09/15/200



228-45

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

> OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

SEP 15 2009

Matthew Granahan Registration Manager Nufarm Americas Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527

Subject: Label Notification(s) for Pesticide Registration Notice 2008-1, 2007-4, and 98-10

1. Optional instruction language

2. Updated warranty statement

Dear Mr. Granahan:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 2008-1, 2007-4, and 98-10 dated May 18, 2009 for:

EPA Registration 228-459 Menace 2.4% ME Insecticide

The Registration Division (RD) has conducted a review of the request(s) for applicability under 2008-1, 2007-4, and 98-10 and finds that the label changes requested fall within the scope of 2008-1, 2007-4, and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identify the batch of the pesticide distributed and sold be placed on <u>nonrefillable</u> containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-5551.

Sincerely,

Linda Arrington

Notifications & Minor Formulations Team Leader Registration Division (7505P) Office of Pesticide Programs Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

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United State SEPA Environmental Prote Weshington, DC	ction Agency 20460 Amendment X Other			
Applic	ation for Pesticide - Section I			
1. Company/Product Number	2. EPA Product Manager 3. Proposed Classification			
228-459	George LaRocca None Restricted			
4. Company/Product (Name) Menace 2.4% ME Insecticide	PM# 13			
5. Name and Address of Applicant <i>(Include ZIP Code)</i> Nufarm Americas, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 Check if this is a new address	6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No Product Name			
Section - II				
Amendment - Explain below.				
X Notification - Explain below.	Other - Explain below. SEP 1 5 2009			
have been made to the labeling or the Confidential Statement of Forr statement to EPA. I further understand that if the amended label is n	ations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, 156, 156, 156, 156, 80 and 156.46. No other changes nula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false of consistent with the requirements of PR Notice 1998-10, 2008-1, 40 CFR §§ 156.10, 156.140, 156.144, in of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA. Section - III			
1. Material This Product Will Be Packaged In:				
Child-Resistant Packaging Yes X No * Certification must				
be submitted 3. Location of Net Contents Information 4. Size(a)	Retail Container 5. Location of Label Directions			
X_ Label Container 1 quart Image: State of the state				
δ. Manner in Which Label Is Affixed to Product X Lithograph Other × Paper glued Stenoiled				
	Section - IV			
1. Contact Point (Complete items directly below for identified	cation of individual to be contacted, if necessary, to process this application.)			
Name Matthew Granahan matthew.granahan@us.nufarm.co	m Registration Manager (630) 455-2048			
Certification 6. Dete Application I certify that the statements I have made on this form and all attachments thereto are true, securate and complete. 6. Dete Application I acknowledge that any knowlinglly felse or misleading statement may be punishable by fine or imprisonment or 6. Dete Application boys under applicable law: 6. Dete Application				
2. Storarup	з. тще Registration Manager			
4. Typed Name	5. Date			
Matthew Granahan	07/02/09			

EPA Form 8570-1 (Rev. 3-94) Previous editions are obsolete.



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Nufarm Americas Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527 Telephone: (630) 455.2000 Facsimile: (630) 455.2001 www.us.nufarm.com

May 18, 2009

Via Overnight Courier

U. S. Environmental Protection Agency (7504P) Document Processing Desk (NOTIF) Room S4900, One Potomac Yard 2777 S. Crystal Drive Arlington, VA 22202

Subject: Menace 2.4% ME Insecticide EPA Reg. No. 228-459 Label Notification per PR Notice 98-10, 07-4, 08-1

Dear Ms. Hobgood:

This Notification submission is to replace the Notification submission date 05/01/09. Nufarm noticed the Environmental Hazards was improperly addressed in the Notification dated 05/01/09 and wishes to rescind this Notification.

Nufarm Americas Inc. would like to add language to subject product's label. The proposed language is consistent with PR Notice 98-10, 07-04, 08-01. We have added Optional Hose End Sprayer Instructions (PRN 98-10), updated our Warranty (PRN 98-10), changed the Environmental Hazards section (PRN 08-1), and updated Storage and Disposal (PRN 07-4).

To process this request please find enclosed the following:

- Application for Pesticide Registration EPA form 8570-1
- Revised labeling with areas of change clearly identified (1 copy)
- Revised labeling clean (1 copy)

If you should have any questions regarding this matter, please feel free to contact at matthew.granahan@us.nufarm.com or at (630) 455-2048.

Sinceret

Matthew Granahan Registrations Manager Nufarm Americas, Inc.

MENACE® 2.4% **ME**

NOTIFICATION SEP 1 5 2009

INSECTICIDE

- DO NOT USE INSIDE DWELLINGS
- FOR USE AROUND EXISTING STRUCTURES, NOT FOR PRE-CONSTRUCTION USE
- OUTDOOR HOMEOWNER POST-CONSTRUCTION USE ONLY
- KILLS CARPENTER ANTS
- KILLS ON CONTACT (GUARANTEED)
- TREATS UP TO 10,600 SQ. FT.
- 1 QUART MAKES 64 GALLONS FOR BROADCAST INSECT APPLICATION
- 1 QUART MAKES 10 GALLONS FOR TERMITE CONTROL
- CONTROLS/KILLS WOOD-DESTROYING INSECTS
- ALSO KILLS TICKS THAT MAY TRANSMIT LYME DISEASE

*Cis isomers 97% minimum, trans isomers 3% maximum.

MENACE 2.4% ME should be shaken well before use.

Specially formulated for residential use.

KEEP OUT OF REACH OF CHILDREN CAUTION

SEE BACK PANEL 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 REG. NO. 228-459 EPA EST. NO. Manufactured For NUFARM AMERICAS INC. 150 Harvester Drive Burr Ridge, IL 60527



Net Content: 32 Fl. Oz. (1 Quart) (946 mL)

000228-00459.20090514.EPA.PR98-10.PRN07-04.PRN08-01

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PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS CAUTION

Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

FIRST AID (Pyrethroid)		
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 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. 	
·	HOT LINE NUMBER	

(Pyrethroid)

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

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 and alcohol may increase absorption and so should be avoided.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish, and aquatic invertebrates. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. To protect the environment, do not allow pesticide to enter or runoff 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 avoid runoff to water bodies or drainage systems. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops and weeds. Do not allow this product to drift to blooming crops if bees are visiting the treatment area.

An easy to apply product to control wood-destroying, home-invading and lawn insects.

This product should be shaken well before use.

Product Facts Treats up to 10,600 sq. ft.		
KILLS INSECTS	Termites, carpenter ants and other insects including argentine ants, boxelder bugs, carpenter bees, chinch bugs, clover mites, crickets, elm leaf beetles, firebrats, fleas, grasshoppers, German cockroaches, harvester ants, soc webworms, millipedes, mole crickets, mosquitoes, pharaoh ants, scorpions, spiders, termites (workers and winged), and ticks	
WHERE TO USE	Lawns, porches, patios, foundations, wood piles and stored lumber	
AMOUNT TO USE	 Termites: 3.2 fl. oz. (6-1/2 Tbs.) per gallon of water for each 2-1/2 linear feet of trench. All other pests: 0.5 fl. oz. (1 Tbs.) per gallon of water sprayed over 167 sq. ft. 	
HOW TO APPLY	Use a Dial 'N Spray or Ortho garden tank sprayer, a sprinkling can, or Hose End Sprayer	
Questions, C	comments or Medical Information call 1-877-325-1840.	

DIRECTIONS FOR USE

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

People and pets may enter treated area after application has dried.

This insecticide/miticide is a high-performance product. This product has a long residual, providing up to 16 weeks control of Cockroaches and up to 12 weeks of other pests.

This product is:

- Virtually odor-free
- Fast-acting
- Water-based
- Easy-to-use
- Non-staining
- Broad-spectrum
- Kills Ants, Earwigs, Fleas, Insects, Mites, Roaches, Silverfish, Spiders, Ticks & Other Listed Pests
- · For Outdoor Use Only

1 Tablespoon (Tbs.) = 3 teaspoons (tsp.); 1 fl. oz. = 2 Tbs.; 4 fl. oz. = 1/2 cup. Do not use household utensils to measure this product.

SUBTERRANEAN TERMITES (OUTDOORS)

Kills and controls subterranean termites. Chemicals for soil treatment are used to establish a barrier against termites. The chemical emulsion must be adequately dispersed in the soil to provide a barrier between the wood in the structure and the termite colonies in the soil. Barriers may be established in the soil on the outside perimeter of the house by trenching using a rate of 4 gallons of emulsion per 10 linear feet per foot of depth. A complete termite barrier may require treatment with another EPA registered product to the inside perimeter of the foundation and to other interior critical areas. For these situations contact a licensed pest control operator for treatment. Prevents subterranean termite infestations. For outdoor homeowner post-construction use only. DO NOT use under slabs, in crawl spaces or indoors. If termites are found within the house or structure, contact a licensed pest control operator for treatment. Keeps termites away for up to 5 years in areas treated.

MIXING INSTRUCTIONS for Termites

USE A SPRINKLING CAN. Add 3.2 fl. oz. (6-1/2 Tbs.) to 1 gallon of water for each 2-1/2 linear feet*.

* 1 quart of this product will make 10 gallons of diluted solution and cover 25 linear feet.

HOW TO APPLY

Trench Treatment

- · Remove all wood debris and wood forms.
- Poured Concrete Foundations: Dig a trench next to the foundation 6 inches wide and 4 inches deep or down to the top of the footing, whichever is less.
- Brick and Block Foundations: Dig a trench 6 inches wide and 12 inches deep. If the footing is more than 12 inches deep, make holes with a crowbar, pipe or steel rod about 1 foot apart that extend from the bottom of the trench to the top of the footing. Make holes closer together in hard-packed clay soils.
- . To avoid shifting your house foundation, never dig below the top of the footing.
- Apply the diluted solution (emulsion) in the trench at a rate of 4 gallons per 10 linear feet per foot of depth.
- · Apply half volume of the diluted product with a sprinkling can in the trench. Apply other half to the backfill as the trench is refilled.

Fence Posts

• Use a sprinkling can. Pour 1/2 gallon of diluted product into fence post hole and add another 1/2 gallon to the soil when filling the hole so that all the fill soil is treated to form a protective barrier.

Fence Posts – Termite Prevention

Create an insecticidal barrier in the soil around wooden constructions such as signs, fences and landscape ornamentation.

- Previously installed poles and posts may be treated by gravity-flow through holes made from the bottom of the trench around the pole or post. Treat on all sides to create a continuous insecticidal barrier around the hole.
- Use 1 gallon of emulsion per foot of depth for poles and posts less than six inches in diameter.
- For larger poles, use 1.5 gallons of emulsion 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.

WHEN TO REAPPLY

Reapplication for subterranean termites should only be made when there has been a disruption of the chemical barrier in the soil due to construction, excavation, landscaping, etc. Reapplication should be made as a spot treatment to those areas. Annual reapplication of the entire premises must be avoided.

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CARPENTER ANTS, CARPENTER BEES, WOOD-DESTROYING BEETLES, AND OTHER HOME-INVADING PESTS (OUTDOORS)

Ants (Including Carpenter ant, red harvester, pavement, odorous pyramid, Argentine and pharaoh) carpenter bees, beetles, boxelder bugs, centipedes, chiggers, crickets, earwigs, firebrats, fleas, German cockroaches, house flies, hornets, millipedes, scorpions, silverfish, sowbugs, spiders (including black widow and brown recluse), springtails, ticks, wasps, wood-destroying beetles, and yellow jackets – **OUTDOORS**

For use against hornets, wasps and yellow jackets: Application should be made in the 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.

MIXING INSTRUCTIONS for Home-Invading Pests

AMOUNT TO USE

When using a tank sprayer

• 0.5 fl. oz. (1 Tbs.) per gallon of water to be sprayed over 167 sq. ft.

When using the Ortho® Dial 'N Spray®

- 1. Set dial to 0.5 fl. oz.
- 2. Add 3.2 fl. oz. (6-1/2 Tbs.) to sprayer jar. DO NOT add water.
- 3. Spray evenly over 1,000 sq. ft. until jar is empty.

Treatment For Wood-Destroying Pests (Outdoors)

Localized Areas Outdoors: 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 around structures, apply emulsion 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.

HOW TO APPLY

Wood Treatment

- Fences and Outdoor Wood Surfaces of Buildings: Apply evenly on wood surfaces. Allow to dry and repeat to ensure the insecticide soaks into the wood.
- Wood Piles and Stored Lumber: Use a Dial 'N Spray or Ortho garden tank sprayer, a sprinkling can, or Hose End Sprayer to deliver a coarse drenching spray. Treated wood can be burned or used for building one month after treatment.

Perimeter Treatment

 To keep insects from entering the house, use a hose-end or tank sprayer to spray a 3 to 10 foot band of soil around the house next to the foundation. Also spray the foundation of the house to a height of 2 to 3 feet. House siding may be treated if pests such as gypsy moth adults and caterpillars, boxelder bugs, elm leaf beetles, earwigs, or silverfish are present.

LAWN PESTS (OUTDOORS)

For above the ground insects including armyworms, chiggers, chinch bugs, clover mites, crickets, cutworms, dichondra flea beetles, earwigs, fleas, grasshoppers, sod webworms, ticks – OUTDOORS

For below the ground insects including mole crickets and European crane flies - OUTDOORS

MIXING INSTRUCTIONS for Lawn Pests

AMOUNT TO USE

When using a tank sprayer

• 0.5 fl. oz. (1 Tbs.) per gallon of water to be sprayed over 167 sq. ft.

When using the Ortho® Dial 'N Spray®

- 1. Set dial to 0.5 fl. oz.
- 2. Add 3.2 fl. oz. (6-1/2 Tbs.) to sprayer jar.
- 3. DO NOT add water.
- 4. Spray evenly over 1,000 sq. ft. until jar is empty.

HOW TO APPLY

- Measure lawn. Calculate square feet by multiplying length times width.
- Spray evenly over measured lawn. Treat entire lawn.

WHEN TO REAPPLY

• Repeat application is necessary only if there are signs of renewed insect activity. Repeat application should be infinited to no more than once per seven days.

MOSQUITOES (OUTDOORS)

Mosquitoes coming to rest on areas treated for the control of lawn and home-invading pests will be killed for varying periods of time after application, depending on exposure of treated areas to environmental conditions.

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Apply 1-2 gallons of emulsion to each mound area by sprinkling the mound until it is wet and treat a 4-foot diameter circle around the mound. Use the higher volume for mounds larger then 12". For best results, apply in cool weather, such as in early morning or late evening hours, but not in the heat of the day. Treat new mounds as they appear.

IMPORTANT

DO NOT treat structures that contain cisterns, wells, french drains or sump systems. Soil in the vicinity of wells, cisterns or ponds should not be treated. For those situations, contact your County Cooperative Extension Agent or consult a commercial pest control service. DO NOT treat soil that is water saturated or frozen, or in any conditions where run-off or movement from the treatment area (site) is likely to occur. DO NOT apply while it is raining. DO NOT use on pets. DO NOT use on edible or ornamental plants. Spray drift onto these plants should be rinsed off immediately with water.

STORAGE AND DISPOSAL

STORAGE: Keep out of reach of children and animals. Store in original containers only. Protect from freezing. Store in a cool, dry place, preferably in a locked storage area and avoid excess heat. Carefully open containers. After partial use, replace lids and close tightly. Do not put concentrate or dilute material into drink containers.

DISPOSAL: If empty: Nonrefillable. Do not reuse or refill this container. Securely wrap original plastic bottle in several layers of newspaper and place in trash or offer for recycling if available. If party filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR RISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of the directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

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Menace is a registered trademark of of Nufarm Americas Inc.

If this product is packaged in a hose-end sprayer, follow the directions below:

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How To Use This Sprayer: Shake Container Well Before Getting Started.

1. Before you start, the blue top water flow valve should be in the "OFF" position, and the red product flow valve should be in the up, "OFF" position.

2. Shake container well and attach it to your garden hose.

3. Turn on the water from the faucet.

4. To apply, remove side pin (labeled "PULL OUT") and rotate red product flow valve to "ON"; then while holding sprayer at waist level and pointing in a direction away from face and body, push blue water flow valve forward to activate water.

5. When you are finished spraying or if you have to stop spraying at any time, press blue water flow valve with thumb to the rear to shut off water and return side red valve to the upright "OFF" position and replace side pin.

6. Turn off the water at the faucet.

7. Remove the container from the garden hose; then rinse thoroughly and store according to storage instructions.

Optional Diagram

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