

239-2622

02/04/2005

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Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-28-95



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 239-2622	2. EPA Product Manager Joanne Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Triox Vegetation Killer Formula II	PM# 23	
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 checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION FEB 04 2005
<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 "California specific statement" 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 checked="" type="checkbox"/> Yes <input 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	If "Yes" Unit Packaging wgt. No. per container		Metal <input type="checkbox"/> Plastic <input checked="" type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Package wgt No. per container			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 32 oz.		5. Location of Label Directions <input checked="" type="checkbox"/> On bottle	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued 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) 937-644-7696
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 January 20, 2005	

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NOTIFICATION

FEB 04 2005

ORTHO® TRIOX® Vegetation Killer Formula II

EPA Reg. No. 239-2622

For Homeowner Use Only

Active Ingredients

Oxyfluorfen*	0.70%
Imazapyr, isopropylamine salt†	0.08%
Other Ingredients	99.22%

†Equivalent to 0.06% of 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H imidazol-2-yl]-3-pyridine carboxylic acid.

*CAS # 42874-03-3

KEEP OUT OF REACH OF CHILDREN
DANGER

See back panel booklet for additional precautionary statements.

NET CONTENTS 1 qt / 946 ml
NET CONTENTS 1 gal / 3.78 L
NET CONTENTS 2 gal / 7.57 L

Not for indoor application. Do not apply to lawns, flowers and vegetable gardens; or over roots of ornamentals and trees.

PULL HERE TO OPEN LABEL. PRESS TO RESEAL.

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

The ORTHO Group
P. O. Box 190
Marysville, OH 43040
EPA Reg. No. 239-2622
EPA Est 239-IA-3^I, 58996-MO-1^A
Superscript is first letter of lot number
UPC BAR CODE

Shake well [before mixing]

PRODUCT FACTS	Covers up to 3200 sq. ft. [1 gallon size] (Covers up to 7000 linear feet) [1 gallon size]
KILLS WEEDS	Unwanted weeds and plants
PREVENTS WEEDS	For up to 3 months (for an entire season)
WHERE TO USE	<ul style="list-style-type: none"> • Driveways, sidewalks, patios and curbs • Along fences • In (mulched) landscaped areas.
FOR BEST RESULTS (HOW TO USE)	SPRAY TO KILL: Thoroughly cover existing broadleaf weeds and grass weeds SPRAY TO PREVENT: Thoroughly cover cracks, crevices and mulched (landscaped) areas where you want to prevent broadleaf weeds and grass weeds from growing
(WHAT TO EXPECT)	<ul style="list-style-type: none"> • (Visible results in 24 hours) • (Rain or watering one hour after application will not wash away effectiveness)
WHEN TO RE-ENTER SPRAYED AREAS	<ul style="list-style-type: none"> • People and pets can re-enter treated areas when spray has dried

DIRECTIONS FOR USE

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

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.

Plants	Weeks to Wait for planting
Trees, Shrubs and Perennials	4 weeks
Annuals	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.

WHEN TO APPLY: Apply to (unwanted) actively growing broadleaf weeds and grass weeds (Apply when broadleaf weeds and grass weeds are actively growing). If weeds are taller than 6 inches, they should be cut down and removed before application.

HOW TO APPLY: (see below for specific use site directions.) Apply with a tank sprayer using a stream setting. When treating around desirable plants, shield the vicinity of the plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with (plenty of) water.

FOR BEST RESULTS:

SPRAY TO KILL: Thoroughly cover existing broadleaf weeds and grass weeds

SPRAY TO PREVENT: Thoroughly cover cracks, crevices and mulched areas (landscaped areas) where you want to prevent broadleaf weeds and grass weeds from growing

Patios	
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. (For best results focus all spray on the joints between bricks.)

Driveways and sidewalks	
1.	Measure the length of the cracks (and crevices) in linear feet. (1 linear foot equals 1 foot by 1 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.

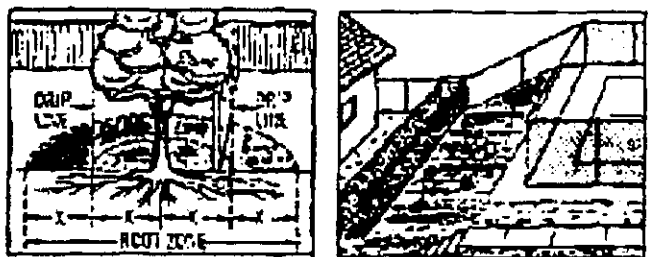
Mulch areas, Gravel paths and rock gardens	
1.	Measure the square footage of the area by multiplying length times width.
2.	See dilution table for the amount of product needed.
3.	Spray the entire area to kill existing weeds (and grasses) and to prevent new weeds from growing.

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 & Sidewalks	600 linear feet	11 oz.	1 Gal.
Mulched (landscape) areas	140 sq. ft.	11 oz.	1 Gal.
Gravel paths and rock gardens	140 sq. ft.	11 oz.	1 Gal.

IMPORTANT: To avoid damage to desirable plants, apply when the air is calm to avoid drift. Do not spray plants or grasses you like- they may die too. Do not apply over the root system of trees and shrubs. Do not flood the ground after applying. Avoid use where adjacent desirable trees and shrubs, may be injured as a result of the product moving through the soil. Do not apply closer than twice the distance from the trunk to the drip line. Do not apply to slopes as runoff movement through the soil may occur. In heavy clay soil, residual activity may exceed one year. A second application may be needed to control deep-rooted perennial weeds such as Wild Morning Glory, Bermudagrass and Johnsongrass.

Note: Do not apply to slopes (areas shaded (in color)) as roots of desirable plants may be present.



Do not apply on slopes as herbicide may move downhill with runoff water. Note: Do not apply to areas shaded in (color) as runoff or movement through soil can damage nearby plantings down the slope.

STORAGE AND DISPOSAL

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

DISPOSAL: **If empty:** Do not reuse this container. 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. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: Corrosive, causes irreversible eye damage. Causes skin irritation. Do not get in eyes, on skin, or clothing. Wear goggles, rubber gloves and a face shield or safety glasses. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

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.


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

ENVIRONMENTAL HAZARDS: Do not apply directly to any body of water. Do not contaminate water when disposing of equipment washwaters.

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.

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

The ORTHO Group
P. O. Box 190
Marysville, OH 43040
EPA Reg. No. 239-2622
EPA Est 239-IA-3^I, 58996-MO-1^A
Superscript is first letter of lot number
UPC BAR CODE

FORMULA CLAIMS

- 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) before spreading (applying) (putting down) mulch around trees, shrubs and in landscape(d) areas.
- Use before putting down (landscaping with) mulch
- 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, Roots & All - Prevents Weed Seeds from Sprouting for up to 3 Months
- 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 (for up to 3 months)
- Use in flower beds to kill (and prevent) weeds (for up to 3 months)
- Use around landscape(d) areas to kill (and prevent) weeds (for up to 3 months)
- Use on driveways (and patios) to kill (and prevent) weeds (for up to 3 months)
- Prevents (weeds and grasses) (for up to 3 months) in landscaped areas
- Prevents (weeds and grasses) (from growing) (for up to 3 months)

- Kills weeds (for up to 3 months)
- Kills and prevents weeds and grasses (for up to 3 months)
- Blocks weed(s) (growth) (for up to 3 months)
- Works for up to 3 months
- Season long (weed) (and grass) control
- Kills weeds (and grasses) all season long
- Prevents weeds (and grasses) all season long
- Stops weeds (and grasses) from growing for up to 3 months
- Stops weeds (and grasses) all season long
- Works all season
- Up to 3 month extended weed and grass control
- Up to 3 month complete weed and grass control
- Specially formulated to kill weeds (and grasses) (for up to 3 months)
- Keeps weeds from growing (for up to 3 months)
- Prevents (kills) weeds longer
- For use in landscape(d) areas
- Special ingredient(s) prevents (kills) weeds (and grasses) (from growing) (for up to 3 months)
- Scientifically formulated to prevent (kill) weeds (and grasses) (for up to 3 months)
- New/Now
- Easy to use
- 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 kills and prevents weeds (and grasses) all season
- One application lasts all season
- One application for season-long control
- All weeds. All gone. All season.
- Results (works) in 24 hours (overnight results)
- How it works: Ortho Season-Long Grass & Weed Killer's special dual-action formula kills the weeds and grasses you see and forms a protective barrier that stops new weeds from growing all season long.
- Stops weeds (and grasses) before they start
- Fact-acting formula
- Maximum weed control
- Guaranteed

Broadleaf Weeds and Grass Weeds Controlled

<p>BROADLEAF WEEDS Ageratum Amaranth, Spiny Balsamapple Bedstraw, Catchweed Bittercress, Lesser Buckwheat, Wild. Burclover Buttercup, Smallflower Buttonweed Camphorweed Carpetweed Cheeseweed Clover, Red Clover, White Cocklebur, Common Crotolaria Croton, Tropic Cudweed, Narrowleaf Dock, Curly Evening Primrose, Cutleaf Fiddleneck, Coast Filaree, Broadleaf Filaree, Redstem Filaree, Whitestem Fireweed, (from seed) Flixweed Geranium, Carolina Groundcherry, Cutleaf Groundcherry, Wright Groundsel, Common Henbit Horseweed (Marestail) Jimsonweed Knotweed, Prostrate Kochia Ladysthumb (Smartweed) Lambsquarters, Common Lettuce, Prickly (China lettuce) Mallow, Little Mayweed (Dog Fennel) Minerslettuce Morningglory Species (annual) Morningglory, Ivyleaf Morningglory, Tall Mustard, Black Mustard, Blue (Purple Mustard) Mustard, Common Yellow Mustard, Hedge Mustard, Tumble Mustard, Wild Nettle, Burning Nightshade, American Black Nightshade, Black Nightshade, Hairy Orach, Red Oxalis, (Bermuda Buttercup) Pepperweed, Virginia Pepperweed, Yellow Flower Pigweed, Prostrate Pigweed, Redroot Pimpernel, Scarlet Poinsettia, Wild Puncturvine</p>	<p>Sage, Lanceleaf Sandspurry, Red Sesbania, Hemp Shepardspurse Sicklepod Sida, Prickly (Teaweed) Smartweed, Pennsylvania Sorrel, Red (from seed) Sowthistle, Annual Speedwell, Birdseye Spurge, Garden Spurge, Prostrate Spurge, Spotted Spurrey, Corn Tansymustard Thistle, Bull Thistle, Russian Velvetleaf Woodsorrel, Common yellow Alligator Weed Anoda, Spurred Artichoke, Jerusalem Buffalobur Bristly Starbur Bindweed, Field Marshelder Milkweed, Honeyvine Mornigglory, Pitted Morningglory, Smallflower Nutsedge, Yellow Nutsedge, Purple Pigweed, Palmer Pigweed, Smooth Pigweed, Spiny Ragweed, Giant Sage, Barnyard Sunflower Venice Mallow Thistle, Canada Black Medic Dandelion, Common Pineappleweed Plantain, Broadleaf Plantain, Narrowleaf or Buckhorn</p> <p>GRASS WEEDS Barnyardgrass Bluegrass, Annual Canarygrass Crabgrass, Large Foxtail, Giant Goosegrass Johnsongrass, Seedling Oats, Wild Ryegrass, Italian Witchgrass Crabgrass, Smooth Cupgrass, Woolly Johnsongrass, Rhizome Millet, Wild Proso Panicum, Fall Quackgrass Redrice Shattercane</p>
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Purslane, Common Pusley, Florida Ragweed, Common Redmaids Rocket, London	Signalgrass, Broadleaf Sorghum Alum Bluegrass, Kentucky Fescue, Fine (Red, Chewing) Fescue, Tall Ryegrass, Perennial Ryegrass, Annual
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The Scotts Company

and Subsidiaries



January 20, 2005

Sherada Hobgood
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 for EPA Reg. No. 239-2622, Triox Vegetation Killer Formula II

Dear Ms. Hobgood:

The Scotts Company d/b/a the ORTHO Business Group is submitting an application for label notification. The purpose of this NOTIFICATION is to add "STATE SPECIFIC" label language that is necessary to complete the state registration in the State of California (California Department of Pesticide Regulation). Joanne Miller, Product Manager for the enclosed product registration submission, has approved this California State Specific label language as a Notification. The label statement "Causes skin irritation" has been added to the label of the subject product under the Precautionary Statements section as specified by California DPR. If you have any questions or need further information, please do not hesitate to contact me at 937-644-7696. Thanks in advance for your assistance.

Please find enclosed the following:

- 1) Application Form 8570-1 for the subject product submission.
- 2) A copy of the master label with the change clearly highlighted.

Respectfully,

A handwritten signature in black ink, appearing to read "C. Levey".

The Scotts Company
Charles T. Levey
Manager, Federal Registrations