



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 239-2499	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Weed-B-Gon Weed Killer	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The ORTHO Group 14111 Scottslawn Rd Marysville, OH 43041 <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 checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION OCT 12 2001
<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.)

The ORTHO Group is submitting a notification of "additional marketing claim" per PR Notice 98-10. 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 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 checked="" type="checkbox"/> Yes <input 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				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
	If "Yes" Unit Packaging wgt. 32 fl oz	No. per container 1	If "Yes" Package wgt	Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions	
6. Manner in Which Label is Affixed to Product <input 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 Charles T. Levey		Title Manager, Federal Registrations		Telephone No. (Include Area Code) 927-644-7696	
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 Manager, Federal Registrations		
4. Typed Name Charles T. Levey			5. Date October 2, 2001		

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NOTIFICATION

OCT 12 2001

GUARANTEED

NOT TO

BE BANNED!

The Scotts Company



and Subsidiaries

October 2, 2001

Joanne Miller
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division, H7505C
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Subject: Notification of product claim
Weed-B-Gon Weed Killer, EPA Reg. No. 239-2499

Dear Joanne Miller:

The ORTHO Group would like to add the following claim to their product label - "GUARANTEED NOT TO HARM LAWNS". Our current EPA stamped master label has similar claims, i.e. "won't harm lawn grasses" and "Weed-B-Gon kills weeds not lawns." Please find enclosed the following:

- 1) Form 8570-1
- 2) One (1) copy of the draft label, with the changes clearly highlighted.

Please call me at 937-644-7696, if you have any questions regarding this submission. Thank you in advance for your cooperation.

Sincerely,

Charles T. Levey
Manager, Federal Registrations
The Scotts Company

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