

1021-1727

07/10/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Steven K. Ditto
McLaughlin Gormley King Company
8810 10th Avenue North
Minneapolis, MN 55427

JUL 10 2009

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

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated June 16, 2009 for:

EPA Registration 1021-1727 NYLAR®Fire Ant Bait 26292

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 me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

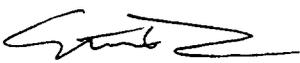
	United States Environmental Protection Agency Washington, DC 20460	Registration Amendment Other	OPP Identifier Number
		X	
	Application for Pesticide - Section I		

1. Company/Product Number 1021-1727	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) NYLAR® Fire Ant Bait 26292	PM# 10	
5. Name and Address of Applicant (Include Zip Code) McLaughlin Gormley King Company 8810 10TH AVE N MINNEAPOLIS, MN 55427 <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 in composition and labeling to: EPA Reg. No. _____ NOTIFICATION Product Name _____ JUL 10 2009	

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

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Notification pursuant PR Notice 2007-4

Section - III			
1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt.	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt.	2. Type of Container <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		No. per container	No. per container
3. Location of Net Contents information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 6 oz. - 5 Lbs.	
		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 Steven K. Ditto	Title Registration Specialist	Telephone No. (Include Area Code) (763) 544-0341	
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.			6. Date Application Received (Stamped)
2. Signature 	3. Title Registration Specialist		
4. Typed Name Steven K. Ditto	5. Date 6/16/2009		
(Braille dots for certification text)			



McLAUGHLIN GORMLEY KING COMPANY
8810 Tenth Avenue North • Minneapolis, MN 55427-4319 U.S.A.
763-544-0341 • 800-645-6466 • Fax 763-544-6437 • www.mgk.com

June 16, 2009

Document Processing Desk (NOTIF)
U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs (H7504P)
Room S-4900, One Potomac Yard
2777 South Crystal Dr.
Arlington, VA 22202-4501

Via Courier

Subject: NYLAR® Fire Ant Bait 26292
EPA Reg. No. 1021-1727
Notification Per PR-Notice 2007-4

Dear Sir or Madam:

By Notification we are changing the storage and disposal language to comply with the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment".

Enclosed are 2 copies of the label. One copy has changes highlighted.

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 §§ 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 §§ 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.

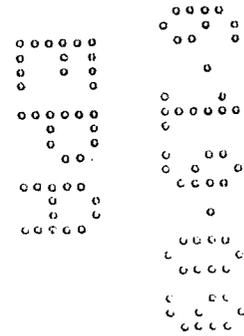
If there are any questions or you need anything further, please contact this office.

Sincerely,

McLAUGHLIN GORMLEY KING COMPANY

Steven K. Ditto
Registration Specialist

Enclosure



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26292_1021-1727-8040609

MGK®

McLAUGHLIN
GORMLEY
KING COMPANY

NYLAR® Fire Ant Bait 26292
NOTIFICATION

JUL 10 2009

8810 Tenth Avenue N. / Minneapolis, Minnesota 55427-4319 U.S.A. - Telephone (763) 544-0341

[] OR () indicates alternate or optional wording

[NYLAR® is an insect growth regulator similar to the naturally occurring insect growth hormones which interferes with [stops] their growth or development]

[Effective in the control of the Red Imported Fire Ant [Solenopsis invicta] [and other Solenopsis species] and the Big-Headed Ant]

[Easy to use granular formulation]

[NYLAR® breaks the reproductive life cycle of the fire ant, causing starvation of the colony]

ACTIVE INGREDIENT:

2-[1-Methyl-2-(4-phenoxyphenoxy) ethoxy] pyridine 0.50%

OTHER INGREDIENTS..... 99.50%

100.00%

NYLAR® - Registered trademark of McLaughlin Gormley King Company

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

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 5 minutes, then continue rinsing eyes.
- Call a poison control center for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. For information regarding medical emergencies or pesticide incidents, call 1-888-740-8712.

Net Weight _____ Lbs.

Manufactured by:

Mc LAUGHLIN GORMLEY KING COMPANY
8810 Tenth Avenue North
Minneapolis, MN 55427

EPA Reg. No. 1021-1727

EPA Est. No. 1021-MN-2

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to water. For terrestrial uses, do not apply directly to water or to areas where surface water is present, or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of waste.

[STOP:] READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.

DIRECTIONS FOR USE

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

Avoid contamination of food or feedstuffs

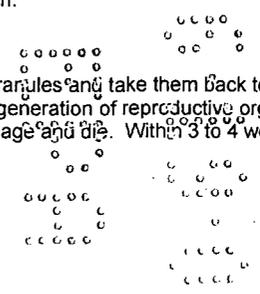
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

PRODUCT DESCRIPTION:

Nylar® Fire Ant Bait 26292 is a slow acting, highly effective fire ant control product. Fire ant workers pick up the bait granules and take them back to the colony. Workers feed the bait to both the queen and the immature fire ants thereby preventing worker replacement. Due to degeneration of reproductive organs, the fire ant queen cannot replace workers. The lack of worker replacement results in colony death as the existing worker ants age and die. Within 3 to 4 weeks there is substantial colony mortality and within eight weeks the majority of the colony population has been eliminated.

WHERE TO USE:

For best results, follow directions for specific use areas.



This product may be used in the following areas:

- Residential/domestic sites, defined as areas associated with the household or home life including, but not limited to, apartment complexes, condominiums, and patient care areas of nursing homes, mental institutions, hospitals, or convalescent homes
- Uncultivated, non-agricultural areas, including airports, roadsides, highway rights-of-way, utility rights-of-way, campgrounds, and industrial sites
- Institutional sites defined as areas around properties or facilities providing a service to public or private organizations including, but not limited to, hospitals, nursing homes, schools, universities, colleges, museums, libraries, sport facilities (golf courses), and office buildings.

WHEN TO APPLY:

Nylar® Fire Ant Bait 26292 should be applied in the early Spring or Summer at the first sign of fire ant activity. Applications may be made any time of the day but is more effective when ants are actively foraging, usually when the soil temperature is above 60° F. Avoid application if rain is expected within 4 to 6 hours. Do not water treated area for 24 hours after application. In the event of prolonged rains after initial treatment, reapplication may be necessary.

A second application of Nylar® Fire Ant Bait 26292 may be advisable after 12 to 16 weeks in areas of heavy infestations, or when the mounds remain active, or when a re-infestation occurs. In large mounds, some worker fire ants may persist for a while after the queen is dead. For 7-10 days after treatment, do not apply any other fire ant pesticide. This is to allow sufficient time for the worker ants to seek out the bait and take it back to the mound. After 14 days, it may be desirable to apply a registered fire ant pesticide to kill remaining foraging ants.

APPLICATION RATES FOR FIRE ANTS:

INDIVIDUAL MOUND TREATMENT: Do not disturb the mound. Do not apply to top of mounds. Apply 1 to 4 level tablespoons of Nylar® Fire Ant Bait 26292 per mound, uniformly distributing material 3 to 4 feet around the mound. Re-treat after 12 to 16 weeks if needed.

BROADCAST OR AERIAL APPLICATION: Apply uniformly with ground or aerial equipment calibrated to give the correct dosage. Apply at 1 to 1.5 pounds of product per acre or the equivalent rate of 0.35 to 0.5 ounces per 1,000 square feet. Retreat after 12 to 16 weeks if needed.

APPLICATION RATES FOR BIG-HEADED ANT (Pheidole megacephala)

Apply uniformly with ground or hand-held equipment calibrated to deliver the correct dosage. Apply at 1 to 1.5 pounds of product per acre (or 0.35 to 0.5 ounces per 1,000 square feet). Treat surrounding areas, adjacent borders, and fence lines to help prevent ant migration into the treated areas. Repeat after 12 to 16 weeks if needed.

LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants only that the chemical composition of this product conforms to the ingredient statement given on the label, and that the product is reasonably suited for the labeled use when applied according to the Directions for Use.

THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED. This limited warranty does not extend to the use of the product inconsistent with label instructions, warnings or cautions, or to use of the product under abnormal conditions such as drought, excessive rainfall, tornadoes, hurricanes, etc. These factors are beyond the control of the manufacturer or the seller. Any damage arising from a breach of the manufacturer's warranty shall be limited to direct damages, and shall not include indirect or consequential damages such as loss of profits or values, except as otherwise provided by law.

The terms of this Limited Warranty and Disclaimer cannot be varied by any written or verbal statements or agreements. No employee or agent of the seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal.

STORAGE: Pesticide Storage

Store in a cool, dry place. Keep container closed. Always store pesticides in the original container. Store away from food and pet food.

DISPOSAL: Pesticide Disposal and Container Handling

Nonrefillable container. Do not reuse or refill this container.

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.

