



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

October 29, 2010

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

Subject: Amendment – Response to Agency September 10, 2009 letter and Meeting with the Agency
Home Defense Max Perimeter Insect Killer Aerosol
EPA Reg. No. 239-2696
Your submission dated July 28, 2010

Dear Mr. Slack:


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. Revise the following Optional Marketing Claims:
 - a. Replace “Kills and prevents [listed insects] [inside your home] [outside your home]” with “Kills listed insects [inside your home] [outside your home]”.
 - b. Replace “Immediately forms [creates] [establishes] a [bug] [insect] barrier” with “Immediately forms [creates] [establishes] a [bug] [insect] barrier”.
 - c. Replace “Kills [two] [2] ways [Dual Action]: 1) Kills insects fast [on contact] [by contact] and 2) Keeps killing even after spray has dried” with “Kills [two] [2] ways [Dual Action]: 1) Kills insects by contact and 2) Keeps killing even after spray has dried”.
 - d. Replace “Creates a barrier that [will kill] [kills] the bugs you have and prevent[s] new bugs from coming [in] [inside your home]” with “Creates a barrier that [will kill] [kills] the bugs you have and help control new bugs from coming [in] [inside your home]”.

- e. Replace “[New] Barrier Technology [keeps bugs out [of your home]]” with “Barrier Technology [keeps bugs out [of your home]]”.
 - f. Replace “[New] Barrier Technology keeps bugs from coming in” with “Barrier Technology keeps bugs from coming in”.
 - g. Replace “Kills home invading pest/insects [with a bug barrier]” with “Kills listed home invading pest/insects [with a bug barrier]”.
 - h. Replace “[One application] kills ants, roaches [and spiders] for up to 5 months indoors†” with “[One application] kills listed ants, roaches [and spiders] for up to 5 months indoors†”.
 - i. Replace “Keeps ants, roaches [and spiders] away for up to 5 months indoors†” with “Keeps listed ants, roaches [and spiders] away for up to 5 months indoors†”.
 - j. Replace “[One application] kills ants, roaches [and spiders] for up to 3 months [indoors]^” with Replace “[One application] kills listed ants, roaches [and spiders] for up to 3 months [indoors]^”
 - k. Replace “[One application] kills roaches [and spiders] for up to 3 months [indoor]^” with “[One application] kills listed roaches [and spiders] for up to 3 months [indoor]^”.
 - l. Replace “Keeps ants, roaches [and spiders] away [out] for up to 3 months [indoor]^” with “Keeps listed ants, roaches [and spiders] away [out] for up to 3 months [indoor]^”.
 - m. Replace “Kills ants [and many other listed pests [insects]!]” with “Kills listed ants [and many other listed pests [listed insects]!]”.
 - n. Replace “Kills ants [and] roaches [and many other listed pests [insects]!]” with “Kills listed ants [and] roaches [and many other listed pests [listed insects]!]”.
 - o. Replace “Kills ants, roaches [and] spiders [and many other listed pests [insects]!]” with “Kills listed ants, roaches [and] spiders [and many other listed pests [listed insects]!]”.
2. Delete the following Optional Marketing Claims:
- a. “Keeps [on] killing with residual action, even after you spray”
 - b. “Keeps [on] killing with residual action, even after spray has dried”
 - c. “Long-lasting residual control”
 - d. “Starts killing [bugs] in seconds
 - e. “Starts killing [bugs] fast
 - f. “Spreads fast”

- 3. Add “†Up to 5 month control indoors on: Ants (including Harvester Ants, but excluding Carpenter Ants, Pharaoh’s Ants and Foraging Fire Ants), Carpet Beetles, Crickets, Firebrats, Moths, Silverfish and Spiders on treated non-porous surfaces after 5 minutes continuous exposure to residues. Five month control indoors on German Cockroaches after 30 minutes continuous exposure to residues. Beetles, Crickets, Firebrats, Moths, Silverfish, and Spiders on treated non-porous surfaces after 5 minutes continuous exposure to residues. Three month control indoors on German Cockroaches after 30 minutes continuous exposure to residues” to claim “[Long-lasting] [5 month] Barrier technology†”.

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

Sincerely,

 Richard Gebken
 Product Manager
 Insecticide Branch
 Registration Division (7505P)

Enclosure

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NOTE:

Bold, italicized text is information for the reader and is not part of the label.
[Bracketed information is optional text]. Text separated by / denotes and/or options.

Home Defense Max[®] Perimeter Insect Killer Aerosol

Alternate Brand Names

- Ortho[®] Home Defense Max[®] Ant & Roach Killer
- Ortho[®] Home Defense Max[®] Ant, Roach & Spider Killer
- Ortho[®] Home Defense Max[®] Indoor & Perimeter Insect Killer

ACCEPTED
with COMMENTS
In EPA Letter Dated
OCT 29 2010
 Under the Federal Insecticide,
 Fungicide, and Rodenticide Act,
 as amended, for the pesticide
 registered under EPA Reg. No.
239-2696

For residential use only

ACTIVE INGREDIENT:

Bifenthrin*	0.05%
OTHER INGREDIENTS	<u>99.95%</u>
TOTAL	100.00%

*Cis isomers 97% minimum, Trans isomers 3% maximum

KEEP OUT OF REACH OF CHILDREN

See back panel for additional precautionary statements.

NET WT X oz/XXX g

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PRECAUTIONARY STATEMENTS**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. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Care should be used when spraying to avoid fish and reptile pets in and around ornamental ponds. 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.

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: To the extent consistent with applicable law, buyer assumes all responsibility for safety and use not in accordance with directions.

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.

To apply:

- 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.
- 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.

[icon]

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STORAGE AND DISPOSAL

[icon]

PESTICIDE STORAGE: Store in a cool, dry place.

PESTICIDE AND CONTAINER 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.

[NO CFCs icon]

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

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 please follow instructions for appropriate usage, storage and disposal.

The ORTHO Guarantee

If for any reason you, the consumer, are not satisfied with this product, mail us your original proof of purchase to obtain a full refund of your purchase price.

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Manufactured for /Sold by
The ORTHO Group
P.O. Box 190, Marysville, OH 43040
EPA Reg. No. 239-2696
EPA Est. 58996-MO-1^A
239-IA-3^B
84064-IA-001^C
085652-OH-1^D

Superscript is first letter of lot number

Part Number TBD
UPC CODE TBD
[STEEL] Symbol

DOT 2Q
ITF Code TBD

Made in USA

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EPA Reg. No. 239-2696

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OPTIONAL MARKETING CLAIMS

Non-Residual Claims

- Kills (***any or all of the following insects***) Ants (including Carpenter*and, Western Harvester), Beetles (including Asian Lady and Carpet), German Cockroaches, Crickets, Earwigs, Firebrats, Fleas, Moths, Pantry Pests, Scorpions (including Dune and Striped Tail), Spiders (including Black Widow, Hobo and Wolf) and Silverfish. * after 2 hours continuous exposure

General

- Continuous [Aerosol] Spray!
- Kills by contact!
- [icon] People and pets may re-enter treated areas after spray has dried

Water based product claims

- Water based [formula] [water droplet icon]
- Non-flammable
- Dries clean
- Dries clear
- 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 [chemical] odor
- Odor Free
- Odorless
- No odor
- No greasy residue [mess]

Residual Control claims

- Kills bugs inside. Keeps bugs out.
- Immediately forms [creates] [establishes] a [bug] [insect] barrier
- Kills and prevents [listed insects] [inside your home] [outside your home]
- Provides residual control against home invading insects
- Keeps [on] killing with residual action, even after you spray
- Keeps [on] killing with residual action, even after spray has dried
- Keeps on killing after spray has dried
- Use in [kitchens], [garages], [basements], [attics] to keep bugs [listed insects] from entering your home
- Use in [kitchens], [garages], [basements], [attics] to kill bugs [listed insects]
- Long-lasting control
- Long-lasting insect control
- Long-lasting residual control
- Kills [two] [2] ways [Dual Action]: 1) Kills insects fast [on contact] [by contact] and 2) Keeps killing even after spray has dried

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Barrier Claims (claims may appear on any or all label panel(s)):

- Immediately forms [creates] [establishes] a [bug] [insect] barrier
- [Creates] [Establishes] a [bug] [insect] barrier
- Create a bug barrier
- Create bug barriers
- Creates a barrier that [will kill] [kills] the bugs you have and prevent[s] new bugs from coming [in] [inside your home]
- Enough to create [an] [one] entire bug barrier for the average 1800 sq. ft. home!
- [New] Barrier Technology [keeps bugs out [of your home]]
- [New] Barrier Technology keeps bugs from coming in
- [Long-lasting] [5 month] Barrier technology
- Kills home invading pests/insects [with a bug barrier]
- Protect(s) your home from bugs
- Protect against [invading] bugs
- Spray around entire inside of your home to create a bug barrier

5-Month Claims

- Keeps bugs away for up to 5 months indoors on listed insects[†]
- [One application provides] up to 5 month control indoors of listed insects[†]
- [One application] kills [bugs] [insects] up to 5 months indoors on listed insects[†]
- [One application] kills ants, roaches [and spiders] for up to 5 months indoors[†]
- Keeps ants, roaches [and spiders] away for up to 5 months indoors[†]

[†]*Up to 5 month control indoors on: Ants (including Harvester Ants, but excluding Carpenter Ants, Pharaoh's Ants and Foraging Fire Ants), Carpet Beetles, Crickets, Firebrats, Moths, Silverfish and Spiders on treated non-porous surfaces after 5 minutes continuous exposure to residues. 5 month control indoors on German Cockroaches after 30 minutes continuous exposure to residues. Beetles, Crickets, Firebrats, Moths, Silverfish, and Spiders on treated non-porous surfaces after 5 minutes continuous exposure to residues. 3 month control indoors on German Cockroaches after 30 minutes continuous exposure to residues.*

3-Month Claims

- [One application] [provides] control [indoors] on listed insects [^]
- Keeps [bugs] [insects] away for up to 3 months [indoors] on listed insects[^]
- [Provides] up to 3 month control of insects [indoors] on listed insects[^]
- [One application] kills ants, roaches [and spiders] for up to 3 months [indoors] [^]
- [One application] kills [bugs] [insects] up to 3 months [indoors] on listed insects[^]
- Keeps ants, roaches [and spiders] away [out] for up to 3 months [indoors] [^]
- [One application] kills roaches [and spiders] for up to 3 months [indoors] [^]
- Keeps ants, roaches [and spiders] away [out] for up to 3 months [indoors] [^]

[^]*Up to 3 month control [indoors] on: Ants (including Western Harvester), Carpet Beetles, German Cockroaches, Crickets, Firebrats, Moths, Silverfish and Spiders on treated non-porous surfaces after 5 minutes continuous exposure to residues. 3 month control indoors on German Cockroaches after 30 minutes exposure to residues.*

Knockdown claims:

- Starts killing [bugs] in seconds
- Starts killing [bugs] fast
- Kills by contact [Guaranteed]

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Area-related claims

- Consistent spray for maximum accuracy
- Consistent/even coverage
- Ideal for small areas [spaces]
- Use inside and outside your home!
- 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
- Treats [142] [146] [151] [156] [161] [166] linear feet!
- Enough to create [an] [one] entire bug [treatment] for the average 1800 sq. ft. home!
- Use in [kitchens], [garages], [basements] [and] [attics].
- Use in [kitchens], [garages], [basements] [and] [attics] to kill [bugs] [insects].

Where to use/How to use claims

- Apply along [and behind] baseboards
- Apply along [behind] [and] [between] appliances
- Apply beneath [and behind] sinks
- Apply in other areas where insects [are often found] [often appear]
- 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
- 1[One] touch spray
- Easy Spray [Applicator]
- The easy way to spray [Home Defense Max]
- Change the way you spray
- Use [Can be used] in [bathrooms], [kitchens], [family rooms], [pantry], [attics], [garages], [basements], [closets], [storage areas], and [bedrooms]

Other claims

- Guaranteed [results]
- Kills ants [and many other listed pests [insects]!]
- Kills ants [and] roaches [and many other listed pests [insects]!]
- Kills ants, roaches [and] spiders [and many other listed pests [insects]!]
- No [more] tired hands
- No [more] hand fatigue
- Reduces hand fatigue
- Precise control for maximum accuracy
- Look inside [label] for special offer information!
- Also try Ortho Home Defense Max Perimeter & Indoor Insect Killer liquids [to kill home invading insects!] [to treat larger areas!]
- Go to [URL] now for a special offer! Offer subject to change or expiration.
- www.orthohomedefense.com

Spreading Characteristics

- Spreads fast
- [Get's into][Reaches] gaps behind baseboards and walls