

239-2694

11/10/2010

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

NOV 10 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

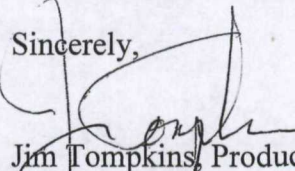
Wendy Hollingsworth-Cox
The Scotts Company, LLC
P.O. Box 190
Marysville, OH 43040

Subject: Notification per PR Notice 98-10 and 2008-1
Ortho Season-Long Grass & Weed Killer
EPA Reg. No. (239-2694)
Application Dated: October 22, 2010

Dear Ms. Hollingsworth-Cox,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2008-1 for Ortho Season-Long Grass & Weed Killer (EPA Reg. No. 239-2694) dated October 22, 2010. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and PRN 2008-1 and finds that the action requested falls within the scope of PRN 98-10 and 2008-1. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-5697.

Sincerely,

Jim Tompkins, Product Manager 25
Herbicide Branch
Registration Division (7505P)
Office of Pesticide Programs

2010

Please read instructions on reverse before completing form.

Form Approved. EPA No. 2070-0060. Approval expires 05-31-98

EPA

United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 239-2694	2. EPA Product Manager James Tompkins	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Scotts Company/Ortho Season-Long Grass & Weed Killer	PM# PM-25	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The Ortho Group P.O. Box 190 Marysville, OH 43040 <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. _____ 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 Alternate Brand Name: Ortho Season-Long MAX Weed & Grass Killer Concentrate
Notification of General Label Revisions per PR Notice 98-10 and PR Notice 2008-1. See attached cover letter for details.
See certification statements on the attached page.

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 32 oz., 1 gallon, 1.1 gallon and 1.33 gallon		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

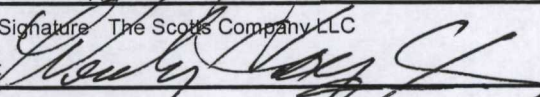
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Wendy Hollingsworth-Cox	Title Sr. Scientist, Federal Registrations	Telephone No. (Include Area Code) (937) 578-5205
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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 BY:  The Scotts Company LLC	3. Title Sr. Scientist, Federal Registrations
4. Typed Name Wendy Hollingsworth-Cox	5. Date October 22, 2010

30910

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

This notification is consistent with the guidance in PR Notice 2008-1 and the requirements of EPA's regulations at 40 CFR 156.10, 40 CFR 156.80 and 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the guidance of PR Notice 2008-1 and the requirements of 40 CFR 156.10, 40 CFR 156.80 and 40 CFR 152.46, 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.



The Scotts Company LLC

and Subsidiaries

October 22, 2010

Mr. James Tompkins (PM-25)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7505P)
Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Subject: **Notification per PR Notice 98-10 and 2008-1
Ortho Season-Long Grass & Weed Killer
EPA Reg. No. 239-2694**

Dear Mr. Tompkins:

Please accept the enclosed notification for Ortho Season-Long Grass & Weed Killer, EPA Reg. No. 239-2694. This notification consists of general label revisions, environmental hazard statement, and the addition of alternate brand name. Included is a copy of the master label with changes marked.

The following documentation in support of this submission is included:

- Application of Pesticide Registration Form 8570-1
- Two (2) copies of the revised master label
- One (1) copy of the revised master label with changes marked and highlighted

We respectfully request the Agency to give favorable consideration to this submission and notify us when you put it in your files. Should you have any questions or require additional information, please do not hesitate to contact me at 937-578-5205 or wendy.hollingsworth-cox@scotts.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Hollingsworth-Cox". The signature is fluid and cursive, written over a faint, illegible background.

Wendy Hollingsworth-Cox
Senior Scientist, Federal Registrations
Regulatory Affairs

14111 Scottslawn Road
Marysville, Ohio 43041
Direct line: 937-578-5205
Facsimile: 937-644-7075
Email: wendy.hollingsworth-cox@scotts.com

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NOTE:

EPA Reg. No. 239-2694

Bold, italicized text is information for the reader and is not part of the label.
[Bracketed information is optional text]. Text separated by ♦ denotes and/or options.
Underline text is new. ~~Strike-through text is being deleted.~~

ORTHO SEASON-LONG GRASS & WEED KILLER

Alternate Brand Names

- Season-Long Max Weed & Grass Killer Plus Preventer Concentrate
- Season-Long Grass and Weed Killer₁ Concentrate
- Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer for Hard Surfaces & Landscapes
- Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer Singles™
- Ortho® Season-Long MAX Weed & Grass Killer Concentrate

[Covers up to 1000 sq ft* [40 oz. size]]
[*of patio stones]

Active Ingredients

Oxyfluorfen.....	1.5%
Diquat.....	0.1%
Glyphosate, isopropylamine salt.....	8.0%

Other Ingredients*..... 90.4%

*Contains Petroleum Distillate

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See back panel booklet for additional precautionary statements.

NET CONTENTS 40 fl. oz. /1.1 8L/1.13 kg
NET CONTENTS 8 fl. oz./237 mL
NET CONTENTS 24 fl. oz. (3 - 8 fl. oz. Containers)

60910

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[PULL HERE TO OPEN LABEL. PRESS TO RESEAL.]

Notice the incredible effect of Ortho Season-Long Grass & Weed Killer [Product Name]. Great for use on patios, driveways, sidewalks, and mulched areas. For weeds in lawns, use Ortho Weed-B-Gon MAX Weed Killer for Lawns [Product Name].

The following product fact table format is optional and the information may appear inside or outside of the box.

PRODUCT FACTS	Covers up to 1000 square feet [sq. ft.] [40 oz. size] [for patios] Covers up to 500 square feet [sq. ft.] [40 oz. size] [for mulched/landscape areas] Covers up to 2000 linear feet [40 oz. size] [for driveways and/& sidewalks]
KILLS WEEDS	Unwanted weeds and grasses
PREVENTS WEEDS	For up to 3 months
WHERE TO USE	<ul style="list-style-type: none"> • Driveways, sidewalks, patios, curbs and gutters, along fences • In landscaped [mulched] areas [except vegetable gardens]. • [This product kills Grasses. DO NOT spray this product on your grass lawn.]
FOR BEST RESULTS [HOW TO USE]	SPRAY TO KILL: Thoroughly cover existing weeds and grasses SPRAY TO PREVENT: Thoroughly cover cracks, crevices and mulched [landscaped] areas where you want to prevent weeds and grasses from growing
[WHAT TO EXPECT]	<ul style="list-style-type: none"> • Visible results in 24 hours • Rainproof in 30 minutes
WHEN TO RE-ENTER SPRAYED AREAS	<ul style="list-style-type: none"> • Do not allow people or pets to touch treated plants until the sprays have dried.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact people or pets. Only persons applying this product may be in the area during application.

WHERE TO USE: Apply only where no vegetation is desired, such as driveways, mulched [landscaped] areas, along fences, sidewalks, walkways, patios, curbs, gutters and even cracks in sidewalks.

**REPLANTING INSTRUCTIONS FOR MULCHED [LANDSCAPE] AREAS
IMPORTANT:**

Use the Replanting chart below for when to replant.

Plant	Weeks to Wait for planting
Trees & Shrubs	4 weeks
Annuals & Perennials	8 weeks

When replanting follow these steps:

- 1) Use garden gloves
- 2) Dig the planting hole
- 3) Set aside the removed soil
- 4) Put the plant in the hole and fill-in with a garden soil [such as Miracle-Gro Garden Soil].
- 5) Spread the removed soil in an area where no vegetation is desired.
- 6)

7010

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WHEN TO APPLY: Apply to [unwanted] actively growing weeds and grasses. If weeds are taller than 6 inches, they should be cut down and removed before application. Apply when the air is calm to avoid drift.

HOW TO APPLY: [See below for specific use site directions.]

Apply with a tank sprayer. When treating around desirable plants, shield the plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with water.

FOR BEST RESULTS:

SPRAY TO KILL: Thoroughly cover existing weeds and grasses.

SPRAY TO PREVENT: Thoroughly cover cracks, crevices and mulched areas [landscaped areas] where you want to prevent weeds and grasses from growing [see dilution table for amount to apply].

Patios	
[Covers 1000 sq. ft. per 40 oz. bottle] [Prevents weeds for up to 3-months]	
1.	Measure the square footage of the patio by multiplying length times width.
2.	See dilution table for the amount of product needed.
3.	Spray the product on existing weeds [and grasses], and spray all the cracks and crevices, even where you don't see weeds [and grasses], to prevent new weeds [and grasses] from growing.
4.	For best results spray only the cracks and crevices.

Driveways and sidewalks	
[Covers 2000 linear feet per 40 oz. bottle] [Prevents weeds for up to 3-months]	
1.	Measure the length of the cracks [and crevices] in linear feet. [1 linear foot equals 1 foot by 2 inch]
2.	See dilution table for the amount of product needed.
3.	Spray existing weeds [and grasses], and spray all the cracks and crevices, even where you don't see weeds [and grasses], to prevent new weeds [and grasses] from growing. [Spray slowly so that enough product gets in the cracks and crevices.]
4.	For best results spray only the cracks and crevices.

Mulched areas, gravel paths and rock gardens	
[Covers 500 sq. ft. per 40 oz. bottle] [Prevents weeds for up to 3-months]	
1.	Measure the square footage of the area by multiplying length times width.
2.	See dilution table for the amount of product needed.
3.	Spray the entire area to kill existing weeds [and grasses] and to prevent new weeds from growing.

DILUTION TABLE

Use site	Area to Cover [Covers this area]	Amount [of product] to use	Water to Add [Amount of water to add]
Patios	200 sq. ft.	8 oz.	1 Gal.
Driveways and Sidewalks	400 linear feet	8 oz.	1 Gal.
Mulched [Landscaped] Areas	100 sq. ft.	8 oz.	1 Gal.
Gravel paths and Rock Gardens	100 sq. ft.	8 oz.	1 Gal.

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STORAGE AND DISPOSAL

PESTICIDE STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in a cool, dry place, preferably in a locked storage area.

PESTICIDE CONTAINER DISPOSAL: Non-refillable. 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.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

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

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 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.

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.

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

Note to Physician: May pose an aspiration pneumonia hazard. Contains petroleum distillate. Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-885-2883 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS:

This product is toxic to aquatic invertebrates. Do not apply directly to water. 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.

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OPTIONAL FORMULA CLAIMS (Claims may appear on any or all label panel(s))

- Long-lasting* [formula] [weed [and grass] control] *For up to 3 months
- Ideal [great] for use in landscape(d) areas
- For maximum weed [and grass] control [in landscape(d) [mulched] areas] - use [Ortho Season-Long Grass & Weed Killer] [Product Name] before spreading [applying] [putting down] mulch around trees, shrubs and in landscape(d) areas.
- Use before putting down [landscaping with] mulch
- Provides long-term weed (and grass) control* *For up to 3 months
- Use to edge [It edges] [It's an edger] [Use as an edger] PLUS so much more!
- Keeps [prevents] weeds [and grasses] from growing in cracks [and joints] in sidewalks, driveways and patios
- Kill and prevent weeds before mulching [putting down mulch]
- [For] Use on driveways, sidewalks, patios, and along fence lines [mulched areas]
- [For] Use on driveways, sidewalks and patios, PLUS along fence lines, PLUS in mulched areas
- Dual-action [formula] [kills and prevents]
- 2-WAY ACTION - Kills Weeds & Grasses, Down to the root - Prevents Weed Seeds from Sprouting for 3 Months
- [Kills the Root]
- Prevents re- [new] growth [for up to 3 months]
- Prevents growth [for up to 3 months]
- Prevents weeds [and grasses] from growing [for up to 3 months]
- Use in landscape(d) [mulched] areas to kill [and prevent] weeds
- Use in flower beds to kill [and prevent] weeds
- Use around landscape(d) areas to kill [and prevent] weeds
- Use on driveways [and patios] to kill [and prevent] weeds [for up to 3 months]
- Prevents [weeds and grasses] in landscaped areas
- Prevents [weeds and grasses] [from growing]
- Kills weeds [for up to 3 months]
- Kills and/& prevents [weeds and grasses] for up to 3 months
- Blocks weed(s) [growth] [up to 3 months]
- Works for up to 3 months
- Season long* [weed] [and grass] control *For up to 3 months
- Kills weeds [and grasses] all season long* *For up to 3 months
- Prevents weeds [and grasses] all season long* *For up to 3 months
- Stops weeds [and grasses] from growing for up to 3 months
- Stops weeds [and grasses] all season long* *For up to 3 months
- Works all season* *For up to 3 months
- Up to 3 month extended weed and grass control
- Up to 3 month weed and grass control
- Formulated to kill weeds [and grasses] [up to 3 months]
- Keeps weeds from growing [up to 3 months]
- For use in landscape(d) areas
- Ingredient(s) prevents [kills] weeds [and grasses] [from growing] [for up to 3 months]
- Formulated to prevent [kill] weeds [and grasses] [for up to 3 months]
- Apply to landscaped areas to kill [prevent] weeds [and grasses]
- Protects against weeds [and grasses] [for up to 3 months]
- Up to 3 month control
- No weeds for up to 3 months
- [Up to 3 month] long-lasting [weed and grass control]
- One application lasts up to three months for weed and grass control
- One application for up to 3 months control of weeds and grasses.
- Results [works] in 24 hours [overnight results]

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- How it works: [Ortho Season-Long Grass & Weed Killer's] [Product Name] dual-action formula kills the weeds and grasses you see and forms a protective barrier that stops new weeds from growing for up to 3 months.
- Stops weeds [and grasses] before they start
- Fact-acting formula
- Guaranteed
- Makes up to 5 gallons
- Covers over a third of a mile of cracks and crevices

Optional Product Communications

- [ORTHO® & YOUR ENVIRONMENT – Your yard is a place for family and pets to enjoy. That's why Ortho® products are designed with care to provide effective solutions to weed problems. Follow instructions for appropriate usage, storage, and disposal.]
- [Formerly Ortho® Season-Long Max]
- [For Hard Surfaces [and / &] Landscapes]

Optional Product Claims and Mixing instructions for 8 oz bottles sold as ABN: Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer Singles™

- [Designed for [use with] tank sprayers]
- [No measuring][No mess]
- [Pre-measured Concentrate Bottle]
- [1 Bottle makes 1 Gallon]
- [Mixing Instructions:][Amount to Use:] [Add entire contents[(8 oz.)] [of bottle] to empty tank sprayer.] [Slowly fill [tank sprayer] with [1 gallon / 128 oz.] of clean tap water].

 Questions, Comments or Medical Information?
Call 1-800-225-2883 [icon] www.ortho.com

[The ORTHO Guarantee – If for any reason you, the consumer, are not satisfied with this product, mail us your original proof of purchase to obtain a full refund of your purchase price.]

NOTICE: To the extent consistent with applicable law, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

[Manufactured By/Sold By]
The ORTHO Group
P. O. Box 190
Marysville, OH 43040
EPA Reg. No. 239-2694
EPA Est. 239-IA-3^l, 239-MS-1^M, 58996-MO-1^A
Superscript is first letter of lot number

[Made in the USA]

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