

81824-3

07/07/2011

1/7



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JUL - 7 2011

Ensystem II, Inc.
c/o Mr. Ross Gilbert
Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig Harbor, WA 98332

Dear Mr. Gilbert:

Subject: Application for Pesticide Notification (PRN 98-10)
Comply with Agency pyrethroid labeling letter dated June 4, 2009
Maxxthor SG
EPA Reg. No. 81824-3
Your submission dated April 16, 2010

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated April 16, 2010 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds the action requested falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions regarding this letter, please contact Dana Pilitt, PhD of my staff at (703) 305-7071 or via e-mail at pilitt.dana@epa.gov.

Sincerely,

Richard Gebken
Product Manager 10
Insecticide Branch
Registration Division (7505P)



United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 81824-3	2. EPA Product Manager R.Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ensysyex II, Inc / Maxxthor SG	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Ensysyex II, Inc c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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 to NOTIFICATION in composition and labeling to: EPA Reg. No. _____ JUL - 7 2011 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.)
 Notification of label change per June 4, 2009, letter from Environmental Protection Agency. This notification is consistent with the guidance in the June 4, 2009 letter and the requirements of EPA's regulations at 40 CFR part 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 part 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.

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
* Certification must be submitted		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 type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 25 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 checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Ross Gilbert	Title Agent	Telephone No. (Include Area Code) (253) 853-7369
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 Agent	
4. Typed Name Ross Gilbert	5. Date 4/16/10	

8/7
PYX REGULATORY CONSULTING INC.

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

April 16, 2010

COURIER DELIVERY

Richard Gebken (PM 13)
Document Processing Desk (NOTIF-PYRETHROID)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Ensystex II, Inc. – Maxthor SG (EPA Reg. No. 81824-3)
Revision to Environmental and Directions for Use per Environmental Hazard and General
Labeling for Pyrethroid Non-Agricultural Outdoor Products Notification EPA letter dated June 4,
2009

Dear Mr. Gebken,

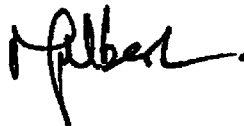
On behalf of Ensystex II, Inc. please find the enclosed label notification revising the environmental
hazards language and directions for use for Maxthor SG per EPA's letter dated June 4, 2009.

In support of this notification submission, we submit the following documents:

1. Completed Application for Registration (EPA Form 8570-1)
2. One (1) copy of the Maxthor SG labeling with changes tracked
3. One (1) copy of the Maxthor SG labeling with changes incorporated
4. Certification with Respect to Label Integrity
5. One (1) copy of the Maxthor SG labeling on CD
6. Letter of Authorization

Please contact me by phone (253) 853-7369 or by email at Ross@PyxisRC.com if you have any questions
or need any additional information.

Sincerely,



Ross Gilbert

Enclosures

cc: D. Nimocks; Ensystex II, Inc

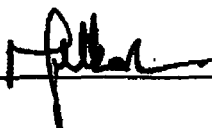
Certification with Respect to Label Integrity

version: 9/11/02

I certify that the information (including, but not limited to, text, tables, and graphics) contained in the electronic file identified below by file name and submitted with this certification is the same information as that on the paper copies of these documents included with this submission.

PROPOSED LABEL		
EPA Registration #	Date Submitted to EPA	Electronic file name
81824-3	April 16, 2010	081824-00003.20100416.Pyrethroid lbl notification.pdf

I certify that the statements that I have made on this form are true, accurate, and complete. I acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

Signature 

Date 4/16/10

Ross Gilbert

Name (typed) _____

Agent

Title _____

Maxxthor SG

Only for use by commercial applicators to control insect pests on lawns and other ornamental turf areas, landscapes, bedding areas, flowerbeds, ground covers, grounds, athletic fields, parks and recreational areas and around the perimeters of residential, commercial and institutional buildings. Pests controlled include Imported Fire Ants (including mounds) and Mole Crickets.

Active Ingredient:	By Wt.
Bifenthrin*	0.2%
Other Ingredients:	99.8%
TOTAL:	100.0%

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

EPA Reg. No. 81824-3 EPA Est. 68850-NC-001

STOP – Read the label before use

KEEP OUT OF REACH OF CHILDREN

CAUTION

(PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.)

(TO THE USER: If you cannot read and understand English, do not use this product until the label has been fully explained to you.)

For product use information call 1-888-398-3772 or visit www.bifenthor.com

Manufactured For:
ENSYSTEX II, Inc.
etteville, NC 28303

Net Weight:

NOTIFICATION

JUL - 7 2011

FIRST AID	
if on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-(888)-398-3772 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
This product is a pyrethroid. If large amounts have been ingested, milk, cream and other digestible fats and oils may increase absorption and so should be avoided.	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Harmful if absorbed through skin. 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.

Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates. 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. 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. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from treated areas. Drift and run-off from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

DIRECTIONS FOR USE

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

Not for use on plants being grown for sale or other commercial use or for commercial seed production or for research purposes. Not for use on golf courses, sod farms, nurseries, inside commercial greenhouses or on grass grown for seed.

For use on plants intended for decorative or climate modification purposes.

Permitted use sites include but are not limited to lawns and other ornamental turf areas, landscapes, bedding areas, flowerbeds, ground covers, grounds, athletic fields, parks and recreational areas and around the perimeters of residential, commercial and institutional buildings.

At and around residential sites, do not apply during a single application more than 0.2 pounds active ingredient per acre (100 pounds Maxxthor SG). Residential sites include but are not limited to private residences, apartment buildings, condominiums, pre-schools and day care facilities.

At and around non-residential sites, do not apply during a single application more than 0.4 pounds active ingredient per acre (200 pounds Maxxthor SG).

During any year, do not broadcast apply more than 0.4 pounds active ingredient (200 lbs. Maxxthor SG) per acre at any type of site.

Apply this product directly to the lawn or grass area. Water treated area as directed on this label. Do not water to the point of run-off.

Do not make applications during rain.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

STORAGE AND DISPOSAL

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

Pesticide Storage: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Handle and open container in a manner so as to prevent spillage.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available or 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.

In Case of Spill: Confine it, avoid contact, isolate area and keep animals and unprotected persons away. Cover to prevent dispersal. Place damaged package in a holding container and identify contents. Contact Ensysyst II at 1-888-398-3772 for any assistance.

APPLICATION FOR LAWN AND NUISANCE PESTS

Application Sites

Permitted sites include but are not limited to lawns and other ornamental turf areas, landscapes, bedding areas, flowerbeds, ground covers, grounds, athletic fields, parks and recreational areas. New York State only: Do not apply Maxxthor SG containing solutions to grass or turf within 100 feet of a body of water (lake, pond, river, stream, wetland or drainage ditch).

Application Amount Restrictions According to Site Type

On and around residential sites, do not apply during a single application more than 0.2 pounds active ingredient per acre (100 pounds Maxxthor SG). Residential sites include but are not limited to private residences, apartment buildings, condominiums, pre-schools and day care facilities.

On and around non-residential sites, do not apply during a single application more than 0.4 pounds active ingredient per acre (200 pounds Maxxthor SG).

Application Methods and Equipment

Broadcast apply Maxxthor SG uniformly to the areas to be treated. Use application equipment suitable for that purpose such as hand or power operated gravity (drop) or rotary type spreaders designed for the application of granular materials.

Apply Maxxthor SG evenly over lawns, ground covers, flower beds and around trees and shrubs. To ensure the lawn area is covered uniformly, first treat around the border of the lawn. Then, treat in the center. Walk at a steady pace to ensure even distribution and walk parallel to reduce overlapping of treatment. The uniformity of the distribution of Maxxthor SG may be increased by applying one-half of the required amount in one direction and the other half at a right angle. The condition of the spreader, the speed walked and uneven terrain may affect the rate of application. If necessary, calibrate spreader according to the manufacturer's directions or see the *Application Equipment Calibration* section of this label.

It may be necessary to irrigate lawn areas after application to move the granules down deeper into the grass or to release the active ingredient from the granule.

Reapplication

Reapplications may be necessary, particularly in the event of high pest pressure. However, during any one year, do not broadcast apply at any site more than 0.4 pounds active ingredient (200 lbs. Maxxthor SG) per acre. New York State only: Do make a single reapplication of Maxxthor SG if there is renewed insect activity, but not sooner than two weeks after the first application.

Application Use Rates

Select Use Rate based on the type of site. For some pests, maximum application rates differ based upon whether the site is a residential site or non-residential site.

Use rates for Maxxthor SG for lawn pests are stated in three different ways:

Pounds active ingredient per acre

Pounds of Maxxthor SG per acre

Pounds of Maxxthor SG per 1000 square feet.

Application Use Rate Conversion

Use the following formulas to convert between the three Maxxthor SG use rates.

If you know pounds active ingredient you want to apply and you want to calculate the pounds Maxxthor SG that contains this amount of active ingredient:

$$\text{Pounds Maxxthor SG} = \text{Pounds active ingredient} \times 500$$

If you want to know the pounds active ingredient in any amount of Maxxthor SG:

$$\text{Pounds active ingredient} = \text{Pounds Maxxthor SG} / 500$$

If you want to convert between pounds per 1000 square feet and pounds per acre (or vice versa):

$$\text{Pounds Maxxthor SG per 1000 square feet} = \text{Pounds Maxxthor SG per acre} / 43.56$$

$$\text{Pounds Maxxthor SG per acre} = \text{Pounds Maxxthor SG per 1000 square feet} \times 43.56$$

Recommended Maxxthor SG lawn application use rates, based on the target pest, range between 0.1 and 0.2 pounds of active ingredient per acre for residential sites and between 0.1 and 0.4 for non-residential sites. Recommended rates for specific pests within this range, based on the type site, are given below.

However, for residential sites, applications of up to 0.2 pounds of active ingredient per acre are permitted at the discretion of the applicator to control any pest.

For non-residential sites, applications of up to 0.4 pounds of active ingredient per acre are permitted at the discretion of the applicator to control any pest.

Do not exceed the maximum label rate by applying granules to an area smaller than intended when it was loaded in the application equipment unless such under dosing will not result in an application rate in excess of the maximum label rate.

Use Rate	Pounds active ingredient per acre	Pounds Maxxthor SG per acre	Pounds Maxxthor SG per 1000 sq. feet
A	0.1	50	1.15
B	0.1⇒0.2	50⇒100	1.15⇒2.3
C, D	0.2	100	2.3

Use Rate	Pounds active ingredient per acre	Pounds Maxxthor SG per acre	Pounds Maxxthor SG per 1000 sq. feet
A	0.1	50	1.15

B	0.1⇒0.2	50⇒100	1.15⇒2.3
C	0.2⇒0.4	100⇒200	2.3⇒4.6
D	0.4	200	4.6

Pests Grouped by Use Rates

Use Rate A: Armyworms, Cutworms, Sod Webworms

Use Rate B: Annual Bluegrass or Hyperodes Weevil (Adult), Billbugs (Adult), Black Turfgrass Ataenius (Adult), Leafhoppers, Mealybugs

Use Rate C: Ants, Centipedes, Chinch Bug, Fleas (Larvae and Adult), Imported Fire Ant including mounds (Adult), Millipedes, Mole Cricket (Nymph and Adult), Ticks

Use Rate D: Pillbugs, Sowbugs, European Crane Flies

Application Recommendations Against Specific Pests

Annual Bluegrass or Hyperodes Weevil (Adult): Consult your Cooperative Extension Service for advice on application timing in your area.

Armyworms, Cutworms, Sod Webworms: Water treated area immediately with up to 0.1 inches of water immediately after application to release active ingredient from the granules.

Billbug Adults: Make application when adults first appear in the lawn or when chewed or brown grass indicates damage. Consult your Cooperative Extension Service for advice on more exact application timing in your area.

Black Turfgrass Ataenius: Treat in the spring to control overwintering adults. Consult your Cooperative Extension Service for advice on more exact application timing in your area.

Chinch Bugs: Water treated area immediately with up to 0.25 inches of water immediately after application to help move active ingredient deeper into the grass thatch where these insects live. The highest application rate may be necessary to achieve control during the summer.

Flea larvae: Water treated area immediately after application with up to 0.5 inches of water to release active ingredient from granule. Concentrate treatment in shaded soil areas.

Imported Fire Ants: Combine broadcast treatments to control newly invading ants and mound treatments to control existing ant colonies. Irrigate before broadcast application if soil is not moist. Treat mounds by pouring 1/2 cup of Maxdhor SG into the mound opening and wetting it with 1 to 2 gallons of water. Also treat the area within a 2 foot radius of the center of the mound. For best results, make application during warm weather (65 to 80 degrees F) or in the early morning or late evening.

Mole Crickets: Make application late in the day. Water treated area immediately after application with up to 0.5 inches of water to move granules down into the grass where these insects live. If soil is not moist, water before treatment also to bring crickets closer to surface before application. Treating at the time of peak egg hatch increases control of hatching nymphs. Frequent applications may be necessary to control larger nymphs later in the year.

Ticks (including ticks that may transmit Lyme Disease and Rocky Mountain Spotted Fever): Treat the entire area where ticks could be present. Begin treatments in the spring. Ticks may be re-introduced by host animals in the surrounding area. Retreats may be necessary to achieve and maintain control during periods of high pest pressure.

Structure Perimeter Application

Broadcast apply Maxdhor SG around the exterior perimeter of a structure in a 5 to 10 foot wide band beginning at the base of the structure and extending outward. Determine the amount of Maxdhor SG to apply based on the following formulas.

Perimeter Application Amount Calculation

Compute the amount of Maxdhor SG to apply in a perimeter band application as follows:

A = Distance around structure measured 5 feet from structure X width of perimeter band to be applied (distances in feet)

B = Use rate from the applicable Use Rate Table in Pounds Maxdhor SG per 1000 square feet based on target pest and type of application site (residential or non-residential)

Pounds of Maxdhor SG to apply around perimeter = (A X B) / 1000

Application Equipment Calibration

Calibrate spreading equipment before use. Accurately weigh a few pounds into your spreader and apply to a measured area. Then adjust the spreader setting, if necessary, in order to assure correct rate of application.

IMPORTANT - READ BEFORE USE

NOTICE: Read the entire Directions for Use, Conditions of Sale, Disclaimer of Warranties and Limitations of 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.

CONDITIONS OF SALE: The Directions for Use of this product are believed to be adequate and should be followed carefully. However, because of manner of use and other factors beyond the control of Ensystem II, Inc., it is impossible for Ensystem II to eliminate all risks associated with the use of this product such as ineffectiveness or unintended consequences. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Ensystem II harmless for any claims relating to such factors.

DISCLAIMER OF WARRANTIES: Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use when used in accordance with the Directions for Use under normal conditions of use. ENSYSTEM II 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 THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. Any warranties, express or implied, having been made are inapplicable if this product has been used contrary to label instructions, under abnormal conditions or under conditions not reasonably foreseeable by (or beyond the control of) seller or Ensystem II, Inc., and buyer assumes the risk of any such use.

LIMITATIONS OF LIABILITY: To the extent permitted by law, Ensystem II shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF ENSYSTEM II 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 ENSYSTEM II, 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.

EPA 2040041220100416