

1021-1729

08/26/2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Thomas A. Lennan  
Registration Specialist  
McLAUGHLIN GORMLEY KING Company  
8810 Tenth Avenue North  
Minneapolis, MN 55427

AUG 26 2009

SUBJECT: Applications for Pesticide Notification per PR Notice 2007-4  
NYLAR® Fire Ant Bait 2759 EPA Reg. No. 1021-1729  
EVERGREEN® Growers Spray 7439 EPA Reg. No. 1021-1735  
Applications Dated June 17, 2009

Dear Mr. Lennan:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 for the above products. The Registration Division (RD) has conducted a review of these requests for their applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The labels submitted with the applications have been date-stamped "Notification" and will be placed in our records.


If you have any questions, please contact me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

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

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	United States	Registration	OPP Identifier Number
	Environmental Protection Agency	Amendment	
	Washington, DC 20460	X Other	

**Application for Pesticide - Section I**

1. Company/Product Number 1021-1729	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 2759	PM# 10	
5. Name and Address of Applicant (Include Zip Code) McLaughlin Gormley King Company 8810 10TH AVE N MINNEAPOLIS, MN 55427	6. <b>Expedited Review.</b> In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to:  EPA Reg. No. <u>                    </u> Product Name <u>                    </u>	
<input type="checkbox"/> Check if this is a new address		<b>NOTIFICATION</b>  <b>AUG 26 2009</b>

**Section - II**

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

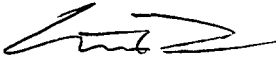
**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)

Notification pursuant 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 checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
If "Yes" Unit Packaging wgt.		No. per container	If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Glass
					<input type="checkbox"/> Paper
					<input type="checkbox"/> Other (Specify)
3. Location of Net Contents information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 Lb.		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 6/17/2009	



**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 17, 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 2759  
EPA Reg. No. 1021-1729  
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.

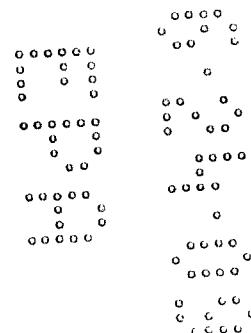
If there are any questions or you need anything further, please contact this office.

Sincerely,

McLAUGHLIN GORMLEY KING COMPANY

Steven K. Ditto  
Registration Specialist

Enclosure



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**MGK®**

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

[Handy shaker top – 16 oz. (1 lb.) covers 4,400 sq. ft. •Eliminates [kills] fire ants •Eliminates [kills] the mound •Eliminates [kills] the queen and worker ants •Ready to Use •No need to water in •No watering is necessary •Kills the queen •Kills the mound •Prevents mound formation •Prevents mounds from forming •Season long control •Lasts for up to 3 months •Starts to work overnight •Contains Nylar®]

ACTIVE INGREDIENT:

2-[1-Methyl-2-(4-phenoxyphenoxy) ethoxy] pyridine .....	0.05%
OTHER INGREDIENTS .....	99.95%
	100.00%

NYLAR® - Registered trademark of McLaughlin Gormley King Company

KEEP OUT OF REACH OF CHILDREN  
**CAUTION**

PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION**

PRECAUTIONARY STATEMENTS

Food utensils such as spoons or measuring cups must not be used for food purposes after use in measuring pesticides.

ENVIRONMENTAL HAZARDS

Do not apply directly to water.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

For information regarding medical emergencies or pesticide incidents, call 1-888-740-8712.

OPTIONAL MARKETING LANGUAGE

OPTIONAL PARAGRAPH A

[NYLAR® Fire Ant Bait 2759 is a highly effective fire ant control product. It works by attracting the worker fire ants which pick up the bait, take it back to the colony and feed it to both the queen and worker ants. After eating the bait the queen can no longer produce new worker ants. The colony dies as the existing ants age and die. Within one to four weeks, most of the worker ants will have died. Without worker ants to feed the mound, the queen and the colony die.]

OPTIONAL PARAGRAPH B

[NYLAR® Fire Ant Bait 2759 is a highly effective fire ant control product. Worker fire ants are attracted to the bait, which they take back to the queen and colony for food. The product begins to work overnight and within one to four weeks, most of the worker ants will have eaten the bait and died. Without worker ants to support the mound, the queen and the colony are completely eliminated.]

[Use as an overall broadcast treatment to kill foraging ants and to prevent mound formation •Control[s] fire ants throughout your lawn •Kills the queen and colony •Controls [limits] new mound formation •Ready to use granules]

For use in areas such as lawns, flower beds, landscapes, and potted plants; along foundations, driveways, and sidewalks; and other areas where fire ants may be found.

**STOP, READ ENTIRE LABEL BEFORE USE.**

DIRECTIONS FOR USE

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

For outdoor use around the home only.

WHEN TO APPLY

Apply in the early Spring or Summer at the first sign of fire ant activity to prevent mounds from forming.

For best results, apply in morning or evening hours when fire ants are actively foraging.

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Do not apply 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, re-application may be necessary.

In areas of heavy infestation or if re-infestation occurs, a second application may be necessary after 12 to 16 weeks.

For at least 3 days after treatment, do not apply other fire ant pesticides. This allows sufficient time for the foraging worker ants to take the bait back to the mound. After 3 days, you may apply a [quick-killing] [contact-killing] fire ant product (such as ....) to kill the remaining foraging ants.

**BROADCAST TREATMENT – Kills the queen and colony**

**OPTION A**

[Treating the entire yard is recommended since it eliminates fire ant colonies that have not yet formed mounds. However, for effective fire ant control, you must also treat the mound.]

**OPTION B**

[Treating the entire yard is recommended to kill foraging fire ants and to prevent mound formation. You must also treat all existing mounds for effective fire ant control.]

**OPTION C**

[The use of a broadcast treatment is not intended to be a substitute for mound treatment. For effective fire ant control you must also treat the mound. Treating the entire yard is recommended since it eliminates fire ant colonies which have not yet formed mounds.]

Sprinkle [Apply] granules thinly and evenly over the yard using the shaker side of canister top or a hand held spreader.

16 ozs. [1 lb.] will treat 4,400 sq. ft.

Do not water in. Do not mow for 24 hours following treatment.

Re-treat after 12 to 16 weeks if needed.

**MOUND TREATMENT – Kills the queen and colony**

Do not disturb the mound or apply bait to the top of the mound.

Use 2 to 4 tablespoons of bait per mound. Evenly sprinkle bait in a one ft. circle around the center of each mound. Do not water in.

Re-treat after 12 to 16 weeks if needed.

**BIG-HEADED ANT CONTROL**

Treat infested areas, adjacent borders, and fence lines to help prevent ant migration into the treated areas.

Apply evenly as above.

Re-treat after 12 to 16 weeks if needed.

**STORAGE AND DISPOSAL**

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

**Pesticide Storage**

Store in a cool, dry area. Keep container closed. Always store pesticides 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 partly filled:

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

[NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.]

[Questions or comments? Call 800-332-5553]

Net Weight \_\_\_\_\_  
Manufactured by: McLAUGHLIN GORMLEY KING COMPANY  
8810 Tenth Avenue North  
Minneapolis, MN 55427

EPA Reg. No. 1021-1729

EPA Est. No. 1021-MN-2

**NOTIFICATION**

**AUG 26 2009**