

Dr. Charles T. Levey, Manager, Federal Regulations
The Scotts Company d/b/a the ORTHO Group
14111 Scottslawn Rd.
Marysville, OH 43041

NOV 17 2004

Subject: Amendment to revise the ORTHO Home & Garden Insect Killer Formula II in accordance with PR Notice 2001-1.

Product Name: ORTHO Home & Garden Insect Killer Formula II

Registration No.: 239-2524

Date of Submission: 10 May, 2003.

Dear Dr. Levey;

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable subject to the comments listed below. Five copies of the finished labeling must be submitted prior to releasing the product for shipment.

1. Under Outdoor use directions, remove the claim "Kills Mosquitoes, Flies, Moths, Gnats, Wasps and/& Bees up to 21 ft away." or provide data supporting this claim.
2. The new 18.4 ounce product is mislabeled. The net weight of this container is 18.4 OZ (1 LB 2.4 OZ) 521 g, not 18.4 OZ (LB 2.4 OZ) 521 g, correct product weight in accordance with 40 CFR § 156.10.
3. Neither Tetramethrin nor Phenothrin have established residual tolerances (40 CFR § 180 Subpart C). These chemicals also lack exemptions from tolerances (40 CFR § 180.4). Thus, the following label change is required:

1. The label requires a statement expressly prohibiting the use of this product in home kitchens or food preparation areas, unless adequate safety guidelines are provided to the consumer (Label Review Manual Chapter 19.IV). For example, "Cover or remove exposed food, dishes, utensils and food handling equipment."

4. The first aid statement should provide directions in the event that product is swallowed (40 CFR V 156.68 and PR2001-1 III.C), these directions should be consistent with the concerns addressed below:

- As per PR 2001-1 III.G, the label should include a first aid statement addressing the presence of >10% petroleum distillates in the product The appropriate first aid statement is as follows:

CONCURRENCES

	H7505C							
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"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."

- The note to physicians should read as follows: "Note to Physician: Contains petroleum distillate - vomiting may cause aspiration pneumonia." (PR2001-1 IV.A.3)

A stamped copy is enclosed for your records. If you have any questions, you may contact Mark E. Suarez, at (703) 305-0120.

Sincerely,



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

Enclosure

CONCURRENCES

	H7505C							
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ORTHO® Home & Garden Insect Killer Formula II, EPA Reg. No. 239-2524

[Indoor & Outdoor Icons]

Indoor & Outdoor Use

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

[3/9/98]: Free - 15% More (18.4 oz for the Price of 16 oz)

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

[ICON] WATER BASED

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 16 OZ (1 LB) 453g
18.4 OZ (LB 2.4 OZ) 521g

**ACCEPTED
with COMMENTS
In EPA Letter Dated:**

NOV 17 2004

**Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
239-2524**



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.

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

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 upright. Apply in short bursts.

For Home Use Only

KILLS PESTS INDOORS

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 reentry. Sweep up and destroy fallen insects.

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 kills 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.

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.

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. 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 Wine, Peony, Oleander and Arborvitae.

Outdoor Insect Fogger kills/controls insects in backyards, porches and/or patios and around garbage cans. This product blankets large areas with a penetrating insect-killing fog. Kills Mosquitoes, Flies, Moths, Gnats, Wasps and/or Bees up to 21 ft away.

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.

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.

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.

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

Note to Physicians: 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.

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

Questions, Comments or Medical Information ?

Call: 1-800-225-2883 <http://www.ortho.com>

Manufactured for
The ORTHO Group
P.O. Box 1190
Columbus, OH 43040
EPA Reg. No. 239-2524
EPA Est. #8996-MO-1
Made in U.S.A