



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

November 4, 2008

Claudia Herrington
The Scotts Company d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43040

Subject: Amendment – Response to Agency letter dated August 13, 2008
Home Defense Max Perimeter Insect Killer Aerosol
EPA Reg. No. 239-2696
Your submission dated September 8, 2008

Dear Ms. Herrington:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. Delete the following claims, "Keeps bugs out all year!" and "Kills on contact" form the front panel.
2. Under *Other claims*, delete "Broad spectrum". This claim is overly broad and misleading or can give a false impression to the purchaser.

If you have any questions regarding this action, please contact BeWanda Alexander at (703) 305-7460.

Sincerely,
BeWanda Alexander for
Richard Gebken
Interim Product Manager 13
Insecticide Branch
Registration Division (7505P)

Enclosure

Home Defense Max Perimeter Insect Killer Aerosol
EPA Reg. No. 239-2696

ACCEPTED
with COMMENTS
In EPA Letter Dated
NOV 4 2008
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
239-2696

[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

For Indoor/Outdoor Residential Use Only

KEEP OUT OF REACH OF CHILDREN

CAUTION See back panel for additional precautionary statements.

NET WT 16 oz/XXX g

[BACK PANEL of can]

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 beetles including Asian lady beetles, Crickets, Earwigs, Pantry Pests, and Silverfish.

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.

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. 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. 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.

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

Federal regulations prohibit CFC propellants in aerosols

[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~~ 239-2696
EPA Est. 58996-MO-1

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

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

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

Area-related claims:

- 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
- Use (Can be used) in (bathrooms), (kitchens), (family rooms), (pantry) and (bedrooms)

Other claims

- Guaranteed (results)
- No more tired hands
- No more hand fatigue
- Precise control for maximum accuracy
- Broad spectrum