a structure be treated below the footing.

Slabs
Vertical barriers may be established by sub-slab injection within the structure and trenching and rodding into the trench or trenching outside at the rate of 4 gallons of dilution per 10 linear feet per foot of depth. Special care must be taken to distribute the treatment evenly. Treatment should not extend below the bottom of the footing.

Treat along the outside of the foundation and where necessary beneath the slab on the inside of foundation walls. Treatment may also be required beneath the slab along both sides of interior footing-supported walls, one side of interior partitions and along all cracks and expansion joints. Horizontal barriers may be established where necessary by long-rodding or by grid pattern injection vertically through the slab.

a. Drill holes in the slab and/or foundation to allow for the application of a continuous insecticidal barrier.

b. For shallow foundations (1 foot or less) dig a narrow trench approximately 6 inches wide along the outside of the foundation walls. Do not dig below the bottom of the footing. The dilution should be applied to the trench and soil at 4 gallons of dilution per 10 linear feet per foot of depth as the soil is replaced in the trench.

c. For foundations deeper than 1 foot follow rates for basement.

d. Exposed soil and wood in bath traps may be treated with a 0.06% dilution.

Basements
Where the footing is greater than 1 foot of depth from grade to the bottom of the foundation, application must be made by trenching and rodding into the trench, or trenching at the rate of 4 gallons of dilution per 10 linear feet per foot of depth. When the footer is more than four feet below grade, the applicator may trench and rod into the trench, or trench along foundation walls at the rate prescribed for four feet of depth. Rod holes must be spaced to provide a continuous insecticidal barrier, but in no case more than 12 inches apart. The actual depth of treatment will vary depending on soil type, degree of compaction, and location of termite activity. However, in no case should a structure be treated below the footer. Sub-slab injection may be necessary along the inside of foundation walls, along cracks and partition walls, around pipes, conduits, piers, and along both sides of interior footing-supported walls.

Accessible Crawl Spaces: For crawl spaces, apply vertical termiticide barriers at the rate of 4 gallons of dilution per 10 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 4 feet below grade, to a minimum depth of 4 feet. Apply by trenching and rodding into the trench, or trenching. Treat both sides of foundation and around all piers and pipes. Where physical obstructions such as concrete walkways adjacent to foundation elements prevent trenching, treatment may be made by rodding alone. When soil type and/or conditions make trenching prohibitive, rodding may be used. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. Read and follow the mixing and use direction section of the label if situations are encountered where the soil will not accept the full application volume.

1. Rod holes and trenches must not extend below the bottom of the footing.
2. Rod holes must be spaced so as to achieve a continuous termiticide barrier but in no case more than 12 inches apart.
3. Trenches must be a minimum of 6 inches deep or to the bottom of the footing, whichever is less, and need not be wider than 6 inches. When trenching in sloping (tiered) soil, the trench must be stepped to ensure adequate distribution and to prevent termiticide from running off. The dilution must be mixed with the soil as it is replaced in the trench.
4. When treating plenums or crawl spaces, turn off the air circulation system of the structure until application has been completed and all termiticide has been absorbed by the soil.

Inaccessible Crawl Spaces: For inaccessible interior areas, such as areas where there is insufficient clearance between floor joists and ground surfaces to allow operator access, excavate if possible, and treat according to the instructions for accessible crawl spaces. Otherwise, apply one or a combination of the following two methods.

1. To establish a horizontal barrier, apply to the soil surface, 1 gallon of dilution per 10 square feet overall using a nozzle pressure of less than 25 p.s.i. and a coarse application nozzle (e.g., Delavan Type RD Raindrop, RD-7 or larger, or Spraying Systems Co. 8010LP TeeJet or comparable nozzle). For an area that cannot be reached with the application wand, use one or more extension rods to make the application to the soil. Do not broadcast or powerspray with higher pressures.
2. To establish a horizontal barrier, drill through the foundation wall or through the floor above and treat the soil perimeter at a rate of 1 gallon of dilution per 10 square feet. Drill spacing must be at intervals not to exceed 16 inches. Many States have smaller intervals, so check State regulations which may apply.

When treating plenums and crawl spaces, turn off the air circulation system of the structure until application has been completed and all termiticide has been absorbed by the soil.

Masonry Voids: Drill and treat voids in multiple masonry elements of the structure extending from the structure to the soil in order to create a continuous treatment barrier in the area to be treated. Apply at the rate of 2 gallons of dilution per 10 linear feet of footing, using a nozzle pressure of less than 25 p.s.i. When using this treatment, access holes must be drilled below the sill plate and should be as close as possible to the footing as is practical. Treatment of voids in block or rubble foundation walls must be closely examined: Applicators must inspect areas of possible runoff as a precaution against application leakage in the treated areas. Some areas may not be treatable or may require mechanical alteration prior to treatment.

All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy the contaminated areas of the structure until the clean-up is completed.

Note: When treating behind veneer care should be taken not to drill beyond the veneer. If concrete blocks are behind the veneer, both the blocks and the veneer may be drilled and treated at the same time.

Not for use in voids insulated with rigid foam insulation.

Excavation Technique: If treatment must be made in difficult situations, along fieldstone or rubble walls, along faulty foundation walls, and around pipes and utility lines which lead downward from the structure to a well or pond, application may be made in the following manner:

a. Trench and remove soil to be treated onto heavy plastic sheeting or similar material.

b. Treat the soil at the rate of 4 gallons of dilution per 10 linear feet per foot of depth of the trench. Mix the dilution thoroughly into the soil taking care to prevent liquid from running off the liner.

c. After the treated soil has absorbed the liquid dilution, replace the soil in the trench.

Attention: When applying Talstar® P Professional Insecticide in a confined area, the user should wear unvented goggles and a respirator approved by NIOSH during application.

Foam Applications

Talstar® P Professional Insecticide dilution, from 0.06 to 0.12 % may be converted to a foam with expansion characteristics from 2 to 40 times.

Localized Application: The dilution may be converted to a foam and the foam used to control or prevent termite infestations.

Depending on the circumstances, foam applications may be used alone or in combination with liquid dilution applications. Applications may be made behind veneers, piers, chimney bases, into rubble foundations, into block voids or structural voids, under slabs, stoops, porches, or to the soil in crawlspaces, and other similar voids.

Foam and liquid application must be consistent with volume and active ingredient instructions in order to ensure proper application has been made. The volume and amount of active ingredient are essential to an effective treatment. At least 75% of the labeled liquid dilution volume of product must be applied, with the remaining percent delivered to appropriate areas using foam application. Refer to label and use recommendations of the foam manufacturer and the foaming equipment manufacturer.

Foam applications are generally a good supplement to liquid treatments in difficult areas, but may be used alone in difficult spots.

Application Under Slabs or to Soil in Crawlspaces to Prevent or Control Termites
Application may be made using Talstar® P Professional Insecticide foam alone or in combination with liquid dilution. The equivalent of at least 4 gallons (4 ounces of Talstar® P Professional Insecticide concentrate) of 0.06% dilution per 10 linear feet (vertical barrier), or at least 1 gallon (1 ounce of Talstar® P Professional Insecticide concentrate) of 0.06% dilution per 10 square feet (horizontal barrier) must be applied either as dilution, foam, or a combination of both. For a foam only application, apply Talstar® P Professional Insecticide concentrate in sufficient foam concentration and foam volume to deposit 4 ounces of concentrate per 10 linear feet or 1 ounce of concentrate per 10 square feet. For example, 2 gallons of 0.12% dilution generated as foam to cover 10 linear feet is equal to the application of 4 gallons of 0.06% dilution per 10 linear feet.

Sand Barrier Installation and Treatment

Termites can build mud tubes over treated surfaces as long as they have access to untreated soil and do not have to move Talstar® P Professional Insecticide treated soil. Susceptible cracks and spaces can be filled with builder's or play box sand and the sand treated with Talstar P Professional. The sand should be treated as soil following the termiticide rate listed on the Talstar® P Professional Insecticide label.

Retreatment for subterranean termites can only be performed if there is clear evidence of reinfestation or disruption of the barrier due to construction, excavation, or landscaping and/or evidence of the breakdown of the termiticide barrier in the soil. These vulnerable or reinfested areas may be retreated in accordance with application techniques described in this product's labeling. The timing and type of these retreatments will vary depending on factors such as termite pressure, soil types, soil conditions and other factors which may reduce the effectiveness of the barrier.

Annual retreatment of the structure is prohibited unless there is clear evidence that reinfestation or barrier disruption has occurred.

APPLICATION IN CONJUNCTION WITH THE USE OF TERMITE BAITS

As part of the integrated pest management (IPM) program for termite control, Talstar® P Professional Insecticide may be applied to critical areas of the structure including plumbing and utility entry sites, bath traps, expansion joints, foundation cracks and areas with known or suspected infestations at a rate of 0.06% as a spot treatment or complete barrier treatment. Applications may be made as described in the Postconstruction treatment section of this label.

TERMITE CONTROL (ABOVE GROUND ONLY)

The purpose of the applications described below are to kill termite workers or winged reproductives that may be present at the time of treatment. These applications are intended as supplements to, and not substitutes for, mechanical alteration, soil treatment or foundation treatment.

To control exposed workers and winged reproductive termites in localized areas, dilute 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply as a course fan spray at the rate of one gallon per 1,000 square feet to attics, crawl spaces, unfinished basements and other void areas. Treat swarming termites as well as the areas in which they congregate.

To control above-ground termites in localized areas of infested wood, dilute 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply as a liquid or foam to voids and galleries in damaged wood as well as to spaces between wooden structural members and between the sill plate and foundation where wood is vulnerable to attack. Applications may be made to inaccessible areas by drilling and then injecting the dilution or foam, with a suitable directional injector , into damaged wood or wall voids. All treatment holes drilled in construction elements in commonly occupied areas of structures should be securely plugged after treatment.

To control termite carton nests in building voids, dilute 1.0 fluid oz. of Talstar® P Professional Insecticide per gallon of water and apply as a liquid or foam using a pointed injection tool. Multiple injection points and varying depths of injection may be necessary to achieve control. When possible, the carton nest material should be removed from the building void after treatment.

LAWN

Apply Talstar® P Professional Insecticide as a broadcast treatment. Use application volumes of up to 10 gallons per 1000 square feet to get uniform coverage when treating dense grass foliage.

For low volume applications, less than 2 gallons/1000 square feet, immediate irrigation of treated area with at least 0.25 inches of water following application to ensure efficacy of sub-surface pests such as, but not limited to, Mole Crickets, is recommended.

LAWN APPLICATION RATES

The application rates listed in the following table will provide excellent control of the respective pests under typical conditions. However, at the discretion of the applicator, Talstar® P Professional Insecticide may be applied at up to 1 fl. oz. per 1000 square feet to control each of the pests listed in this Table. The higher application rates should be used when maximum residual control is desired or heavy pest populations occur.

Pest	Application Rate Talstar® P Professional Insecticide
Armyworms[1] Cutworms[1] Sod Webworm[1]	0.18 - 0.25 fluid oz. per 1000 sq. ft.
Annual Bluegrass Weevil (Hyperodes) (Adult)[2] Banks Grass Mite[6] Billbugs (Adult)[3] Black Turfgrass Ataenius (Adult)[4] Centipedes Crickets Earwigs Fleas (Adult) Grasshoppers Leafhoppers Mealybugs Millipedes Mites[6] Pillbugs Sowbugs	0.25 - 0.5 fluid oz. per 1000 sq. ft.
Crane Flies[12]	0.5 fluid oz. per 1000 sq. ft.
Ants Chinch Bugs[5] Fleas (Larvae)[7] Imported Fire Ants[8] Japanese Beetle (Adult) Mole Cricket (Adult)[9] Mole Cricket (Nymph)[10] Stink Bugs Ticks[11]	0.5 - 1.0 fluid oz. per 1000 sq. ft.

In New York State, this product may NOT be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

In New York State, do make a single repeat application of Talstar® P Professional Insecticide if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

Comments

[1]**Armyworms, Cutworms and Sod Webworms:** To ensure optimum control, delay watering (irrigation) or mowing for 24 hours after application. If the grass area is being maintained at a mowing height of greater than 1 inch, then higher application rates (Up to 1 fluid oz. per 1000 square feet) may be required during periods of high pest pressure.

[2]**Annual Bluegrass Weevil (*Hyperodes*) adults:** Applications should be timed to control adult weevils as they leave their overwintering sites and move into grass areas. This movement generally begins when *Forsythia* is in full bloom and concludes when flowering dogwood (*Cornus florida*) is in full bloom. Consult your State Cooperative Extension Service for more specific information regarding application timing.

[3]**Billbug adults:** Applications should be made when adult billbugs are first observed during April and May. Degree day models have been developed to optimize application timing. Consult your State Cooperative Extension Service for information specific to your region. In temperate regions, spring applications targeting billbug adults will also provide control of over-wintered chinch bugs.

[4]**Black Turfgrass Ataenius adults:** Applications should be made during May and July to control the first and second generation of black turfgrass ataenius adults, respectively. The May application should be timed to coincide with the full bloom stage of Vanhoutte spiraea (*Spiraea vanhouttei*) and horse chestnut (*Aesculus hippocastanum*). The July application should be timed to coincide with the blooming of Rose of Sharon (*Hibiscus syriacus*).

[5]**Chinch Bugs:** Chinch Bugs infest the base of grass plants and are often found in the thatch layer. Irrigation of the grass area before treatment will optimize the penetration of the insecticide to the area where the chinch bugs are located. Use higher volume applications if the thatch layer is excessive or if a relatively long mowing height is being maintained. Chinch Bugs can be one of the most difficult pests to control in grasses and the higher application rates (Up to 1 fluid oz. per 1000 square feet) may be required to control populations that contain both nymphs and adults during the middle of the summer.

[6]**Mites:** To ensure optimal control of eriophyid mites, apply in combination with the labeled application rate of a surfactant. A second application, five to seven days after the first, may be necessary to achieve acceptable control.

[7]**Flea larvae:** Flea larvae develop in the soil of shaded areas that are accessible to pets or other animals. Use a higher volume application when treating these areas to ensure penetration of the insecticide into the soil. Note: if the lawn area is being treated with Talstar® P Professional Insecticide at 0.25 fluid oz. per 1000 square feet for adult flea control, then the larval application rate may be achieved by increasing the application volume two- to four-fold.

[8]**Imported Fire Ants:** Control will be optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound drenches that will control existing colonies. If the soil is not moist, then it is important to irrigate before application or use a high volume application. Apply broadcast treatments at 0.6 to 1 fluid oz. per 1,000 square feet. Use enough finished volume to penetrate thatch or sod. Treat mounds by applying 1 oz Talstar P Professional per mound in 1 to 2 gallons water by sprinkling the mound until it is wet and treat 3 feet out around the mound. Use the higher volume for mounds larger than 12". Treat mounds with sufficient force to break their apex and allow the insecticide solution to flow into the ant tunnels. For best results, apply in cool weather (65 - 80°F) or in early morning or late evening hours.

[9]**Mole Cricket adults:** Achieving acceptable control of adult mole crickets is difficult because preferred grass areas are subject to continuous invasion during the early spring by this extremely active stage. Applications should be made as late in the day as possible and should be watered in with up to 0.5 inches of water immediately after treatment. If the soil is not moist, then it is important to irrigate before application to bring the mole crickets closer to the soil surface where contact with the insecticide will be maximized. Grass areas that receive pressure from adult mole crickets should be treated at peak egg hatch to ensure optimum control of subsequent nymph populations (see below).

[10]**Mole Cricket nymphs:** Grass areas that received intense adult mole cricket pressure in the spring should be treated immediately prior to peak egg hatch. Optimal control is achieved at this time because young nymphs are more susceptible to insecticides and they are located near the soil surface where the insecticide is most concentrated. Control of larger, more damaging, nymphs later in the year may require both higher application rates and more frequent applications to maintain acceptable control. Applications should be made as late in the day as possible and should be watered in with up to 0.5 inches of water immediately after treatment. If the soil is not moist, then it is important to irrigate before application to bring the mole crickets closer to the soil surface where contact with the insecticide will be maximized.

[11]**Ticks (Including ticks that may transmit Lyme Disease and Rocky Mountain Spotted fever):** Do not make spot applications. Treat the entire area where exposure to ticks may occur. Use higher spray volumes when treating areas with dense ground cover or heavy leaf litter. Ticks may be reintroduced from surrounding areas on host animals. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed activity. Limit repeat application to no more than once per seven days.

Deer ticks (*Ixodes sp.*) have a complicated life cycle that ranges over a two year period and involves four life stages. Applications should be made in the late fall and/or early spring to control adult ticks that are usually located on brush or grass above the soil surface and in mid to late spring to control larvae and nymphs that reside in the soil and leaf litter.

American dog ticks may be a considerable nuisance in suburban settings, particularly where homes are built on land that was previously field or forest. These ticks commonly congregate along paths or roadways where humans are likely to be encountered. Applications should be made as necessary from mid-spring to early fall to control American dog tick larvae, nymphs and adults.

[12]**Crane Flies:** Treatments can be made to control early to mid-season larvae (approximately August – February) as they feed on plant crowns. Treatments made to late-season larvae (approximately March, April) may only provide suppression.

ORNAMENTALS AND TREES

For ornamental applications (including but not limited to trees, shrubs, ground covers, bedding plants, and foliage plants) apply 0.125 to 1.0 fluid oz. of Talstar® P Professional Insecticide per 1,000 square feet or 5.4 to 43.5 fl. oz. per 100 gallons. Talstar® P Professional Insecticide may be diluted and applied in various volumes of water providing that the maximum label rate (1.0 fluid oz. per 1,000 square feet or 43.5 fl. oz per 100 gallons.) is not exceeded. Talstar® P Professional Insecticide may be applied through low volume application equipment by dilution with water or other carriers and providing that the maximum label rate (1.0 fluid oz. per 1,000 square feet or 43.5 fl. oz per 100 gallons) is not exceeded.

Apply the specified application rate as a full coverage foliar spray. Repeat treatment as necessary to achieve control using higher application rates as pest pressure & foliage area increases. Limit repeat application to no more than once per seven days.

Certain cultivars may be sensitive to the final spray solution. A small number of plants should be treated and observed for one week prior to application to the entire planting.

Use of an alternate class of chemistry in a treatment program is recommended to prevent or delay pest resistance.

GREENHOUSES AND INTERIORSCAPES

Use Talstar® P Professional Insecticide, either alone or tank mixed with other products, including insect growth regulators, to control a wide spectrum of insects and mites on trees, shrubs, foliage plants, non-bearing fruit and nut trees, and flowers in greenhouses and interiorscapes including hotels, shopping malls, office buildings, etc.

Calculating Dilution Rates using the Ornamental and Greenhouse Application Rates Table and the Talstar® P Professional Insecticide Dilution Chart (page 3): The following steps should be taken to determine the appropriate dilution of Talstar® P Professional Insecticide that is required to control specific pests:

1) Identify the least susceptible target pest (the pest requiring the highest application rate for control).
2) Select an application rate in terms of fluid oz. of Talstar® P Professional Insecticide.
3) Identify your application volume and how much spray mix you want to prepare.
4) Use the Dilution Chart to determine the appropriate volume of Talstar® P Professional Insecticide that must be mixed in your desired volume of water.

ORNAMENTAL and GREENHOUSE APPLICATION RATES

The application rates listed in the following table will provide excellent control of the respective pests under typical conditions. However, at the discretion of the applicator, Talstar® P Professional Insecticide may be applied at up to 1 fluid oz. per 1,000 square feet (43.5 fl. oz. per 100 gallons per acre) to control each of the pest listed in this Table. The higher application rates should be used when maximum residual control is desired.

Apply the specified rate as a full coverage foliar spray. Repeat as necessary to achieve control using higher rates as pest pressure and foliage increases.

Certain cultivars may be sensitive to the final spray solution. A small number of plants should be tested prior to application of the entire planting.

Use an alternate class of chemistry in the treatment program is recommended to prevent or delay resistance.

Pest	Application Rate Talstar® P Professional Insecticide	
	Fluid Ounces per 1,000 square feet	Fluid Ounces per 100 gallons
Bagworms[12] Cutworms Elm Leaf Beetles Fall Webworms Gypsy Moth Caterpillars Lace Bugs Leaf Feeding Caterpillars Tent Caterpillars	0.125 - 0.25	5.4 - 10.8
Adelgids† Aphids Bees Beet Armyworm Beetles[13; †] Black Vine Weevil (Adults) Brown Soft Scales Broad Mites Budworms California Red Scale (Crawlers)[13] Centipedes Cicadas Citrus Thrips Clover Mites Crickets Diaprepes (Adults) Earwigs European Red Mite Flea Beetles Fungus Gnats (Adults) Grasshoppers Japanese Beetle (Adult)† Leafhoppers Leafrollers Mealybugs Millipedes Mites Orchid Weevil Pillbugs Plant Bugs (Including *Lygus spp.*) Psyllids† Scale crawlers, such as California scale, San Jose scale, etc.[13] Scorpions Sowbugs Spider Mites[14] Spiders Spittlebugs† Thrips Tip Moths Treehoppers† Twig Borers[13] Wasps Weevils[13] Whiteflies	0.25 - 0.5	10.8 - 21.7
Ants Imported Fire Ants** Leafminers Pecan Leaf Scorch Mite Pine Shoot Beetle (Adults) Sawfly larvae Spider Mites[14] Stink Bugs	0.5 - 1.0	21.7 - 43.5
Mosquitoes	See Mosquito Control directions for residual control rates and information on page 5	

[12]**Bagworms:** Apply when larvae begin to hatch and spray larvae directly. Applications when larvae are young will be most effective.

[13]**Beetles†, Scale Crawlers, Twig Borers, and Weevils:** Treat trunks, stems and twigs in addition to plant foliage.

[14]**Spider Mites:** Talstar® P Professional Insecticide provides optimal twospotted spider mite control when applied during spring to mid-summer. Higher application rates and/or more frequent treatments may be required for acceptable twospotted spider mite control during mid- to late-summer. The addition of a surfactant or horticultural oil may increase the effectiveness of Talstar® P Professional Insecticide. Combinations of Talstar® P Professional Insecticide with other registered miticides have also proven effective. Alternately, Talstar® P Professional Insecticide applications may be rotated with those of other products that have different modes of action in control programs that are designed to manage resistance by twospotted spider mites. Consult your local Cooperative Extension Service for resistance management recommendations in your region.

**For foraging ants.

†Not for use in California.

Attention

Prior to applying Talstar P Professional Insecticide to wood siding, especially rough wood siding, be sure to thoroughly agitate the tank mixture. Prior to treating wood siding, test a small area and allow it to dry to be sure no deposits will form. Follow the same procedure when applying to wood surfaces in direct sunlight or the heat of the day.

Application equipment that delivers low volume treatments, such as the

Micro-Injector® or Actisol® applicators, may also be used to make crack and crevice, deep harborage, spot and surface treatments of Talstar P Professional Insecticide.

Restrictions

Do not apply this product in a way that will contact any person or pet either directly or through drift.

Do not apply a broadcast application to interior surfaces of homes.

Do not apply to pets, food crops, or sources of electricity.

Firewood is not to be burned for one month after treatment.

Use only in well ventilated areas.

Do not use on edible crops

During any application to overhead areas within the structure, cover surfaces below with plastic sheeting or similar material, except for soil surfaces in crawlspaces.

Do not allow spray to contact food, foodstuffs, food contacting surfaces, food utensils or water supplies.

Thoroughly wash dishes and food handling utensils with soap and water if they become contaminated by application of this product.

Do not treat areas where food is exposed.

During indoor surface applications do not allow dripping or run-off to occur.

Do not allow people or pets on treated surfaces until spray has dried.

Let surfaces dry before allowing people and pets to contact surfaces.

Do not apply this product in patient rooms or in any rooms while occupied by the elderly or infirm.

Do not apply in classrooms when in use.

Do not apply when occupants are present in the immediate area in institutions such as libraries, sports facilities, etc.

Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions beyond the control of FMC or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold FMC and Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the directions under normal conditions of use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, FMC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT. Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) seller or FMC, and buyer assumes the risk of any such use.

To the extent allowed by law, FMC or seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF FMC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF FMC OR SELLER, THE REPLACEMENT OF THE PRODUCT.

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

Talstar, Talstar P Professional and FMC —Trademarks of FMC Corporation

Micro-Injector is a registered trademark of Whitmire Micro-Gen Research Laboratories

Actisol is a registered trademark of Roussel-Uclaf

Proposed Administrative Consent Agreement
Background Summary

Subject: TruGreen Lawncare
2 Delta Drive
Westbrook, ME 04092

Date of Incident(s): June 25, 2020 - September 15, 2022

Background Narrative: On October 10, 2020, a licensed applicator for TruGreen Lawncare applied Talstar P Insecticide, EPA Reg. No. 279-3206, to a residential property located in Saco, Maine for control of mosquitoes and ticks. Prior to the start of the application, a TruGreen co-worker asked the applicator to hold-off applying the insecticide in the backyard so that they could complete the lawn aeration service assigned to them. The applicator ignored the request of their co-worker, and the individual was exposed to the spray solution while conducted the lawn aeration. The exposed worker sought medical attention.

On October 29 & November 5, of 2020 a licensed applicator for TruGreen Lawncare experienced exposure to Talstar P Insecticide, EPA Reg. No. 279-3206, when the powered backpack being used for the application had a leak and the applicator's clothing became saturated with the pesticide and contacted their skin. The applicator was not instructed to properly wash themselves or their clothing and was encouraged to continue working.

Prior to pesticide applications conducted on March 22, 2021, May 10, 2021, June 30, 2021, & August 22, 2022, TruGreen Lawncare failed to notify a member of the Pesticide Notification Registry in Cape Elizabeth. Failure to notify the same registrant on several occasions was settled with Board in Consent Agreement in January of 2020.

During a pesticide spray application to a lawn with powered spray equipment conducted by a licensed applicator for TruGreen Lawncare on May 26, 2021, in Westbrook, Maine a neighbor was exposed to Merit 2F Systemic Insecticide, EPA Reg. No. 432-1312, Barricade 4FL Herbicide, EPA Reg. No. 110-1139, & Escalade 2 Herbicide, EPA Reg. No. 228-442, through drift.

On June 3, 2021, a licensed applicator for TruGreen Lawncare was conducting herbicide applications with Turpower 3 Herbicide, EPA Reg. No. 228-551, to common space lawn areas in a neighborhood in Scarborough, Maine. The applicator was observed not wearing the proper PPE (Personal Protective Equipment). The ensuing inspection confirmed the failure to wear proper PPE and the application being conducted with powered spray equipment was done at higher wind speeds the label allows.

Summary of Violations: CMR 01-026, Chapter 28, Section 2 (D) requires commercial applicators to provide advance notification of outdoor pesticide applications made within 250 feet of the property of any participant on the current year Notification Registry.

The violations described above are considered a second, third, fourth and fifth offense within a four-year period pursuant to 7 M.R.S. § 616-A (2) A (2).

7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use of a pesticide inconsistent with its label.

The Talstar P label contains the following statements: "Do not apply this product in a way that will contact any person or pet either directly or through spray drift." "Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing."

Barricade 4FL label contains the following statement: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift."

Escalade 2 label contains the following statement: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift."

CMR 01-026, Chapter 22, Section 2 (D) contains the statement: "The applicator shall cease spray activities at once upon finding evidence showing the likely presence of unprotected persons in the target area or in such proximity as to result in unconsented exposure to pesticides."

The Trupower 3 label contains the following statements: "All mixers, loaders, applicators and other handlers must wear:

a) Long-sleeved shirt and long pants
b) Shoes plus socks, and
c) Protective eyewear (Goggles or face shield or shielded safety glasses)
d) Chemical-resistant gloves (except for applicators using groundboom equipment).
e) Chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.
f) Do not apply at wind speeds greater than 10 mph."

Rationale for Settlement: TruGreen Lawncare failed to contact a member of the Pesticide Notification Registry on four occasions. Pesticide applications conducted by applicators allowed exposure to pesticides through direct contact and drift on four separate occasions. The incidents of exposure, failure to wear proper PPE and applications during high wind speed are all violations of pesticide labeling. These violations occurred within a four-year period of a previously settled consent agreement that included failure to notify members of the Pesticide Notification Registry, applications in high winds and applications to the incorrect property.

Attachments: Proposed Consent Agreement

NOV 22 2023

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL

Ck Amount $25000—
Ck Date 11-13-23
Ck # 60533856

In the Matter of:	)	ADMINISTRATIVE CONSENT
TruGreen Lawncare	)	AGREEMENT
2 Delta Drive	)	AND
Westbrook, Maine 04092	)	FINDINGS OF FACT

This Agreement by and between TruGreen Lawncare (hereinafter referred to as the "Company") and the State of Maine Board of Pesticides Control (hereinafter referred to as the "Board"), as approved by the Office of the Attorney General ("OAG"), is entered into pursuant to 22 M.R.S. § 1471-M(2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

1) That the Company provides a variety of turf, landscaping and mosquito control services across the United States, including the State of Maine. Said services include pesticide applications.

2) That on October 10, 2020, Daniel Berensen, a Company employee was aerating a customer's lawn at 20 Wedgewood Drive in Saco, Maine.

3) That during the lawn aeration process described in paragraph two, Patrick O'Donnell, another Company employee arrived at the same address to make a tick and mosquito control application using Talstar P Insecticide, EPA Reg. No. 279-3206.

4) That Berensen spoke to O'Donnell explaining that he only needed to finish aerating behind the house prior to departing the location. Berenson believed that O'Donnell would therefore refrain from spraying in his immediate vicinity until he was finished.

5) That shortly thereafter, O'Donnell began spraying behind the house while Berenson was still present. Berenson was directly down wind of O'Donnell.

6) That Berenson stated that immediately he was "hit by the chemical."

7) That approximately an hour later, Berenson reported that he began to experience symptoms including a hot sensation on his face, burning eyes and nausea.

8) That Berensen's supervisor instructed him to seek a medical evaluation at a Concentra Urgent Care location in Portland. According to Berensen, the attending physician advised him to monitor his symptoms for the next few days and seek additional attention if symptoms worsened.

9) That the Talstar P label contains the following statements: "Do not apply this product in a way that will contact any person or pet either directly or through spray drift. Do not allow people or pets on treated surfaces until spray has dried. Let surfaces dry before allowing people or pets to contact surfaces."

10) That 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use or supervision of such use of a pesticide inconsistent with its label, and 22 M.R.S. § 1471-D(8)(F) provides for court action to seek suspension or revocation of an applicator's license and/or certification for use or supervision of such use of a pesticide inconsistent with its label.

11) That the circumstances described in paragraphs two through ten constitute a violation of 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) and would permit court action to seek suspension or revocation of an applicator's license and/or certification pursuant to 22 M.R.S. § 1471-D(8)(F).

12) That CMR 01-026, Chapter 22, Section 2 (D) contains the statement: "The applicator shall cease spray activities at once upon finding evidence showing the likely presence of unprotected persons in the target area or in such proximity as to result in unconsented exposure to pesticides."

13) That the Company applicator did not cease spray activities when in such proximity to Berensen so as to result in unconsented exposure to pesticides.

14) That the circumstances described in paragraphs two through ten and thirteen constitute a violation of CMR 01-026, Chapter 22, Section 2 (D).

15) That Brett Haynes, a Company employee, contacted the Board with concerns about a series of chemical discharges that occurred during the course of Haynes' work for the Company between October 29 and November 5, 2020.

16) That during the first chemical discharge event on October 29, Haynes' backpack, containing a spray solution of Talstar P Insecticide, EPA Reg. No 279-3206, developed a leak which quickly saturated Haynes' underpants, undershirt, pants and shirt.

17) That Haynes returned to the Westbrook branch location whereupon he was provided a clean set of pants and a replacement backpack, and he was instructed to continue spraying.

18) That two additional chemical discharge events occurred on November 3 and November 5. The November 3 event resulted in a small spill. The November 5 event resulted in the loss of 2.5 gallons of spray mix and another chemical exposure event in which Haynes' pants became saturated.

19) That the Talstar P label contains the following statement: "Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing."

20) That upon returning to the Westbrook branch following the exposure incident on October 29, Haynes was not instructed to remove all saturated clothing and to thoroughly wash exposed skin.

21) That 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use of a pesticide inconsistent with its label, and 22 M.R.S. § 1471-D(8)(F) provides for court action to seek suspension or revocation of an applicator's license and/or certification for use of a pesticide inconsistent with its label.

22) That the Company's supervision of the use of Talstar P was inconsistent with the product labeling.

23) That the circumstances described in paragraphs fifteen through twenty-two constitute a violation of 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) and would permit court action to seek suspension or revocation of an applicator's license and/or certification pursuant to 22 M.R.S. § 1471-D(8)(F).

24) That the Company entered into an Administrative Consent Agreement and Findings of Fact with the Maine Board of Pesticides Control ratified by the Board on January 15, 2020, in which the Company acknowledged a series of Maine pesticide law violations which occurred in calendar years 2017, 2018 and 2019.

25) That among the violations acknowledged in the Consent Agreement described in paragraph twenty-four was an August 13, 2019, turf pesticide application to 28 Wood Road in Cape Elizabeth, Maine.

26) That the violation described in paragraph twenty-five was to a property listed as an abutter to a participant in the 2019 Maine Pesticide Notification Registry, thereby requiring notification to the participant, Sarvenaz Maisak.

27) That the Company acknowledged failing to notify Maisak prior to the August 13, 2019, application in violation of CMR 01-026, Chapter 28, Section 2 (D).

28) That on March 22, 2021, a Company employee applied Omni Supreme Spray (insecticide-miticide) Liquid, EPA Reg. No. 5905-368 to dormant landscape plants at 22 Wood Road in Cape Elizabeth.

29) That 22 Wood Road is listed as an abutter to a participant in the 2021 Pesticide Notification Registry, Sarvenaz Maisak.

30) That CMR 01-026, Chapter 28, Section 2 (D) requires pesticide applicators to notify registry participants prior to making an application to properties listed as abutters on the registry.

31) That Company did not notify Maisak prior to the pesticide application described in paragraph twenty-eight.

32) That the circumstances described in paragraphs twenty-eight through thirty-one constitute a violation of CMR 01-026, Chapter 28, Section 2 (D).

33) That the violation described in paragraph thirty-two is a second violation within a four-year period pursuant to 7 M.R.S. § 616-A(2)(A)(2).

34) That on May 10, 2021, a Company employee applied Escalade 2 Herbicide, EPA Reg. No. 228-442 to the turf areas at 22 Wood Road in Cape Elizabeth.

35) That 22 Wood Road is listed as an abutter to a participant in the 2021 Pesticide Notification Registry, Sarvenaz Maisak.

36) That CMR 01-026, Chapter 28, Section 2 (D) requires pesticide applicators to notify registry participants prior to making an application to properties listed as abutters on the registry.

37) That Company did not notify Maisak prior to the pesticide application described in paragraph thirty-four.

38) That the circumstances described in paragraphs thirty-four through thirty-seven constitute a violation of CMR 01-026, Chapter 28, Section 2 (D).

39) That the violation described in paragraph thirty-eight is a third violation within a four-year period pursuant to 7 M.R.S. § 616-A(2)(A)(2).

40) That on June 30, 2021, a Company employee applied Merit 2F insecticide, EPA Reg. No. 432-1312 and Trupower 3 herbicide, EPA Reg. No. 228-551 to the turf areas at 22 Wood Road in Cape Elizabeth.

41) That 22 Wood Road is listed as an abutter to a participant in the 2021 Pesticide Notification Registry, Sarvenaz Maisak.

42) That CMR 01-026, Chapter 28, Section 2 (D) requires pesticide applicators to notify registry participants prior to making an application to properties listed as abutters on the registry.

43) That Company did not notify Maisak prior to the pesticide application described in paragraph forty.

44) That the circumstances described in paragraphs forty through forty-three constitute a violation of CMR 01-026, Chapter 28, Section 2 (D).

45) That the violation described in paragraph forty-four is a fourth violation within a four-year period pursuant to 7 M.R.S. § 616-A(2)(A)(2).

46) That on August 22, 2022, a Company employee applied Tempo SC Ultra Insecticide, EPA Reg. No. 432-1363, Eagle 20 EW Specialty Fungicide, EPA Reg. No. 62719-463 and Forbid 4F Ornamental Insecticide/Miticide, EPA Reg. No. 432-1279 to the landscape plants at 22 Wood Road in Cape Elizabeth.

47) That 22 Wood Road is listed as an abutter to a participant in the 2022 Pesticide Notification Registry, Sarvenaz Maisak.

48) That CMR 01-026, Chapter 28, Section 2 (D) requires pesticide applicators to notify registry participants prior to making an application to properties listed as abutters on the registry.

49) That Company did not notify Maisak prior to the pesticide application described in paragraph forty-six.

50) That the circumstances described in paragraphs forty-six through forty-nine constitute a violation of CMR 01-026, Chapter 28, Section 2 (D).

51) That the violation described in paragraph fifty is a fifth violation within a four-year period pursuant to 7 M.R.S. § 616-A(2)(A)(2).

52) That on May 26, 2021, John Sullivan, an employee for the Company applied Merit 2F, EPA Reg. No 432-1312, Barricade 4FL, EPA Reg. No. 100-1139 and Escalade 2, EPA Reg. No 228-442 to the turf areas located at 250 Duck Pond Road in Westbrook, Maine.

53) That during the course of the application described in paragraph fifty-two, John Stewart, an abutting neighbor, emerged from his back door onto his back lawn.

54) That Stewart immediately detected a chemical taste in his mouth and his eyes started burning.

55) That Stewart quickly identified the source of the chemical exposure as arising from the turf pesticide application taking place on the abutting lawn.

56) That Stewart stated that the wind speed was 14 miles per hours blowing from the application site toward his property.

57) That Stewart subsequently approached the Company applicator and requested that the applicator cease and desist due to the weather conditions and the proximity to him and his property.

58) That a heated exchange ensued between Stewart and the Company applicator who expressed the view that it was proper from him to continue.

59) That ultimately the applicator agreed to switch to a granular application.

60) That the Barricade 4FL label contains the following statement: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift."

61) That the Escalade 2 label contains the following statement: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift."

62) That the spray mists from the application described in paragraph fifty-two contacted John Stewart.

63) That 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use or supervision of such use of a pesticide inconsistent with its label, and 22 M.R.S. § 1471-D(8)(F) provides for court action to seek suspension or revocation of an applicator's license and/or certification for use or supervision of such use of a pesticide inconsistent with its label.

64) That the Company employee's use of Barricade 4FL and Escalade 2 was inconsistent with the product labeling.

65) That the circumstances described in paragraphs fifty-two through sixty-four constitute a violation of 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) and would permit court action to seek suspension or revocation of an applicator's license and/or certification pursuant to 22 M.R.S. § 1471-D(8)(F).

66) That CMR 01-026, Chapter 22, Section 2 (D) states that "The applicator shall cease spray activities at once upon finding evidence showing the likely presence of unprotected persons in the target area or in such proximity as to result in unconsented exposure to pesticides."

67) That the Company applicator described in paragraph fifty-two did not cease spray activities when John Stewart came into such proximity as to result in unconsented exposure.

68) That the circumstances described in paragraphs sixty-six and sixty-seven constitute a violation of CMR 01-026, Chapter 22, Section 2 (D).

69) That on June 3, 2021, Reginald Poulin, a Company employee, applied Trupower 3 herbicide, EPA Reg. No. 228-551 to the turf areas of the commonly owned property at Scottow Hill Woods, 1 Plantation Drive in Scarborough, Maine.

70) That the Board received a complaint from Deven Morrill relating to the application described in paragraph sixty-nine.

71) That Morrill alleged that the Company applicator was not wearing appropriate protective equipment.

72) That Morrill alleged that the windspeeds were high during the application described in paragraph sixty-nine.

73) That the Trupower 3 label contains the following statements: "All mixers, loaders, applicators and other handlers must wear:
   a) Long-sleeved shirt and long pants
   b) Shoes plus socks, and
   c) Protective eyewear (Goggles or face shield or shielded safety glasses)
   d) Chemical-resistant gloves (except for applicators using groundboom equipment).
   e) Chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.
   f) Do not apply at wind speeds greater than 10 mph."

74) That the Company applicator was not wearing a long sleeve shirt or chemical resistant gloves at the time of the application described in paragraph sixty-nine.

75) That the Company applicator recorded a windspeed 11.5 miles per hour on the applicator record.

76) That 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use or supervision of such use of a pesticide inconsistent with its label, and 22 M.R.S. § 1471-D(8)(F) provides for court action to seek suspension or revocation of an applicator's license and/or certification for use or supervision of such use of a pesticide inconsistent with its label.

77) That the Company employee's use of Trupower 3 was inconsistent with the product labeling.

78) That the circumstances described in paragraphs sixty-nine through seventy-seven constitute a violation of 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) and would permit court action to seek suspension or revocation of an applicator's license and/or certification pursuant to 22 M.R.S. § 1471-D(8)(F).

79) That the Company expressly waives:

A. Notice of or opportunity for hearing;

B. Any and all further procedural steps before the Board; and

C. The making of any further findings of fact before the Board.

80) That this Agreement shall not become effective unless and until the Board accepts it.

81) That in consideration for the release by the Board and the OAG of the causes of action which the Board and the OAG have against the Company resulting from the violations referred to in paragraphs eleven, fourteen, twenty-three, thirty-two, thirty-eight, forty-four, fifty, sixty-five, sixty-eight and seventy-eight, the Company agrees to pay a penalty to the State of Maine in the sum of $25,000.00 by November 27, 2023. (Please make checks payable to Treasurer, State of Maine).

82) The Board and OAG grant a release of their causes of actions against the Company for the specific violations cited in the immediately preceding paragraph (Paragraph 81) on the express condition that all actions listed in Paragraph 81 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until the Company has completed its obligations pursuant to Paragraph 81.

83) Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 82 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes and/or M.R. Civ. P. 80H.

84) Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against the Company for any other violations other than those expressly listed in this Agreement.

85) This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.

86) The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement of seven pages.

TRUGREEN LAWNCARE

By: Carol J Pearson Date: November 21, 2023

Type or Print Name: Carol J. Pearson, Vice President

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
John Pietroski, Acting Director

APPROVED:
By: _____ Date: _____
Carey Gustanski, Assistant Attorney General

Proposed Administrative Consent Agreement
Background Summary

Subject: TruGreen Lawncare
2 Delta Drive
Westbrook, Maine 04092

Date of Incident(s): August 22, 2017/ April 5, 2018/ May 6, 2019/ July 30, 2019

Background Narrative: On August 22, 2017, A TruGreen applicator applied Turflon Ester Ultra Herbicide and Quinclorac 75DF Select Herbicide to a residence at 254 Foreside Road in Cumberland Foreside. The resident told TruGreen on multiple prior occasions he did not want their services. The application was made anyways.

On April 5, 2018, a TruGreen applicator applied Barricade 4L herbicide to a customer on Jacob Avenue in Scarborough. The applicator recorded the wind and direction as 2.5 mph, from the W/SW at 9:18 AM. Official weather records at the Portland Jetport (3.47 miles from application site) for that date, before and after the application time, recorded the wind speed and direction as 21 mph with gusts to 30 mph from W/NW and 20 mph with gusts to 31 mph from W/NW. It is a violation to spray when winds exceed 15 mph.

On May 6, 2019, a TruGreen applicator applied two herbicides, Escalade 2 and Fertilizer with 0.29% Barricade to a complex of 24 condominiums and an additional 3 single homes in Windham. These applications were made to the wrong sites and were not TruGreen customers. TruGreen did not have a system in place to positively identify customer properties. Some of the treated properties were not posted. The company was aware pesticides were applied to the wrong properties but did not report these incidents to the Board.

On July 30, 2019, a TruGreen applicator applied Quinclorac 75 DF herbicide and Vista XRT herbicide to a property in Cape Elizabeth. That property was listed on the 2019 Maine Pesticide Notification Registry as an abutter to a registry member. The company did not provide notification to the registry member.

Summary of Violation(s):

- CMR 01-026 Chapter 20 Section 6(D)2 requires prior authorization from the property owner before a person can apply pesticides to their property.

- CMR 01-026 Chapter 22 Section 2(B)III requires “Without limitation of the other requirements herein, under no circumstances shall pesticide application occur when wind speed in the area is in excess of 15 miles per hour.”

- CMR 01-026 Chapter 20 Section 7(A) requires that commercial applicators making outdoor treatments to residential properties must implement a system, based on Board approved methods, to positively identify the property of their customers. The Board shall adopt a policy listing approved methods of positive identification of the proper treatment site.

- CMR 01-026 Chapter 28, Section 3 requires that pesticide applications to turf areas must be posted in a manner and at locations designed to reasonably assure that persons entering such areas will see the notice.

- CMR 01-026 Chapter 50, Section 2(C) requires commercial applicators to telephone spray incident reports into the Board.

- CMR 01-026 Chapter 28, Section 2 (D) requires that commercial applicators notify individuals listed on the Maine Pesticide Notification Registry at least six hours in advance of any pesticide application made within 250 feet of a registrant's listed property.

Rationale for Settlement: There were multiple violations in this case. They included unauthorized applications, application in excessive winds, failure to post turf applications, no approved system in place to identify customer properties, failure to report applications to wrong properties, and failure to provide the required notification to a registry member. The Company entered into an Administrative Consent Agreement with the Board for a registry notification violation occurring on April 29, 2016. Consequently, the violations described above are subsequent violations pursuant to 7 M.R.S. § 616-A (2)(B).

Attachments: Proposed Consent Agreement

Rec: DEC 18 2019
Ck# 60347468
Amt $21,500
CkDate 12-17-19

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL

In the Matter of: TruGreen Lawncare 2 Delta Drive Westbrook, Maine 04092	))))	ADMINISTRATIVE CONSENT AGREEMENT AND FINDINGS OF FACT

This Agreement by and between TruGreen Lawncare (hereinafter called the "the Company") and the State of Maine Board of Pesticides Control (hereinafter called the "Board") is entered into pursuant to 22 M.R.S. §1471-M (2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

1. That the Company provides lawn care services and has the firm license number SCF 1800 issued by the Board pursuant to 22 M.R.S. § 1471-D(1)(B).

2. That on August 24, 2017, Daniel Crewe, a resident at 254 Foreside Road in Cumberland Foreside emailed Board staff to report that the Company made an unauthorized pesticide application to his lawn on August 22, 2017. Crewe informed the Company in 2016 he did not want their services. The Company provided a service to his lawn in May of 2017 and Crewe immediately told the Company again he did not want their services. However, in June of 2017, he was home when a Company employee again tried to apply material to his lawn. Crewe informed the Company employee he did not want service to his property, the employee said he would inform his office.

3. That in response to the email described in paragraph two, a Board inspector contacted Crewe on August 25, 2017, and collected photocopies of Company service documents for applications on August 22, 2017. The August application included two herbicides, Quinclorac SPC 75DF and Turflon Ester Ultra.

4. That on August 25, 2017, a Board inspector conducted an inspection with Company Manager Chris Murphy.

5. That from the inspection described in paragraph four, the inspector documented that on August 22, 2017, Company applicator John Trip applied Turflon Ester Ultra Herbicide and Quinclorac 75DF Select Herbicide to Dan Crewe's lawn at 254 Foreside Road in Cumberland Foreside.

6. That CMR 01-026 Chapter 20 Section 6(D)2 requires prior authorization from the property owner before a person can apply pesticides to their property.

7. That the Company did not have Crewe's authorization for the August 22, 2017, application of pesticides to his property.

8. That the circumstances described in paragraphs one through seven constitute a violation of CMR 01-026 Chapter 20 Section 6(D)2.

9. That on April 5, 2018, the Board received a call alleging that a Company applicator was making a pesticide application to turf on Jacob Avenue in Scarborough at approximately 9 AM in high winds.

10. That the day of the complaint, a Board inspector conducted an inspection with Robert Fraser, the Company applicator for the Jacob Avenue application.

11. That from that the inspection described in paragraph ten, it was determined Fraser applied Barricade 4L herbicide to the lawn at 420 Jacob Avenue in Scarborough on April 5, 2018, at 9:18. Fraser recorded the wind as 2.5 mph from the W/SW.

12. That a Board inspector checked official wind speed records for the Portland Jet Port for the date of the 420 Jacob Avenue application before and after the 9:18 AM application. This jet port is 3.47 miles from the application site as measured on Google Earth. The wind at 8:51 AM was from the WNW measured at 21 mph with wind gusts to 30 mph and at 9:51 AM it was from the WNW measured at 20 mph with wind gusts to 31 mph.

13. That CMR 01-026 Chapter 22 Section 2(B)III requires "Without limitation of the other requirements herein, under no circumstances shall pesticide application occur when wind speed in the area is in excess of 15 miles per hour."

14. That the circumstances described in paragraphs nine through thirteen constitute a violation of CMR 01-026 Chapter 22 Section 2(B)III.

15. That on May 10, 2019, the Board received a complaint from Windham resident Jon Jamieson who stated on May 6, 2019, he found Company signs posted on his lawn indicating a pesticide application had been made that day. He is not a Company customer.

16. That during the phone call described in paragraph fifteen, Jamieson said the Company also made unauthorized pesticide applications to neighbors Terry Burn's lawn at 24 Corner Brook Drive and Adam Potter's lawn at 49 Provost Drive.

17. That in response to the complaint call described in paragraphs fifteen and sixteen, two Board staff members conducted follow up inspections on May 13, 2019, with Jon Jamieson, the resident at 50 Provost Drive and Adam Potter. Jamieson completed a written statement about the unauthorized pesticide application the Company made to his lawn on May 6, 2019, and Board staff collected the Company sign used to post that application. Potter completed a written statement that included in part, that when he checked his outdoor video feed, it recorded the Company making an unauthorized application to his lawn. The Company did not post their pesticide application to Potter's lawn.

18. That on May 13, 2019, Board staff also conducted a follow up inspection with Jacob Harvey, the Company General Manager at the Company's 2 Delta Drive Westbrook office.

19. That during the inspection described in paragraph eighteen, Harvey provided the work order listing customer information as Wildwood Properties Inc., Provost Drive, Windham. Areas on the work order were listed as "entire area" and square feet as 200,000. There were no electric meter numbers or other approved methods to positively identify the treatment properties on the work order provided to John Sullivan, the Company applicator who made the application.

20. That CMR 01-026 Chapter 20 Section 7(A) requires that commercial applicators making outdoor treatments to residential properties must implement a system, based on Board approved methods, to positively identify the property of their customers. The Board shall adopt a policy listing approved methods of positive identification of the proper treatment site.

21. That during the inspection described in paragraphs eighteen and nineteen, Board staff asked Harvey what method the Company used to positively identify outdoor pesticide applications. Harvey was not familiar with this requirement and could not provide evidence the Company implemented a system based on Board approved methods, to positively identify the property of their customers.

22. That on May 13, 2019, Board staff conducted a follow up interview with Company applicator John Sullivan. From that interview it was determined that the Company provided insufficient information to Sullivan for him to know what properties to treat as described in paragraph nineteen.

23. That on May 20, 2019, a Board inspector met and interviewed Terrance Burns who resides at 24 Corner Brook Circle. Burns completed a written statement in which he wrote that on May 6, 2019, he noticed tracks on his front lawn and a pesticide flag on his neighbor's lawn. Burn's narrative included that Company General Manager Harvey went to Burn's home to assess the impact of the unauthorized herbicide application and proposed an offer to resolve the issue. Burns noted that no pesticide application sign was posted on his treated lawn.

24. That the Company was supposed to apply herbicides to the turf at the Corner Brook II condominiums on May 6, 2019, but mistakenly applied Escalade 2 and Fertilizer with 0.29% Barricade Herbicide to the turf of the Corner Brook I condominiums. Another licensed spray contracting firm, the Cutter's Edge had one contract for the condominiums in Corner Brook I. The Company made an unauthorized pesticide application to the Corner Brook I condominiums. Three additional single-family homes that received unauthorized pesticide applications: Jamison's, Potter's, and Burns' bring the total to 4 unauthorized applications for the Windham applications made on May 6, 2019.

25. That the circumstance described in paragraphs fifteen through twenty-four constitute a violation of CMR 01-026 Chapter 20 Section 7(A).

26. That the circumstances in paragraphs six, fifteen, seventeen, twenty-three and twenty-four constitute four violations of CMR 01-026 Chapter 20 Section 6(D)2.

27. That commercial pesticide applications to turf areas must be posted in a manner and at locations designed to reasonably assure that persons entering such areas will see the notice pursuant to CMR 01-026 Chapter 28, Section 3.

28. That the Company did not post the pesticide turf applications as described in paragraphs seventeen and twenty-three.

29. That the circumstances described in paragraphs sixteen, seventeen, twenty- three, twenty -seven and twenty-eight constitute two violations of CMR 01-026 Chapter 28, Section 3.

30. That CMR 01-026 Chapter 50, Section 2(C) requires commercial applicators to telephone spray incident reports into the Board. A reportable spray incident is any significant misapplication or accidental discharge of a pesticide. Such incidents include accidently applying pesticides to the wrong site or places of human habitation.

31. That the Company did not report the spray incident of accidently applying pesticides to the wrong sites as described in paragraphs fifteen, sixteen, seventeen, eighteen, nineteen, twenty-three, twenty-four, and thirty.

32. That the circumstances described in paragraphs fifteen, sixteen, seventeen, eighteen, nineteen, twenty-three, twenty-four, thirty, and thirty-one, constitute a violation of CMR 01-026 Chapter 50, Section 2(C).

33. That on August 13, 2019, a Maine Pesticide Notification Registry member, who resides in Cape Elizabeth, called the Board to report that the Company made a nearby turf application without providing her the necessary notification. The registry member's windows were open, and she did not have time to cover her fruit trees. She has two children, a five-year-old and a baby.

34. That on August 14, 2019, a Board inspector met with Sarvi Maisak, the registry member who resides at 24 Wood Road in Cape Elizabeth who is listed as a registry member on Maine's 2019 Pesticide Notification Registry, as described in CMR 01-026 Chapter 28, Section 2. Peggy Anderson, who resides at 28 Wood Road in Cape Elizbeth, is listed on the 2019 registry as an abutter within 250 feet of Maisak's property.

35. That on August 14, 2019, a Board inspector also conducted an inspection with Jacob Harvey. From the inspection it was determined that on July 30, 2019, Company applicator Earl Richards applied Quinclorac 75 DF herbicide and Vista XRT herbicide, to Peggy Anderson's lawn at 28 Wood Road in Cape Elizabeth.

36. That during the inspection described in paragraph thirty-five, the Board inspector asked Harvey about the Company's notification practices for the pesticide application made to Anderson's lawn on July 30, 2019. Harvey stated that the Company's corporate office in Manchester, NH is tasked with providing notification to Maine registry members and Maisak was not contacted about the July 30, 2019, pesticide application and no record of attempted notification was found.

37. That commercial applicators are required by CMR 01-026 Chapter 28, Section 2 (D) to notify individuals listed on the Maine Pesticide Notification Registry at least six hours in advance of any pesticide application made within 250 feet of a registrant's listed property.

38. That the Company failed to comply with the notification requirements of CMR 01-026 Chapter 28, Section 2 (D). No notification was provided to Maisak prior to making the application described in paragraph thirty-five.

39. That the actions described in paragraphs thirty-three through thirty-eight constitute a violation of CMR 01-026 Chapter 28, Section 2(D).

40. That the Company entered into Administrative Consent Agreements with the Board for a registry notification violation occurring on April 29, 2016. Consequently, the violations described in paragraphs eight, fourteen, twenty-five, twenty-six, twenty-nine, thirty-two and thirty-nine are subsequent violations pursuant to 7 M.R.S. § 616-A (2)(B).

41. That the Board has regulatory authority over the activities described herein.

42. That the Company expressly waives:
    A. Notice of or opportunity for hearing;

    B. Any and all further procedural steps before the Board; and

    C. The making of any further findings of fact before the Board.

43. That this Agreement shall not become effective unless and until the Board accepts it.

44. That in consideration for the release by the Board of the cause of action which the Board has against the Company resulting from the violations referred to in paragraphs eight, fourteen, twenty-five, twenty-six, twenty-nine, thirty-two and thirty-nine, the Company agrees to pay a penalty to the State of Maine in the sum of $26,500, of which $5,000 shall be suspended pending compliance with the condition outlined in paragraph 45 below. The unsuspended portion of the penalty ($21,500) must be paid immediately. (Please make checks payable to Treasurer, State of Maine).

45. Prior to the start of the Company's 2020 pesticide application season, the Company shall provide mandatory training for all licensed applicators it employs. Such training shall be paid for by the Company and must be planned and presented by the Company staff. The training must focus on the violations in this consent agreement and be a minimum of one hour long. A Board staff member will be present at the training to monitor the presentation and collect a signature list of Company attendees. Attendees will not receive credit towards their certification for attendance at this training. The Company will also develop a method to provide equivalent training to Company employees hired after the 2020 preseason group training. The Company must inform the Board in writing, how they will implement this requirement. Upon completion of the preseason training and submission of the Company's written policy on new employee equivalent training, the suspended portion of the penalty will be discharged.

46. If the Company fails to provide mandatory training to all licensed applicators in its employ before the start of the 2020 pesticide application season as required by paragraph 45, or to develop a method to provide equivalent training to Company employees hired after the 2020 preseason group training as required by paragraph 45, the suspended penalty ($5,000) shall then be immediately due and payable.

47. In addition to payment of the penalty amount required in paragraph forty-four, at the time of returning the signed consent agreement, the Company shall submit a written policy to the Board containing procedures to ensure that persons on the Pesticide Notification Registry are given notice in accordance with CMR 01-026 Chapter 28, Section 2 (D). Also, at the same time, the Company shall submit its written policy for the Board approved method it has implemented to positively identify the property of their customers when commercial applicators are making outdoor treatments to residential properties in accordance with CMR 01-026 Chapter 20 Section 7(A).

IN WITNESS WHEREOF, the parties have executed this Agreement of five pages.

TRUGREEN LAWNCARE

By: _____ Date: 12/16/19

Type or Print Name: Jacob Harvey

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Megan Patterson, Director

APPROVED:

By: _____ Date: _____
Mark Randlett, Assistant Attorney General

COMPLIANCE POLICIES TO AVOID VIOLATIONS PURSUANT TO THE ADMINISTRATIVE CONSENT AGREEMENT BETWEEN THE MAINE BOARD OF PESTICIDES CONTROL AND TRUGREEN

Pursuant to Section 45 of the of the Administrative Consent Agreement between the Maine Board of Pesticides and TruGreen, TruGreen submits the following policies to better comply with Maine pesticide regulations. In this regard, TruGreen is committed to compliance with law and has dedicated substantial resources to avoid violations. In this regard TruGreen has made corrections to its procedures as follows:

THE PESTICIDE NOTIFICATION REGISTRY, CMR 01-026, Chapter 28, Section 2 (D). TruGreen has a procedure to notify individuals on the Pesticide Notification Registry, but found that there was a gap in the process that resulted in the violation. The following outlines TruGreen's procedure for compliance with this law:

- Prior to making any pesticide applications in a given calendar year, TruGreen downloads the most updated Pesticide Notification Registry from the State's website.
- All registrants are entered into our database as "chemical sensitive parties."
- During the above listed data entry of each registrant a trigger distance is also entered. As a local policy in our branch office, we will use three times the State's regulation distance of 250 feet. We will use 250 yards.
- Upon our system scheduling any of our customers for a treatment of any kind, which occurs one business day in advance of the schedule date, an automatic check is performed against our database of "chemical sensitive parties," which will indicate whether any of our scheduled customers' properties fall within the trigger distance of any of the properties of the individuals listed in our database of "chemical sensitive parties."
- A report is then automatically generated which lists all "chemical sensitive parties" are required to be notified pursuant to CMR 01-026 Chapter 28, Section 2 (D), based on the next business day's scheduled work.
- Before the close of business on any given business day, the report generated above is reviewed and phone calls are placed by our staff to any registrant listed on the reported generated via the process above, to notify the registrant of any pesticide application scheduled for the next business day within our trigger distance of their registered property.
- As a further method of preventing un-notified pesticide treatments, any property for which we attempt to schedule any treatment to be performed the same business day as it is being scheduled, our system flags properties that fall within the trigger distance of all registrants' registered properties and disallows users from manually scheduling inside those trigger distances regardless of whether the work to be performed is expected to involve the application of pesticides or not.

Positive Identification, CMR 01-026 Chapter 20, Section 7 (A). TruGreen has expended significant resources in the purchase and installation of the Telogis software in our service trucks. This system is a GPS based system that directs trucks to the correct address. All customer addresses are geocoded at the time of sale, and Telogis routes the truck to the address. We have found that this system is very accurate, but like any system, there are occasional errors resulting in trucks being routed to the wrong address. TruGreen continues to

refine this system and look for enhancements to improve accuracy. Our IT Department is working on improvements on several fronts, including technology to photograph and store photographs of the home onto the customer's account which will be available on the service technician's tablet. Our IT department has been working with a major information systems vendor to adapt this technology to TruGreen's operation.

Review of BPC regulation violations - TruGreen, LP, 2 Delta Dr. Westbrook, ME 04092 — Thursday, March 5, 2020

Jacob Harvey (CMA-5796), Presenter — Alexander Peacock, BPC Representative — 9AM-10AM

Attendee Name	ME Pest Lic #	Signature	Date
Salvatore Saccarelli	Not Yet Licensed		Thursday, March 5, 2020
Christopher Chesaux	Not Yet Licensed		Thursday, March 5, 2020
Joseph Gamage	Not Yet Licensed		Thursday, March 5, 2020
Patrick Hudson	CMA-5678		Thursday, March 5, 2020
Daniel Mercier	COA-7731		Thursday, March 5, 2020
Nicholas Greer	COA-4294		Thursday, March 5, 2020
Damon Stroud	COA-7937		Thursday, March 5, 2020
Patrick O'Donnell	COA-7719		Thursday, March 5, 2020
Robert Fraser	COA-7286		Thursday, March 5, 2020
Donald Schmidt	COA-7482		Thursday, March 5, 2020
Bryce Patterson	COA-8069		Thursday, March 5, 2020
John Sullivan	COA-7078		Thursday, March 5, 2020
Michael Clayton	COA-8047		Thursday, March 5, 2020
John Tripp	COA-5156		Thursday, March 5, 2020
Joseph Lafoe	COA-7773		Thursday, March 5, 2020
Brian Hatch	COA-7747		Thursday, March 5, 2020
Reginald Poulin	COA-7657		Thursday, March 5, 2020
Earl Richards	COA-7197		Thursday, March 5, 2020

Jacob Harvey
General Manager