

239-2524

04/01/2009

1/8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

April 1, 2009

Ms. Kathleen Lee,
Director, Regulatory Affairs
The Scotts Company and Subsidiaries
14111 Scottslawn Road
Marysville, OH 43041-0001

Subject: Amended Labeling, Response to EPA Letters (11/17/2004 and 12/09/2008); Previous Notification Submissions; and Updates per PR Notice 2007-4 ORTHO® Home & Garden Insect Killer Formula II, EPA Reg. No. 239-2524 Your Submission Dated January 16, 2009

Dear Ms. Lee:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable with the following provision(s):

General Statement:

1. Delete all text throughout the label marked with "strikethrough."

Directions for Use section comment(s):

2. Add the following new subsection in its own text box immediately following the statement "It is a violation of Federal law ..." as follows:

GENERAL PRECAUTIONS & USE RESTRICTIONS

- Apply this product only as specified on this label.
- Remove or cover exposed food and drinking water before application.
- Remove or cover dishes, utensils, food processing equipment and food preparation surfaces, or wash them before use.
- Remove pets and cover fish aquariums before application.

Storage and Disposal Statement section comment(s):

3. To facilitate inclusion of language from PR Notice 2007-4, replace this section with:

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a secure, preferably locked storage area away from heat or open flame.

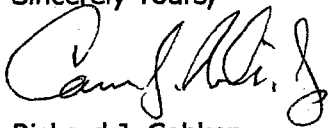
CONTAINER DISPOSAL: Do not Puncture or Incinerate! **If empty:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. **If partially filled:** Call your local solid waste agency for disposal instructions.

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 FIFRA 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) lists 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 be 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 EPA's Office of Enforcement and Compliance Assurance (OECA). As an alternative, you may refer consumers to the company's phone number or e-mail address.

A copy of your label stamped "Accepted with Comments" is enclosed for your records. Please submit two (2) copies of the final printed labeling, incorporating the above changes, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

If you have any questions about this label review, please contact Mr. Carmen Rodia at (703) 306-0327 or via e-mail at Rodia.Carmen@epa.gov.

Sincerely Yours,

FOR


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

Enclosure: *Label stamped "Accepted with Comments"*

000239-02524 D406243

ORTHO® Home & Garden Insect Killer Formula II

EPA Reg. No. 239-2524

- [***Alternate Brand Name:*** ORTHO® MAX Flying Insect Killer]
- [***Alternate Brand Name:*** ORTHO® Pro Select Flying Insect Killer]
- [***Alternate Brand Name:*** ORTHO® Flying Insect Killer₁]
- [***Alternate Brand Name:*** Outdoor Insect Fogger₁]
- [***Alternate Brand Name:*** ANT-STOP® Ant Killer Spray]
- [***Alternate Brand Name:*** Home Defense™ Home & Garden Insect Killer]

Active Ingredients

Tetramethrin	0.200%
Phenothrin	0.200%
Other Ingredients†	99.600%

†Contains Petroleum Distillate, Xylene, or Xylene Range Aromatic Solvent

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel for additional precautionary statements

NET [WEIGHT/WT] XX oz / XX g

Insert appropriate weight based upon product size

Current Options include 16 oz / 453g; 18 oz / 521g; 15 oz / 425 g

ACCEPTED
With COMMENTS
In EPA Letter Dated:
April 1, 2009
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:
239-2524

4
8

DIRECTIONS FOR USE

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

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

Shake well before using/Shake before use. Hold container /can upright. Apply in short bursts.

For Home Use Only

The following text is to be used for products labeled for Indoor Use. Any combination of one or more may be chosen.

KILLS PESTS INDOORS / PRODUCT FACTS

To Kill Flies, Mosquitoes, Small Flying Moths, Gnats, Bees and Wasps: Close all doors and windows and direct spray upward into center of room with a slow sweeping motion. Spray 5 to 10 seconds for average room. Keep room closed for 15 minutes after spraying. Ventilate room thoroughly before re-entry. Sweep up and destroy fallen insects.

To Kill Fleas and Brown Dog Ticks: **Remove old pet bedding.** Spray sleeping quarters of pets, around baseboards, window and door frames, wall cracks, and local areas of floors. Do not treat animals with this product. Put fresh bedding in pets' quarters after spray has dried.

To Kill Cockroaches, Ants, Crickets, and Spiders (including Black Widow Spiders): **Contact as many insects as possible.** Spray cracks, hidden surfaces under sinks, behind stoves and refrigerators, food storage areas, and wherever these pests hide. To kill ants, spray directly on ants, ant trails, and other areas of entry. Repeat as necessary.

To Kill Confused Flour Beetles, Indian Meal Moth, Sawtoothed Grain Beetles and Rice Weevils: Destroy infested package goods. Remove all other items from pantry. Spray the shelves. Place clean paper on the shelves after the spray has dried. Repeat as necessary.

To Kill Sowbugs, Centipedes, Firebrats and Spiders: Contact as many insects as possible with the spray. Spray cracks, hidden surfaces under sinks, behind stoves and refrigerators, food storage areas, and wherever these pests hide. Also spray all parts of the room suspected of harboring these pests. Pay special attention to cracks, crevices, hidden surfaces under sinks, behind stoves and refrigerators.

The following text is to be used for products labeled for Outdoor Use. Any combination of one or more may be chosen.

OUTDOORS

To Reduce Annoyance of Houseflies, Gnats, Small Flying Moths and Mosquitoes: Hold container 18 to 24 inches from shrubs, bushes and grassy areas. Spray these areas with a slow sweeping motion while moving away from the treated areas. Treat open porches and patios in a similar manner. Spray only when the air is still. Allow spray to dissipate before occupying the treated area. Repeat as necessary.

To Kill Ornamental Plant Pests Listed Below: Spray directly on insects when possible. Hold can 18 inches from plant. Holding can too close to foliage may result in damage to tender foliage.

Note: ***Bold, italicized text*** information for the reader and is not part of the label.
[Bracketed information is optional text.] Text separated by "/" denotes and/or options.

EPA Reg. No. 239-2524

5/8

Spray at first signs of pests, before infestation is heavy. Repeat at 7 to 10 day intervals when insects occur. Spray in the morning or evening when air is still, not in midday or when temperature exceeds 90°F. Do not apply to wilted plants. Caution should be taken when spraying new tender growth on young plants.

Controls: Eastern Tent Caterpillar / Aphids / Cankerworm / Leafhopper / Lacebugs / Whiteflies / Spider Mites / Japanese Beetle / Mealybug / Ants / and Caterpillars on Ornamental Cherry, Spirea, Rose, Crape Myrtle, Ornamental Crabapple, Andromeda, Azalea, Chrysanthemum, Gardenia, Purple Passion Vine, Peony, Oleander and Arborvitae.

Outdoor Insect Fogger kills/controls insects in backyards, porches and/& patios and around garbage cans. This product blankets large areas with a penetrating insect-killing fog

6/8

The following text appears on products distributed before 8/17/09.

STORAGE AND DISPOSAL

STORAGE: Store in a secure, preferably locked storage area away from heat or open flame.

DISPOSAL: Do not Puncture or Incinerate! **If empty:** Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions.

The following text to appear on products distributed on or after 8/17/09.

STORAGE AND DISPOSAL

STORAGE: Store in a secure, preferably locked storage area away from heat or open flame.

DISPOSAL: Do not Puncture or Incinerate! **If empty:** Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Avoid breathing vapors.

Remove contaminated clothing and wash before reuse. ~~Remove pets and cover fish bowls (tanks) before applying. Cover or remove exposed food, dishes, utensils and food handling equipment.~~

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 eye. Call a poison control center or doctor for treatment advice.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

If swallowed: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

Note to Physicians: Contains petroleum distillate. Vomiting may cause aspiration pneumonia. Emergency Information Call 1-800-225-2883.

ENVIRONMENTAL HAZARDS: This product is highly toxic to fish. Do not apply directly to water.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

Note: ***Bold, italicized text*** information for the reader and is not part of the label.
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EPA Reg. No: 239-2524

7
8

Manufactured for:
The ORTHO Group
P.O. Box 190
Marysville, OH 43040

EPA Reg. No.: 239-2524
EPA Est. No.: 58996-MO-1
[Batch code: xxxxxx]

Questions, Comments or Medical Information?
Call: 1-800-225-2883 **<http://www.ortho.com>**
[Icon – Telephone] [Icon – Computer]

OPTIONAL LABEL STATEMENTS

[Copyright (insert year). [Licensed by] The Ortho Group. World rights reserved.]
[Made in USA]

[Icon – recycle steel symbol]

[ICON] [WATER BASED]
[Icon – Indoor & Outdoor][Indoor & Outdoor Use]
[Icon – house] [Indoor Use Only]

[For Home Use Only]
[Shake Well Before Using]

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

[*] [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.]

[Available only at authorized ORTHO Pro Select Retailers]

For use on bonus sized products. [20% More Free!]

8
8

OPTIONAL LABEL CLAIMS:

The following claims are for use with outdoor product labels.

[Kills Pests on Ornamentals - Aphids, Japanese Beetles, Caterpillars, Leafhoppers, Whiteflies and Other Listed Pests]

[To Kill Ornamental Plant Pests: Aphids, Cankerworm, Leafhopper, Whiteflies, Spider Mites, Japanese Beetle, Mealybug, Ants, Caterpillars, and other listed pests.]

The following claims are for use with Indoor product labels.

[Kills Pests Indoors - Ants, Black Widow Spiders, Cockroaches, Fleas, House Flies, Mosquitoes and Other Listed Pests]

[To Kill Flies, Mosquitoes, Small Flying Moths, Gnats, Bees, Wasps, Cockroaches, Ants, Crickets, Sowbugs, Centipedes, Firebrats, Spiders, Fleas, Brown Dog Ticks, and other listed pests.]

[Kills on contact.] [Guaranteed*.]

[Kills Flies, Mosquitoes, Gnats and other listed insects]