

279-3339

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 01 2008

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Christopher Davis
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Subject: Label Amendment and Minor Formulation Amendment
Lawn Insect Control 2
EPA Reg. No. 279-3339
Your Submission date, July 3, 2008

Dear Mr. Davis:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act as amended is acceptable provided the following changes are made:

1. On page 1 under Optional 3 remove the term "**dual action**" in sentence 2. Also, insert (**except carpenter and pharaoh ants**) following ants.
2. On page 2 under "**Environmental Hazards**" include the following: "**This product is toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area. This product is toxic to wildlife and highly toxic to aquatic invertebrates.**"

The following changes are necessary due to the Agency's definitive language policy.

- On page 3 under the section entitled "**How to Apply/Use**" rewrite the first sentence to read: "**For best results, thoroughly water treated area immediately after application.**"
- On page 4 replace the word "**Important**" with the word "**Restrictions**". Also add at the end of bullet one "**Do not apply more than 125 lb of product (0.25 of Imidacloprid, 0.2 bifenthrin) per application to residential uses sites (i.e. around private homes, apartment building, condominiums, non-agricultural out buildings, non-commercial greenhouses, pre-schools or day care facilities.)**"

- On page 5 under optional 3 rewrite the "Notice" to read as "To the extent consistent with applicable law, buyer assumes..."

3. Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, 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. Therefore should the Agency find or if it is brought to our attention 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.

As an alternative, you may refer consumers to the company's phone number or email address.

4. Make the following changes on page 6 and 7:

- Under the heading "Optional Marketing Claims" qualifying statement are needed for every claim noting a **guarantee**. For example, "Long lasting! [up to] 3 months" a qualifying statement would be "Or your money back". There are 4 claims needing a qualifying statement.
- Remove the word "Prevents" from the "Residual Claims". This is a false and misleading claim.
- Under "Insect Killed Claims" these are overly broad statements. You need to list all the insects or remove these claims. Also rewrite the last bullet on page 6 and the first bullet on page 7 to read: "Kills listed law-damaging insects and Kills listed major lawn insects..."
- Under "Other Claims" remove the last claim. "New Formula" can only be used or 6 months, this product has since been registered.

A stamped copy is enclosed for your records. Submit two (2) copies of your final printed labeling before you release the product for shipment. If there are questions call me at 703 305-5409.

Sincerely,



Dani Daniel
 Insecticide-Rodenticide Branch
 Registration Division 7505P

Lawn Insect Control 2

[optional]: Season-Long Grub Control

White grubs can cause extensive damage to turf by feeding on grass roots. Affected turf turns yellow, then brown, and is easily pulled up in pieces with your hands.

[optional]: One Application Stops Grubs All Season Long!

[Lawn Insect Control 2] works best when applied before grubs hatch. The active ingredient will remain in the root zone of the turf until the eggs of grubs hatch. Newly hatched grubs are highly susceptible to **[Lawn Insect Control 2]** and are killed before they become large enough to cause turf damage.

[optional]: [Lawn Insect Control 2] prevents turf damage by killing grubs when they are newly hatched, before they can cause damage.

[optional]: Protecting your lawn from damaging insects has never been easier!

[optional]: Just one application of **[Lawn Insect Control 2]** will protect your lawn for an entire season [3 months], both above and below the soil surface. The dual action formula kills invading surface insects like ants, fleas and ticks, plus damaging subsurface insects like grubs and European crane fly larvae.

EPA Reg. No. 279-3339
EPA Est. 279-

ACCEPTED
With COMMENTS
In EPA Letter Dated:

Oct 1 2008

under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:

279-3339

ACTIVE INGREDIENT:

Imidacloprid	0.20%
Bifenthrin*	0.16%
OTHER INGREDIENTS	99.64%
	100.00%

*Cis isomers 97% minimum, trans isomers 3% maximum.

Product is covered by one or more of the following patents:
U.S. Patent No. 4,742,060, 5,783,203 and 4,238,505. Other patents pending.

Not for sale, use, or distribution in or into Nassau, Suffolk, Queens, or Kings counties of New York

For Residential Lawns, Landscaped areas, and Ornamental & Flower Garden use only. Not for use in commercial nurseries or greenhouses, or on grass grown for seed, or on golf courses and sod farms.

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See (back) panel for additional precautionary statements (and directions for use).

[optional icons – any or all listed bugs may be represented graphically on Final Printed Labeling]

FMC Corporation
Agricultural Products Group
1735 Market Street
Philadelphia PA 19103

PRECAUTIONARY STATEMENTS [icon]

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION:

Harmful if swallowed or absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse.

FIRST AID [icon]	
If swallowed:	Call a 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 a poison control center or doctor. Do not give anything by mouth to an unconscious person.
If on skin or clothing:	Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes.
If in eyes:	Open eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice. Have the product container or label with you when calling poison control center or doctor, or going for treatment
Note to Physician: No specific antidote is available. Treat patient symptomatically. This product contains a pyrethroid. If large amounts have been ingested, milk, cream or other digestible fats and oils may increase absorption and so should be avoided.	

ENVIRONMENTAL HAZARDS

To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters.

Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

DIRECTIONS FOR USE

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

In New York State, this product may NOT be applied to any grass or turf area (lawns) within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch). In New York State, make a single repeat application [**Lawn Insect Control 2**] if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

PRODUCT FACTS	
INSECTS CONTROLLED	<p>Use [Lawn Insect Control 2] to kill and control: Fleas</p> <p>Use [Lawn Insect Control 2] to kill and provide season long (3-month) control of: Surface Insects: Fire Ants, Ants excluding carpenter ants and pharaoh ants (including Red Harvester, Pavement, Odorous, Pyramid, Argentine, Black Turf, White-footed Ant, Crazy Ant, Little Black Ant, Small Honey Ant, Black Turf Ant, Lawn Ant, Cornfield Ant, Ghost Ant, Thief Ant, Acrobat Ant, Citronella Ant, Big-headed Ant, Allegheny Mound</p>

	<p>Ant), American Dog Ticks, Armyworms (including Lawn Armyworm, Fall Armyworm), Billbugs (including Bluegrass Billbug, Hunting Billbug), Black Turfgrass Ataenius adults, Bristletail, Centipedes, Chiggers, Chinch Bugs, Crickets (including House Cricket, Common Short-tailed Cricket, Indies Short-tailed Cricket, Arizona Cricket, Tropical Cricket, Variable Field Cricket, Fall Field Cricket, Southeastern Field Cricket, Texas Field Cricket, Spring Field Cricket, Northern Wood Cricket, Western Striped Cricket, Eastern Striped Cricket, Sand Field Cricket, Vocal Field Cricket, Southern Wood Cricket), Cutworms (including Black Cutworm, Bronzed Cutworm, Granulate Cutworm, Variegated Cutworm), Dichondra Flea Beetle, Earwigs, European Crane Fly Larvae, Fiery Skipper, Firebrat, Frit Fly, Grasshoppers, Greenbug, Ground Beetle, Ground Pearl, Ladybeetles (including Convergent Ladybeetle, Seven-spotted Ladybeetle, Two-spotted Ladybeetle, Thirteen-spotted Ladybeetle, Twice-stabbed Ladybeetle, Asian Ladybeetle, Mealybug Ladybird), Leafhoppers, Lucerne Moth, Mealybugs, Millipedes, Mole Crickets (including Tawny Mole Cricket, Southern Mole Cricket, Short-Winged Mole Cricket), Pillbugs, Arizona Stripetail Scorpion, Southern Unstriped Scorpion, Lesser Stripetail Scorpion, Yellow Ground Scorpion, California Common Scorpion, Northern Scorpion, Eastern Sand Scorpion, Seed Maggots, Sowbugs, Spiders excluding black widow, brown recluse and hobo (including Marbled Cellar Spider, Longbodied Cellar Spider, Shortbodied Cellar Spider, Thinlegged Wolf Spider, Burrowing Wolf Spider, Pirate Wolf Spider), Springtails, Striped Grassworm, Ticks (including Brown Dog Tick and ticks that may transmit Lyme Disease), Two-lined Spittle Bugs, Webworms (including Sod Webworm, Grass Webworm, Tropical Sod Webworm), Weevils (including Hyperodes and Bluegrass) and Wireworms.</p> <p>Subsurface Insects: White Grubs (Larvae of Japanese Beetles, Oriental Beetles, Chafers, Asiatic Garden Beetles, May/June Beetles, Green June Beetles, Sugarcane Beetles and Black Turfgrass Ataenius) and Larvae of Black Vine and Annual Bluegrass Weevils.</p>
<p>WHERE TO APPLY/USE</p>	<p>Lawns, Landscapes, Ornamental & Flower Gardens, and Around Home Foundations</p> <p>DO NOT use in vegetable gardens.</p>
<p>WHEN TO APPLY/USE</p>	<p>Apply early/proactively [in the Spring or Summer] to prevent infestation. Works best when applied before grubs hatch.</p> <p>[optional] For extended surface [feeder/feeding] insect control [in/into the Fall], follow-up your Spring/Summer treatment with Ortho® Bug B Gon® MAX® Insect Killer for Lawns.</p> <p>DO NOT apply [Lawn Insect Control 2] when turf areas are waterlogged. The product may not work effectively under these conditions.</p>
<p>HOW TO APPLY/USE</p>	<p>For best results, treated area should be thoroughly watered immediately after application.</p> <p>On Lawns: <i>[illustration]</i></p> <ul style="list-style-type: none"> ▪ Using a spreader designed for application of granular materials, uniformly apply product. (see spreader settings chart). A 14.35 lb bag will treat up to 5,000 sq ft. ▪ For season long control, apply 2.9 lbs of product for every 1,000 sq ft. Re-apply after 3-months if necessary. Do not exceed 2 applications per year. <p>On Landscapes, and Ornamental & Flower Gardens: <i>[illustration]</i></p> <ul style="list-style-type: none"> ▪ Apply 0.4 to 0.7 lb evenly over each 500 sq ft area using a hand held spreader. Repeat if there are signs of renewed insect activity. ▪ Product can be applied just before planting or after plants emerge. <p>This product applies 0.25 lb of Imidacloprid, 0.2 lb Bifenthrin per acre per application.</p>

<i>[optional section]</i>	People and pets can enjoy the yard/lawn/area once product has been watered in and allowed to dry.
PEOPLE & PETS <i>[icon]</i>	OR People and pets may re-enter treated areas after product has been watered in and allowed area.

IMPORTANT

- Do not make more than 2 applications per year.
- Avoid Run-off or puddling of irrigation water following application.
- Avoid application of **[Lawn Insect Control 2]** to areas which are waterlogged or saturated, which will not allow penetration into the root zone of the plant.

SPREADER (APPLICATION) TIPS

Spreader settings are approximate. You may need to adjust for proper coverage. Apply header strips, then apply product in the longest direction of lawn. For best results, use a Scotts® spreader.

[Illustrations to correspond with application tips]

Spreader	Spreader Settings Covers 5,000 sq. ft.	Directions
Drop Spreader Scotts® AccuGreen®	X	Overlap wheel marks to ensure uniform coverage.
Scotts EasyGreen® Rotary Spreader	X	Make each pass about 30 inches from the previous one.
Broadcast/Rotary Spreaders Scotts® Basic™, Standard™, Deluxe™, EdgeGuard®, Lawn Pro™, or SpeedyGreen®	X	Make each pass about five feet from the previous one.

[optional]

When using other spreaders, calibrate the spreader settings based on the manufacturer's recommendations.

[Note to PM: Actual spreader settings will be added to final label and additional spreader settings may be added, consistent with labeled use rates.]

STORAGE AND DISPOSAL *[icon]*

Pesticide Storage: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place to avoid excess heat. For bags after partial use, reseal opened bag by folding top down and securing.

Pesticide Container Disposal: If empty: Non-refillable bag. Do not reuse or refill bag. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency. Never place unused product down any indoor or outdoor drain.

[optional]

ORTHO AND 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.

[optional]

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

[optional]

†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.

Questions, Comments or Medical

1-800-225-2883 [icon] <http://www.ortho.com>[icon]

[optional]

Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions beyond the control of FMC or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold FMC and Seller harmless for any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the Directions for Use when used in accordance with the directions under normal conditions of use. EXCEPT AS WARRANTED BY THIS LABEL, FMC MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE SELECTION, PURCHASE, OR USE OF THIS PRODUCT. Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to (or beyond the control of) seller or FMC, and buyer assumes the risk of any such use.

To the extent consistent with applicable law FMC or seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF FMC AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF FMC OR SELLER, THE REPLACEMENT OF THE PRODUCT.

This Conditions of Sale and Limitation of Warranty and Liability may not be amended by any oral or written agreement.

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OPTIONAL MARKETING CLAIMS**Barrier:**

- (Lawn) Insect Protection

Coverage:

- (A) 10lb bag treats 3,484 sq ft of lawn
- (A) 14.35lb bag (treats) (covers) 5,000 sq ft (of lawn)
- Treats (up to) 5,000 sq ft

Speed claims:

- Kills in 24 hours
- Kills overnight
- Fast Acting (formula)
- Fast Acting against listed insects
- Fast-Acting and Long-Lasting
- Starts killing (to kill) lawn bugs/insects*
- Starts working (to work) immediately*
- Kills on Contact (above and below the ground/surface)
- Kills in hours

Residual claims:

- Long lasting! [up to] 3 month control [Guaranteed]
- Kills insects on contact [keeps on killing] for [up to] 3 months
- Keeps [on] killing for [up to] 3 months
- One (1) Application kills/controls (lawn damaging) insects/bugs/pests for the entire season
- One (1) application provides season long control
- Season Long Control
- Provides Season-Long Soil/Lawn Protection
- Controls grubs for up to 3 months (90 days)
- Controls grubs for an entire season
- Season long grub control
- Apply once and you're done (for the season)
- Works two ways: (1) Kills (on contact) (and) (2) Prevents (all season)
- Works two (2) ways: (1) Kills – starts working immediately, (2) Prevents – (1 application) provides season long control

Sub-surface claims:

- Controls/Kills [above and/& below the [lawn] surface
- (Guaranteed) Above (ground) & Below (ground) Protection
- Kills Above (surface/lawn/ground insects/bugs)
- Kills Below (surface/lawn/ground insects/bugs)
- Kills insects in/and under the lawn
- Prevents turf damage by killing grubs before they destroy your lawn
- With/Plus (the power of Scotts) GrubEx
- (Now) with the power of (Scotts) GrubEx
- (Scotts) GrubEx soil/lawn protection
- With/Plus GrubEx (subsurface insect) Control
- Dual Action Formula: 1. Ortho MAX surface insect/bug control, 2. (Scotts) GrubEx Soil/Lawn Protection

Insects Killed Claims:

- Kills over 50 insects
- Kills 100+ insects (on contact)
- Kills over 100 insects (on contact)
- Kills lawn-damaging insects

- Kills all major lawn insects (for an entire season) (all season long) (all season)
- Broad spectrum
- Multi-Purpose Insect killer
- Controls chinch bugs, sod webworms (lawn moth), fleas, ticks (including ticks that may transmit Lyme Disease), and other lawn pests listed on the back
- Kills European Crane Fly Larvae
- Kills (lawn damaging) Grubs
- Kills (surface and subsurface) insects with a single application
- One application kills grubs before they damage your lawn

Usage site claims:

- Use on residential lawns, home perimeters, ornamental & flower gardens
- Use around outside of homes, porches and/& patios
- For use on lawns, ornamentals, home perimeter/foundation and flower beds/gardens

Other Claims:

- Easy-To-Use
- Odor-free
- Easy to apply
- Not harmful to lawn grasses
- Won't harm lawns
- Guaranteed
- Guaranteed Results
- Guaranteed kill or your money back
- (Season-Long) Dual Action Formula
- Specially formulated for lawns (and landscapes)
- Ortho's Most Powerful Lawn Insect Killer
- New (Formula)

*after watering in