



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

October 12, 2010

Ms. Jane Rothwell
The Scotts Company
d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43040

Subject: Amendment – Reinstating barrier claims
Home Defense Max Perimeter Insect Killer RTS
EPA Reg. No. 239-2698
Your submission dated July 12, 2010

Dear Ms. Rothwell:

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 “such as” in the paragraph beginning “Home Defense MAX Perimeter Insect Killer RTS can be used to control Home Invading Pest such as Ants ... etc”.
2. Replace “Repeat application should be limited to no more than once per seven days” with “Repeat application must be limited to no more than once per seven days”.

Remember, the company’s website referenced on your label becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the websites are false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40CFR 156.10(a)(5) lists examples of statements EPA may consider false or misleading. Regardless of whether a website is referenced on your product’s label, claims made on the website may not substantially differ from those claims approved through the registration process. Should the Agency find or if it is brought to our attentions that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA’s Office of Enforcement and Compliance Assurance.

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

3
7

NOTE:

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

EPA Reg. No. 239-2698

**ACCEPTED
with COMMENTS
In EPA Letter Dated
OCT 12 2010**

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.**

239-2698

[For outdoor residential use only.]

Home Defense[®] MAX[®] Perimeter Insect Killer RTS

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

ACTIVE INGREDIENT:

Bifenthrin*0.3%

OTHER INGREDIENTS:.....99.7%

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

KEEP OUT OF REACH OF CHILDREN
See back for additional precautionary statements

NET CONTENTS [[32 FL OZ] [(1 QT)] [946 mL]] [[30 FL OZ] [(0.93 QT)] [887 mL]]
[[X FL OZ] [(X QT)] [X mL]]

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EPA Reg. No. 239-2698

7/4

DIRECTIONS FOR USE

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

[*Reentry icon*] People and pets may enter treated area after application has dried.

Home Defense MAX Perimeter Insect Killer RTS 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 APPLY:

Outdoor Perimeter Treatment Application	To keep fleas and cockroaches from entering the house: <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. [Illustration]• This package will treat up to [360] [X] 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.

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EPA Reg. No. 239-2698

5
7

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 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.

DO NOT TREAT FIREWOOD

Do not apply this product to humans or animals.

STORAGE AND DISPOSAL

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 AND CONTAINER 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.

OPTIONAL CORNER FLAP LABELING INFORMATION

Indicate page where Spanish begins

- OPEN
- PRESS TO RESEAL [*Placed on base of label.*]
- Resealable Label for Directions & Precautions

OPTIONAL NON-PESTICIDAL CLAIMS (claims may appear on any or all label panel(s))

- Easy-to-use perimeter treatment
- Easy-to-use sprayer
- Great for treating the [exterior] home/house foundation!
- Great for treating large areas [like [around] the home/house foundation]!
- GUARANTEED*
- No mixing, no measuring- just spray!
- Non-Staining
- Odor-Free
- Formulated for residential use.
- Use Outside Your Home!
- **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.

(Usage Illustrations)

Perimeter Foundation	Exterior Doors & Windows
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OPTIONAL PESTICIDAL CLAIMS (claims may appear on any or all label panel(s))

- Creates [a] long lasting 1 month control on Mosquitoes, Fleas, Cockroaches, and Flies around your home foundation!
- Kills/controls listed outdoor insects/pests by contact
- Kills mosquitoes that may transmit West Nile Virus
- Kills ticks that may transmit Lyme Disease
- One application keeps listed bugs/listed insects out for up to 1 month!*
- Provides fast knockdown
- Provides residual control for up to 1 month against mosquitoes, fleas, cockroaches, and flies.
- Treats the average [2,000] [X] sq ft home
- *Up to 1 month control on Mosquitoes, Fleas, Cockroaches, and Flies

BARRIER CLAIMS(claims may appear on any or all label panel(s))

- Create a long lasting (one month) bug barrier for listed insects

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- Create an exterior (home perimeter) bug barrier!
- Creates a protective barrier that keeps listed insects/pests from coming in the house (home)
- Create a bug barrier (around your home!) (around your home's perimeter!) (around your home foundation!)

NOTICE: To the extent consistent with applicable law, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

QUESTIONS, COMMENTS OR MEDICAL INFORMATION

Call 1-800-225-2883 [phone icon]

[Visit our website]

www.ortho.com [computer icon]

Manufactured for / Sold by
The ORTHO Group
P.O. Box 190
Marysville, OH 43040

***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.

[Product of] / [Made in] USA

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EPA Reg. No. 239-2698

EPA Est. XXX-XX-X, XXX-XX-X

[Superscript used is first letter of run code on end of container]