

239-2698

08/13/2008

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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:
239-2698

Date of Issuance:
AUG 13 2008

Term of Issuance:
Conditional

Name of Pesticide Product:
Home Defense MAX Perimeter
Insect Killer RTS

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. 239-2698."
 - b) The acute toxicity profile for this product is as follows:

Acute oral toxicity	IV
Acute dermal toxicity	IV
Acute inhalation toxicity	IV
Primary eye irritation	IV
Primary skin irritation	IV
Dermal sensitization	Neg.

Based on the toxicity profile above, no human precautionary statement or first aid statements are required. You may delete these precautions from the label. Move the statement "Do not apply this product to humans or animals" to the Directions for Use section.

Signature of Approving Official:

George T. LaRocca
George T. LaRocca, Product Manager (13)
Insecticide Branch/Registration Division (7505C)

Date:

Aug 13, 2008

c) Revise the following public health pests claims as follows:

- Delete scorpions, centipedes, carpenter and pharaoh ants. The data cited doesn't support these pest claims.
- Replace "spiders" with "spiders (except black widow & brown recluse)"

d) Replace "* 1 month control on Mosquitoes, Fleas, Cockroaches, and Flies" with "Up to 1 month control on Mosquitoes, Fleas, Cockroaches and Flies". Also replace "One application keeps bugs out for 1 month!*" with "One application keeps listed insects out up to 1 month!*"

e) On page 2, delete "(over) 2 times" from the statement "Treats the average 2,000 sq ft home".

f) On page 3, replace "To keep insects from entering the house" with "To keep fleas and cockroaches from entering the house".

g) The following marketing claims are misleading with respect to the efficacy of this product. Delete or revise as indicated:

1. ~~Invisishield technology~~ creates a long lasting* barrier around your home foundation! * 1 month control on Mosquitoes, Fleas, Cockroaches, and Flies †
2. ~~Kills all major home invading insects!~~
3. ~~Kills on contact~~
4. Specially formulated for residential use.
5. Ortho Home Defense Max Perimeter Insect Killer can be used to control home invading pests such as Ants (including Carpenter, Lasius, red harvester, pavement, odorous, pyramid, pharaoh, and Argentine), centipedes, cockroaches (including American, Asian, German), crickets, earwigs, fleas, house flies, millipedes, mosquitoes, palmetto bugs, scorpions, sowbugs, spiders (*excluding black widow and brown recluse spiders*), and ticks (including American, deer tick, brown dog tick).
6. Provides residual control* *for listed insects up to 1 month against mosquitoes, fleas, cockroaches, and flies
7. ~~Broad spectrum insect control~~
8. Provides fast knockdown
9. Kills/controls *listed* outdoor insects/pests by contact.
10. ~~Kills on contact (Guaranteed)~~
11. ~~Kills over 150 insects~~
12. ~~Create a long lasting bug barrier!*~~ *for listed insects †
13. ~~Create an exterior (home perimeter) bug barrier!~~ †
14. ~~One application keeps bugs out for an entire month!*~~ *for listed insects †
15. ~~Keeps bugs away for 1 month* (an entire month*)!~~ *for listed insects
16. ~~Keeps bugs out (for 1 month!*~~ *for listed insects) †
17. ~~Keeps bugs from coming inside (the house)!~~ †
18. ~~Creates a protective barrier that keeps insects/pests from coming in the house (home)~~ †

- h) 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 prior to approval.
- i) 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.
- j) 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.
- k) Refer to PR Notice 2008-1 and revise the environmental hazard statements in accordance with this Notice.
- l) On front panel add "For Outdoor Residential Use Only".
- m) If the product is marketed only with a ready to use spray system you may delete the statement about Food Utensils on page of the label.

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

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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.

239-2698

ORTHO
Home Defense MAX
(Outdoor) Perimeter (Exterior) Insect Killer
Ready-Spray

[SPOT LABEL]

Create a bug barrier (around your home!) (around your home's
perimeter!) (around your home foundation!)

[FRONT LABEL]

ORTHO®

HOME DEFENSE® MAX®

(Outdoor) Perimeter (Exterior) Insect Killer
Ready-Spray®
(Concentrate)

One application keeps bugs out for 1 month!*

GUARANTEED.*

Active Ingredient

Bifenthrin*0.3%

Other Ingredients99.7%

* Cis isomers 97% minimum, trans isomers 3% maximum
U.S. Patent No. 4,238,505

InvisiShield® Bug Barrier

For residential outdoor use only.

KEEP OUT OF REACH OF CHILDREN

CAUTION See back panel booklet for
additional precautionary statements.

NET/NETO 32 FL OZ (1 QT) 946 mL

FORM TBD

[ITF CODE IS TBD]

[BACK COVER PAGE]

[Reentry icon] PEOPLE AND PETS MAY ENTER TREATED AREA AFTER
APPLICATION HAS DRIED.

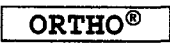
[Corner flap]

OPEN

Resealable Label for Directions & Precautions

(Indicate page where Spanish begins)

PRESS TO RESEAL [Placed on base of label.]



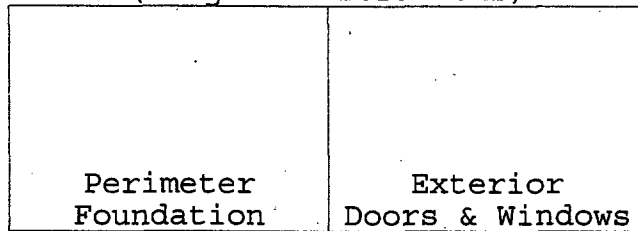
HOME DEFENSE® MAX®

(Outdoor) Perimeter (Exterior) Insect Killer
Ready-Spray

Invisishield® technology creates a long lasting* barrier around
your home foundation!

Use Outside Your Home!

(Usage Illustrations)



Treats the average 2,000 sq ft home (over) 2 times!

* 1 month control on Mosquitoes, Fleas, Cockroaches, and Flies

Kills all major home invading insects!
Kills on Contact Non-Staining Odor-Free

For more information and a demonstration on how to apply Ortho®
Home Defense® Max®, visit www.HomeDefenseMax.com or call 1-800-
225-2883.

Specially formulated for residential use. **DO NOT USE INSIDE
DWELLINGS.**

Manufactured for THE ORTHO GROUP
P.O. Box 190 Marysville OH 43040
Form TBD
EPA Reg. No. 239-XXXX
EPA Est. 239-IA-3 1, 58996-MO-1A
Superscript is first letter of lot number
Made in USA

[UPC code] [ITF code]

[Inner back labels]

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.

DIRECTIONS FOR USE

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

Food utensils such as spoons and measuring cups must not be used for food purposes after use with pesticides.

ORTHO HOME DEFENSE® MAX® Perimeter Insect KILLER can be used to control Home Invading Pests such as Ants (including Carpenter, Lasius, red harvester, pavement, odorous, pyramid, pharaoh and Argentine), centipedes, cockroaches (including American, Asian, German), crickets, earwigs, fleas, house flies, millipedes, mosquitoes, palmetto bugs, scorpions, sowbugs, spiders, and ticks (including American, deer tick, brown dog tick).

HOW TO USE the Ready-Spray System:

Connect	<ol style="list-style-type: none"> 1. Shake well before using. 2. Connect sprayer to hose. 3. Turn on water.
Spray	<ol style="list-style-type: none"> 1. To begin spraying, point nozzle in the direction you want to spray. 2. Bend small plastic tab back and turn knob clockwise to ON position. 3. Spray as directed in the "HOW TO APPLY" section.
Finish	<ol style="list-style-type: none"> 1. To STOP spraying, rotate the knob counterclockwise to the OFF position. 2. Turn off water. 3. Relieve water pressure by pending the plastic tab back and turning knob to ON position until water slows to a drip. Then, turn knob back to OFF position. 4. Disconnect sprayer from hose.

HOW TO APPLY:

Outdoor Perimeter Treatment Application	<p>To keep insects from entering the house:</p> <ul style="list-style-type: none"> • Spray a 4 foot band around the house next to the foundation both on the soil and up the side of the house, using the illustration shown as an example. <p style="text-align: center;">(Illustration)</p> <ul style="list-style-type: none"> • This package will treat up to 360
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	<p>linear feet with a 4 foot band of product. Apply product at a rate of approximately 1 linear foot for every 2 seconds. [For example, if your house's footprint is 2,000 square feet (45 ft x 45 ft), it would take approximately 1.25 minutes to treat each side of the house.]</p> <ul style="list-style-type: none"> • In addition to the foundation, product can also be used around window frames and doorways, on porches and patios, along eaves and exterior siding.
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WHEN TO REAPPLY
 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.

DO NOT TREAT FIREWOOD

STORAGE AND DISPOSAL *[Add box around heading.]*

STORAGE: Keep from freezing. Keep pesticide in original container. Do not put in food or drink containers. Avoid contamination of feed and foodstuffs. Store in a cool, dry place, preferably in a locked storage area.

DISPOSAL: **If empty:** Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Do not apply this product to humans or animals.

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, preferable mouth-to-mouth if possible. Call a poison control center or doctor for 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 five 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 1-800-225-2883 for Emergency Assistance.

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. Do not contaminate water when disposing of equipment washwaters or rinsate. Care should be used when spraying to avoid fish and reptile pets in/around ornamental ponds. This product is highly toxic to bees exposed to direct treatment of residues on blooming crops or weeds. Do not apply this product or allow to drift to blooming crops if bees are visiting the treatment area.

PHYSICAL OR CHEMICAL HAZARDS: Do not apply this product in or on electrical equipment due to the possibility of shock hazard.

NOTICE: Buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

***The ORTHO Guarantee:**

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

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Manufactured for
The ORTHO Group
P.O. Box 190
Marysville, OH 43040
Form TBD
EPA Reg. No. 239-XXXX
EPA Est. 239-IA-3^I, 58996-MO-1^A
Superscript is first letter of lot number
Made in USA

[ALTERNATE MARKETING CLAIMS]

- Kills ticks that may transmit Lyme Disease
- Kills mosquitoes that may transmit West Nile Virus
- Provides residual control* *for listed insects
- Broad-spectrum insect control
- Provides fast knockdown
- Kills/controls outdoor insects/pests on contact so you and your family can enjoy your home
- Kills on contact (Guaranteed)
- Kills over 150 insects
- Create a long-lasting bug barrier!* *for listed insects
- Create an exterior (home perimeter) bug barrier!
- One application keeps bugs out for an entire month!* *for listed insects
- Keeps bugs away for 1 month* (an entire month*)! *for listed insects
- Keeps bugs out (for 1 month!* *for listed insects)
- Keeps bugs from coming inside (the house)!
- Creates a protective barrier that keeps insects/pests from coming in the house(home)
- Easy-to-use perimeter treatment
- Easy-to-use sprayer
- No mixing, no measuring- just spray!
- Great for treating the (exterior) home (house) foundation!
- Great for treating large areas (like (around) the home (house) foundation)!