



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Miraim Frugis
Product Registration
McLaughlin Gormley King Co.
8810 Tenth Ave, North
Minneapolis, MN 55427

DEC 31 2008

Subject: Notification(s) for Label Revisions under PRN 98-10, and PRN 2007-4
Storage & Disposal and Other Changes (Warranty Statement)

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 98-10, and 2007-4 Storage & Disposal and Other Changes dated November 14, 2008 for:

EPA Registration 1021-1728

"MGK NYLAR Fire Ant Bait 26291"

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 98-10, and PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-98-10 and 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 non-refillable 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 Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to be "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 1021-1728 | 2. EPA Product Manager Richard Gebken | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) MGK NYLAR ® Fire Ant Bait 26291 | PM# 10 | |
| 5. Name and Address of Applicant (Include Zip Code) McLAUGHLIN GORMLEY KING COMPANY 8810 TENTH AVENUE NORTH 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: <div style="text-align: center; font-weight: bold; font-size: 1.2em;"> NOTIFICATION DEC 31 2008 </div> EPA Reg. No. _____ Product Name _____ | |

Section - II

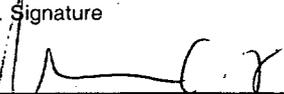
| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. _____ |
| <input 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.)
 By Notification pursuant to PR Notice 98-10 and PR Notice 2007-4, we are changing Warranty Statements and Storage and Disposal text

Section - III

| | | | | | |
|---|---|--|---|--|--|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input 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 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 | If "Yes" Package wgt. No. per container | | |
| 3. Location of Net Contents information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container | | 5. Location of Label Directions <input 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 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 Miriam Frugis | Title Regulatory 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 Regulatory Specialist | |
| 4. Typed Name Miriam Frugis | 5. Date 11/14/2008 | |



McLAUGHLIN
GORMLEY
KING COMPANY

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: | <ul style="list-style-type: none"> ▪ 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 or doctor 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. 1021-1728

EPA Est. No. 1021-MN-2

NOTIFICATION

DEC 31 2008

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear such as goggles, face shield, or safety glasses. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear: long-sleeved shirt and long pants, waterproof gloves, shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

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.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forest, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, waterproof gloves and shoes plus socks.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

For other uses, do not enter treated areas until any dusts have settled.

PRODUCT DESCRIPTION:

Nylar® Fire Ant Bait 26291 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: Indoor and outdoor container or field grown ornamentals in commercial nurseries (including trees, shrubs, flowers, evergreens, foliage plants, and ground covers); ornamental tree farms; non-bearing nut, non-bearing citrus, and other non-bearing fruit trees grown in nurseries; non-grazed pasture and rangeland; conifers and conifer nurseries; sod farms.
- 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 26291 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 26291 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 26291 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.

**DISCLAIMER, RISKS OF USING THIS PRODUCT,
LIMITED WARRANTY
AND LIMITATION OF LIABILITY**

IMPORTANT: Read the entire label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THIS PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of MGK®. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND TO THE FULLEST EXTENT ALLOWED BY LAW AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

MGK® shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from the use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

MGK® warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. **To the extent consistent with applicable law AND AS SET FORTH ABOVE, MGK® MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED.** No agent or representative of MGK® or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

To the fullest extent allowed by law, MGK® or Seller is not liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased

care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. TO THE FULLEST EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF MGK® OR 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 THIS PRODUCT OR, AT THE ELECTION OF MGK® OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

To the extent consistent with applicable law allowing such requirements MGK® must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

To the extent consistent with applicable law If Buyer does not notify MGK® of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

MGK® and Seller offer this product, and Buyer accepts it, subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be modified by any oral or written agreement.

TANK MIXES

NOTICE: Tank mixing or use of this product with any other product which is not specifically and expressly authorized by the label shall be the exclusive risk of user, applicator and/or application advisor.

Read and follow the entire label of each product to be used in the tank mix with this product.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry area . Always store pesticide in the original container. Store away from food and pet food.

PESTICIDE DISPOSAL AND CONTAINER HANDLING

Nonrefillable container. Do not reuse or refill this container.

If empty:

Place in trash or offer for recycling if available.

If partially filled:

Call your local solid waste agency or www.website.com for disposal instructions. Never place unused product down any indoor or outdoor drain.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a cool, dry area . Always store pesticide in the original container. Store away from food and pet food.

PESTICIDE DISPOSAL AND CONTAINER HANDLING

Nonrefillable bag. Do not reuse or refill the bag. Completely empty bag. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

NOTIFICATION

DEC 31 2008