

239-2696

8/13/2008

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EPA Reg. Number: 239-2696
Date of Issuance: AUG 13 2008

Term of Issuance: Conditional

Name of Pesticide Product: Home Defense Max Perimeter Insect Killer Aersol

NOTICE OF PESTICIDE:
 Registration
 Reregistration

(Under FIFRA as amended)

Name and Address of Registrant (include ZIP Code):
The Scotts Company
d/b/a The Ortho Group
14111 Scottslawn Road
Marysville, Ohio 43041

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is **conditionally** registered in accordance with FIFRA sec. 3(c)(7)(A), provided that:

1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. You will make the following label changes before you release the product for shipment:
 - a) Revise the EPA Registration Number to read "EPA Reg. No. 239-2696."
 - b) The data submitted do not support claims against the desired pests for public health concern. Also, the 12 month residual claims have not been supported. Remove both all pests of public health concern (carpenter, fire, pharaoh, and harvester ants, roaches, scorpions, black widow and brown recluse spiders, centipedes, fleas, flies, mosquitoes, and ticks) and all residual claims from the label. The product label may retain general contact kill claims against pests NOT of public health concern.
 - c) Delete "For long lasting residual control, leave spray undisturbed so that the product will keep killing for up to 12 months*. For best results, it may be necessary to re-apply every six months in high traffic and high sunlight areas".

Signature of Approving Official:
George T. LaRocca
George T. LaRocca, Product Manager (13)
Insecticide Branch/Registration Division (7505C)

Date:
Aug 13, 2008

Enclosure

- d) Delete "12 month control indoors for Ants (excluding Fire, Pharaohs, and Carpenter), Crickets, Scorpions and Spiders (excluding Black Widow and Brown Recluse).
- e) Delete the statement "For more information and a demonstration on how to apply Ortho® Home Defense® Max® visit www.HomeDefenseMax.com"; the web site information has to be submitted to the Agency for review.
- f) Delete "Invisishield Bug Barrier".
- g) Replace "Kills all types of Ants including Carpenter Ants, all types of beetles including Asian lady beetles, Centipedes, Cockroaches, Crickets, Earwigs, Fleas, Flies, Fire Ants, Mosquitoes, Pantry Pests, Scorpions, Spiders (such as Black Widow, Brown Recluse and Hobo), Silverfish and Ticks" with "Kills all types of beetles including Asian lady beetles, Crickets, Earwigs, Pantry Pest, and Silverfish" there is no corroborative data submitted to support claims against public health pests.
- h) The following optional marketing claims marked below must be deleted from the label:

Knockdown claims:

- Fast acting
- Quick knockdown
- Fast knockdown
- Kills bugs in seconds
- Kills (bugs) fast
- Starts killing in seconds
- Kills on contact [Guaranteed]

Residual Control claims:

- Keeps bugs out all year! * * for listed insects (~~* 12 month control on Ants (excluding Fire, Pharaohs, and Carpenter), Crickets, Scorpions and Spiders (excluding Black Widow and Brown Recluse)~~)
- Up to 12 month control indoors * * for listed insects
- Provides year long control indoors * * for listed insects
- Up to 12 month (one year) control indoors for listed insects
- Up to 12 month (one year) control indoors for listed insects: ~~crickets, ants (including harvester ants), spiders and scorpions~~
- Kills Two (2) ways: 1) Kills insects fast (on contact) and 2) It keeps killing with residual action even after you spray, for up to 12 months inside (~~* * for listed pests~~) (for listed pests)
- Long lasting insect protection (control)
- Now up to 12 month indoor control*
- One application provides year long control indoors of listed insects

- ~~Protects against home-invading insects all year long* *for listed insects~~
- ~~Year long indoor insect protection* * for listed insects~~
- ~~Keeps killing all year* * for listed insects~~
- ~~Kills on contact, keeps on killing for up to 12 months inside* *for listed insects~~
- ~~Kills bugs inside (indoors). Keeps bugs outside (out) (all year* * for listed insects) (long)~~
- ~~Kills the bugs you have and prevents new bugs (from coming inside) (from coming in) (all year long* *for listed insects)~~

Barrier-related claims:

- ~~Kills all major home invading insects (with a bug barrier)~~
- ~~Kills home-invading pests/insects (with a bug barrier)~~
- ~~Creates a barrier that will kill the bugs you have and prevent new bugs from coming in all year* *for listed insects~~
- ~~(New) Barrier Technology stays put (lasts) (keeps killing bugs) for 12 months* (an entire year*) *for listed insects~~
- ~~(New) Barrier Technology~~
- ~~Protect(s) your home from bugs~~
- ~~Protect(s) your family from (home-invading) insects (bugs)~~
- ~~Immediately forms (creates) (establishes) a (bug) (insect) barrier~~
- ~~Kills and prevents (insects) (inside your home) (outside your home)~~
- ~~Kills bugs inside. Keeps bugs out(side)~~
- ~~Protect against (invading) bugs~~
- ~~Provides protection against home invading insects~~
- ~~Spray around entire inside of your home to create a bug barrier~~
- ~~Barrier protection~~
- ~~Keeps on killing with residual action, even after you spray~~
- ~~Use in garages, basements, attics to keep bugs/insects from coming into (entering) your home.~~
- ~~Use with confidence in garages and/or basements and/or attics.~~
- ~~Guards against bugs so you don't have to~~
- ~~Guards against the bugs you can't (don't) see~~
- ~~Keeps on killing after spray has dried~~

Area-related claims:

- ~~16 oz treats (covers) 1 51 linear feet~~
- ~~16.5 oz treats (covers) 156 linear feet~~
- ~~17 oz treats (covers) 161 linear feet~~
- ~~17.5 oz treats (covers) 166 linear feet~~
- ~~18 oz treats (covers) 170 linear feet~~
- ~~18.5 oz treats (covers) 175 linear feet~~
- ~~19 oz treats (covers) 180 linear feet~~
- ~~Treats (1 42) (1 46) (1 51) (1 56) (1 61) 166 (1 70) (1 75) (1 80) linear feet!~~
- ~~Treats the average 1800 sq. ft. home one time!~~

- ~~Enough to create an (one) entire bug barrier (treatment) for the average 1800 sq. ft. home!~~
- ~~Treats (1.61) 166 linear feet (1.70) (1.75) (1.80) enough to create an entire bug barrier for the average 1800 sq. ft. home!~~

Where to use/How to use claims

- ~~Targeted bug control (kill)~~
- ~~Targets bugs in tight places~~
- ~~Works on all listed surfaces~~

Other claims

- ~~Kills ants and roaches (and many other listed pests)!~~
- ~~Kills roaches, ants, fleas, flies, mosquitoes, Brown dog ticks, spiders, earwigs, silverfish, and other listed insects.~~

- i. Refer to PR Notice 2008-1 and revise the environmental hazards statements in accordance with this Notice.
 - j. On the front Panel add, "For Indoor/Outdoor Residential Use Only".
 - k. The statement "Federal regulations prohibit CFC propellents in aerosols" must follow the statement about "Contains No CFC's etc".
3. Generate and submit the results of an one year storage stability (830.6317) and corrosion characteristics (830.6320) study to the Agency on completion. It is required that the observations be made at 0, 3, 6, 9, and 12 months intervals.
 4. Please submit three (3) copies of your final printed labeling before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

A copy of the efficacy review is enclosed for your information. If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.

Home Defense Max Perimeter Insect Killer Aerosol
EPA Reg. No. 239-NEW

[FRONT]

New! Continuous Spray!

Ortho
Home Defense Max

Ant & Roach Killer
(Indoor & Perimeter Insect Killer)

Keeps bugs out all year!*

Kills on contact!

Active Ingredient
Bifenthrin.....0.05%
Other Ingredients.....99.95%

*Cis isomers 97% minimum, trans isomers 3% maximum
US Patent No. 4,223,505

KEEP OUT OF REACH OF CHILDREN

CAUTION See back panel for additional precautionary statements.

NET WT 16 oz/XXX g

InvisiShield™ Bug Barrier

[BACK PANEL of can]

* 12 month control indoors for Ants (excluding Fire, Pharaohs, and Carpenter), Crickets, Scorpions and Spiders (excluding Black Widow and Brown Recluse).

ORTHO®

HOME DEFENSE MAX® ANT & ROACH KILLER
(HOME DEFENSE Max INDOOR & PERIMETER INSECT KILLER)

[ICON] Water based

[ICON] People and pets may re-enter treated areas after spray has dried

- Non-staining
- Dries fast

Kills all types of Ants including Carpenter Ants, all types of beetles including Asian lady beetles, Centipedes, Cockroaches, Crickets, Earwigs, Fleas, Flies, Fire Ants, Mosquitoes, Pantry Pests, Scorpions, Spiders (such as Black Widow, Brown Recluse and Hobo), Silverfish and Ticks.

ACCEPTED
with COMMENTS
In EPA Letter Dated
AUG 13 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
239-2696

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

Before you apply:

- Cover or remove exposed food (including pet food)
- Cover all food processing surfaces and utensils. Thoroughly wash with soap and water before re-use.

Create a bug barrier:

- Shake well before using.
- Hold can about 18" from surface being sprayed.
- Apply a 4" wide band in areas where insects are a recurring problem to create a barrier.
- Spray until surfaces are wet.
- **Indoors:** Apply along baseboards, beneath and behind appliances, sinks, cabinets, in pantries, on floor coverings (including carpet, tile, linoleum and wood floors), around plumbing and garbage cans, in cracks and crevices in walls, around window frames and doorways, and in attics and basements. In pantries: Remove all items and clean thoroughly before applying.
- **Outdoors:** Apply along the foundation, around window frames and doorways, on porches and patios, in garages, (and) along eaves and exterior siding.

Do not use as a room spray. Do not spray animals or animal bedding [or resting quarters].

After you apply:

- People and pets may re-enter treated areas after spray has dried.
- For long lasting residual control, leave spray undisturbed so that the product will keep killing for up to 12 months*. (For best results, it may be necessary to re-apply every six months in high traffic and high sunlight areas).

For more information and a demonstration on how to apply Ortho® Home Defense Max®, visit www.HomeDefenseMax.com.

STORAGE AND DISPOSAL

STORAGE: Store in a cool, dry place. Keep container tightly closed.

DISPOSAL: Do not Puncture or Incinerate! **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions.

PRECAUTIONARY STATEMENTS

ENVIRONMENTAL HAZARDS: This pesticide is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water. 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

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting. Do not apply this product around electrical equipment due to the possibility of shock hazard.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions. Federal regulations prohibit CFC propellants in aerosols.

CONTAINS NO CFCs WHICH DEplete THE OZONE LAYER
[NO CFCs icon]

[phone icon] Questions, Comments or Medical Information ?
¿Preguntas, Comentarios o Información Médica?
1-800-225-2883 www.ortho.com

Ortho & Your Environment – Your home and yard are places for family and pets to enjoy. That’s why Ortho® products are designed with care to provide effective solutions to insect problems inside and outside your home. For best results and a healthy environment, please follow instructions for appropriate usage, storage and disposal.

Specially formulated for residential use.

© 2007, Licensed by The ORTHO Group. World rights reserved.
Manufactured for
The ORTHO Group
P.O. Box 190, Marysville, OH 43040
Part Number TBD
EPA Reg. No. NEW TBD
EPA Est. 58996-MO-1

Superscript is first letter of lot number
UPC CODE TBD
ITF Code TBD

-----OPTIONAL MARKETING CLAIMS-----

Knockdown claims:

- Fast acting
- Quick knockdown
- Fast knockdown
- Kills bugs in seconds
- Kills (bugs) fast
- Starts killing in seconds
- Kills on contact [Guaranteed]

Water based product claims:

- Water based
- Dries clean
- Dries fast
- No oily residue
- No mess
- Does not stain (fabrics, floors, wood, surfaces)
- Non-staining
- Unscented
- Fragrance-Free
- Leaves no odor
- No sticky mess
- No lingering odor
- Odor Free
- Odorless
- No greasy residue (mess)
- Continuous (aerosol) spray

Residual Control claims:

- Keeps bugs out all year!* * for listed insects (* 12 month control on Ants (excluding Fire, Pharaohs, and Carpenter), Crickets, Scorpions and Spiders (excluding Black Widow and Brown Recluse)
- Up to 12 month control indoors* *for listed insects
- Provides year long control indoors* * for listed insects
- Up to 12 month (one year) control indoors for listed insects
- Up to 12 month (one year) control indoors for listed insects: crickets, ants (including harvester ants), spiders and scorpions
- Kills Two (2) ways: 1) Kills insects fast (on contact) and 2) It keeps killing with residual action even after you spray, for up to 12 months inside (* *for listed pests) (for listed pests)
- Long-lasting insect protection (control)
- Now up to 12 month indoor control*
- One application provides year-long control indoors of listed insects
- Protects against home-invading insects all year long* *for listed insects
- Year long indoor insect protection* * for listed insects
- Keeps killing all year* * for listed insects
- Kills on contact, keeps on killing for up to 12 months inside* *for listed insects
- Kills bugs inside (indoors). Keeps bugs outside (out) (all year* * for listed insects) (long)
- Kills the bugs you have and prevents new bugs (from coming inside) (from coming in) (all year long* *for listed insects)

Barrier-related claims:

- Kills all major home invading insects (with a bug barrier)
- Kills home-invading pests/insects (with a bug barrier)
- Creates a barrier that will kill the bugs you have and prevent new bugs from coming in all year* *for listed insects
- (New) Barrier Technology stays put (lasts) (keeps killing bugs) for 12 months* (an entire year*) *for listed insects
- (New) Barrier Technology
- Protect(s) your home from bugs
- Protect(s) your family from (home-invading) insects (bugs)
- Immediately forms (creates) (establishes) a (bug) (insect) barrier
- Kills and prevents (insects) (inside your home) (outside your home)
- Kills bugs inside. Keeps bugs out(side)
- Protect against (invading) bugs
- Provides protection against home invading insects
- Spray around entire inside of your home to create a bug barrier
- Barrier protection
- Keeps on killing with residual action, even after you spray
- Use in garages, basements, attics to keep bugs/insects from coming into (entering) your home.
- Use with confidence in garages and/or basements and/or attics.
- Guards against bugs so you don't have to
- Guards against the bugs you can't (don't) see
- Keeps on killing after spray has dried

Area-related claims:

- 16 oz treats (covers) 151 linear feet
- 16.5 oz treats (covers) 156 linear feet
- 17 oz treats (covers) 161 linear feet
- 17.5 oz treats (covers) 166 linear feet
- 18 oz treats (covers) 170 linear feet
- 18.5 oz treats (covers) 175 linear feet
- 19 oz treats (covers) 180 linear feet
- Treats (142) (146) (151) (156) (161) 166 (170) (175) (180) linear feet!
- Treats the average 1800 sq. ft. home one time!
- Enough to create an (one) entire bug barrier (treatment) for the average 1800 sq. ft. home!
- Treats (161) 166 linear feet (170) (175) (180)- enough to create an entire bug barrier for the average 1800 sq. ft. home!
- Consistent spray for maximum accuracy
- Consistent/even coverage
- Ideal for small areas
- Use inside and outside your home!

Where to use/How to use claims

- Apply along (and behind) baseboards
- Apply along (and behind) appliances
- Apply beneath (and behind) sinks
- Apply in other areas where insects are often
- Gets into cracks and crevices
- Gets to the places bugs hide
- Reaches where bugs hide
- Ready to Use

- You're (It's) always ready to spray
- Easy to use
- The easy way to spray (Home Defense Max)
- Stays where you spray it
- Change the way you spray
- Targeted bug control (kill)
- Targets bugs in tight places
- Use (Can be used) in (bathrooms), (kitchens), (family rooms), (pantry) and (bedrooms)
- Works on all listed surfaces

Other claims

- Guaranteed (results)
- Kills ants and roaches (and many other listed pests)!
- Kills roaches, ants, fleas, flies, mosquitoes, Brown dog ticks, spiders, earwigs, silverfish, and other listed insects.
- No more tired hands
- No more hand fatigue
- Precise control for maximum accuracy
- Broad spectrum