

239-2698

3/4/2010

1/10



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MAR - 4 2010

Mr. Kevin Tucker
The Scotts Company
d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43040

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Mr. Tucker:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice PRN 2007-4 dated February 19, 2010 for the following product(s):

Home Defense Max Perimeter Insect Killer RTS (EPA Reg. No. 239-2698)

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. 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 identifying the batch of the pesticide distributed and sold be placed on nonrefillable 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 Regina Foushee'-Smith at 703-605-0780.

Sincerely,

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

EPA

United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number
 2392698LBL20100219

Application for Pesticide - Section I

1. Company/Product Number 239-2698	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Home Defense Max Perimeter Insect Killer RTS	PM# 10	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The Ortho Group P.O. Box 190 Marysville, OH 43040 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(I), my product is similar or identical to the following labeling to: NOTIFICATION MAR 4 2010 EPA Reg. No. _____ Product Name _____	

Section II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated
<input type="checkbox"/> Resubmission in response to Agency letter dated	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

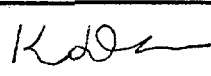
Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Update 239-2698 label to be consistent with PR Notice 2007-4

Section III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)		
*Certification must be submitted		If "Yes" Unit Packaging wgt. No. per Container			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 16 thru 64 fluid ounces		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Kevin Tucker	Title Senior Scientist	Telephone No. (Include Area Code) (202) 772-4910
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		5. Date Application Received (Stamped)
2. Signature : 		3. Title Senior Scientist
4. Typed Name Kevin Tucker		5. Date February 19, 2010

February 19, 2010

Ms. Linda Arrington
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Subject: Notification per PR Notice 2007-4
Home Defense Max Perimeter Insect Killer RTS (EPA Reg. No. 239-2698)
OPP Identifier Number: 2392698LBL20100219

Dear Ms. Arrington:

On behalf of our client, The Scotts Company d/b/a The Ortho Group (P.O. Box 190, Marysville, Ohio, 43040, EPA company number 239), Exponent is submitting a notification to update the Home Defense Max Perimeter Insect Killer RTS (EPA Reg. No. 239-2698) label to be consistent with PR Notice 2007-4. The following items are enclosed in support of this notification:

- Completed Application for Registration (EPA Form 8570-1); and
- Label reflecting the label revisions required by PR Notice 2007-4 (one copy of the label with changes clearly marked and a second copy with the changes incorporated)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR, Sections 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR, Sections 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Ms. Linda Arrington
February 19, 2010
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If you have any questions, please feel free to contact me at (202) 772-4910 or at ktucker@exponent.com.

Sincerely,



Kevin Tucker
Senior Scientist

Cc: Claudia Herrington, The Scotts Company
Jim Wallace, The Scotts Company

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5/0

NOTIFICATION

MAR 4 2010

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

[ABN: Ortho® Home Defense® MAX™ Outdoor Perimeter Insect Killer Ready-Spray®]

[SPOT LABEL]

[FRONT LABEL]

ORTHO®

HOME DEFENSE® MAX®

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

One application keeps listed insects out for up to 1 month!*

GUARANTEED.*

Active Ingredient

Bifenthrin* 0.3%

Other Ingredients 99.7%

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

For outdoor residential use only.

KEEP OUT OF REACH OF CHILDREN

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

FORM TBD

[ITF CODE IS TBD]

[BACK COVER PAGE]

9/0

[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.]

ORTHO®

HOME DEFENSE® MAX®

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

Creates [a] long lasting 1 month control on Mosquitoes, Fleas, Cockroaches, and Flies around your home foundation!

Use Outside Your Home!

(Usage Illustrations)

Perimeter Foundation	Exterior Doors & Windows
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Treats the average 2,000 sq ft home

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

Non-Staining Odor-Free

For more information call 1-800-225-2883.

Specially formulated for residential use.

Manufactured for THE ORTHO GROUP

19.Feb.2010

Page 2 of 6

Revision with PR Notice 2007-4 language

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P.O. Box 190 Marysville OH 43040
Form TBD
EPA Reg. No. 239-2698
EPA Est. 239-IA-3^I, 58996-MO-1^A
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.

ORTHO HOME DEFENSE® MAX® Perimeter Insect KILLER can be used to control Home Invading Pests such as Ants (including Lasius, red harvester, pavement, odorous, pyramid, and Argentine), cockroaches (including American, Asian, German), crickets, earwigs, fleas, house flies, millipedes, mosquitoes, palmetto bugs, sowbugs, spiders (except black widow & brown recluse), 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.

	<ol style="list-style-type: none"> 2. Turn off water. 3. Relieve water pressure by bending 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.
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HOW TO APPLY:

<p style="text-align: center;">Outdoor Perimeter Treatment Application</p>	<p style="text-align: center;">To keep fleas and cockroaches 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> • This package will treat up to 360 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.] • 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

Do not apply this product to humans or animals

STORAGE AND DISPOSAL [Add box around heading.]

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PESTICIDE 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.

PESTICIDE DISPOSAL: Nonrefillable container. Do not reuse or refill this container. **If empty:** 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

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. 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. 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. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.

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.

Manufactured for
The ORTHO Group
P.O. Box 190
Marysville, OH 43040
Form TBD
EPA Reg. No. 239-2698
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 up to 1 month against mosquitoes, fleas, cockroaches, and flies.
- Provides fast knockdown
- Kills/controls listed outdoor insects/pests by contact
- 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)!

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