

239-2632

9-13-2007

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:
239-2632

Date of Issuance:
SEP 13 2007

NOTICE OF PESTICIDE:
- Registration
x Reregistration
(under FIFRA, as amended)

Term of Issuance:

Name of Pesticide Product:
Orthene Fire Ant Killer II

Name and Address of Registrant (include ZIP Code):
The Scotts Company d/b/a The Ortho Group
14111 Scottslawn Road
Marysville, OH 43041

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

Based on your response to the Reregistration Eligibility Decision (RED) for Acephate, EPA has reregistered the product listed above. This action is taken under the authority of section 4(g)(2)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. EPA may require submission of data at any time to maintain the registration of your product.

Generic data requirements that have been identified in the RED as confirmatory data for the active ingredient contained in the subject product will continue to be tracked and assessed in the Agency's continual reassessment of pesticides.

The labeling for the subject product submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable provided you submit one (1) copy of the final printed label incorporating the following corrections before you release the product for shipment. Products shipped after 12 months from the date of this Notice must bear the new revised label. A stamped copy of the label is enclosed for your records.

1. The efficacy claims cited below are not supported and must be removed from the label.

- All claims for fast-acting, quick kill, kills fast and kills within hours
-"Fire ant workers track the powder deep into the mound where it also kills the queens, destroying the mound."

Signature of Approving Official:

Venus Eagle

Date:

SEP 13 2007

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The efficacy data cited as the second study on the data matrix dated August 27, 2007 fulfills the efficacy data requirements for reregistration of the product, with the exception of those claims cited above. Please refer to the January 11, 2004 efficacy review enclosed with our March 15, 2007 letter for the subject product. The data cited as the first study on the data matrix is not an acceptable study for the reasons stated in the efficacy review.

2. The statement "Applications during prolonged hot or dry conditions may be less effective." must be corrected to read as cited below wherever such statement appears on the label. This correction was made to the statement appearing under "OPTIONAL TEXT 1" but not to the statement appearing under "OPTIONAL TEXT 2".

Applications made under prolonged hot and dry conditions may be ineffective due to location of ants deep in the nest.

**MASTER LABEL
ORTHENE® Fire Ant Killer II
EPA Reg. No. 239-2632**

ABN: ORTHENE® Fire Ant Killer₁

[OPTIONAL FRONT PANEL CLAIMS]

- Treats [up to] 72 mounds [1 lb]
- Treats 27 mounds [6 oz]
- Treats 54 mounds [12 oz]
- Icon: [For] Outdoor Use Only]
- No Watering Necessary
- No Watering In!
- Sprinkle On and Forget
- Just Apply and Forget
- Fast-Acting
- Easy-To-Use
- No Mixing Required
- Now Reduced-Odor Formula
- Now Low-Odor Formula
- Kills Off Existing/Visible Mounds Fast* (*within 3 to 7 days)
- Mound Treatment/Treater
- Kills the Queen & Entire colony!
- Kills the Queen/Queens
- Kills (the) Queen(s) and/& Destroys the Mound
- Kills Fire Ant Workers Within Hours
- Quick Kill of Fire Ants
- Ready-To-Use
- Destroys Entire Colonies within 3 to 7 days
- For Outdoor Home Use Only

ACCEPTED
with COMMENTS
in EPA Letter Dated:
SEP 13 2007
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
As amended, for the pesticide
Registered under EPA Reg. No.
239-2632

Active Ingredient
Acephate50%
Other Ingredients.....50%

Keep out of reach of children
CAUTION
See side/back panel for additional precautionary statements

NET WT. 6 oz./170 g
12 oz./340 g
17 oz./482 g

[Product Name] Gives quick knockdown and kill[s] of fire ant workers within hours. Colonies are destroyed within 3 to 7 days. Fire ant workers track the powder deep into the mound where it also kills the queens, destroying the mound.

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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.

IMPORTANT: To be used only as a mound treatment for home lawns and as a mound treatment around ornamental plants (including flowers, trees and shrubs).

[DIRECTIONS TO OPEN CAP]

OPTION 1 (For CUTTING FIN TYPE CAP):

Do NOT Shake Package. Squeeze cap sides while unscrewing. Squeeze hard. To easily open inner seal: Aiming away from body, Invert cap and press down on seal to puncture. Rotate cap a ¼ quarter turn while pressing down to cut open seal. Remove inner seal.

OPTION 2 (For DOME TYPE CAP):

Do Not Shake Package. Press down on dome and hold to puncture inner seal. Squeeze cap sides while unscrewing. Squeeze hard. Remove and dispose of entire seal.

OPTION 3 (FOR TEAR SEAL TYPE CAP):

Do Not Shake Package. Squeeze cap sides while unscrewing. Squeeze hard. [Inner seal will tear upon opening, and is ready for use!!]

OPTIONAL TEXT 1

Product Facts

Kills Fire ants/Harvester Ants

WHERE TO USE • As a mound treatment for home lawns and around ornamental plants (including flowers, shrubs & trees)

AMOUNT Fire Ant Mounds

TO USE • 1 Tablespoon per mound

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

1 Tablespoon (Tbs) = 3 teaspoons (tsp)

FIRE ANTS *[optional icon]*

Red Harvester Ants

HOW TO APPLY [optional icon]

- Sprinkle 1 tablespoon dry powder over each mound.
- **DO NOT WATER IN.**
- Try not to disturb mounds while treating.

WHEN TO APPLY [optional icon]

- For best results, apply when ants are active. Applications made under prolonged hot and dry conditions may be ineffective due to location of ants deep in the nest.
- Do not apply during heavy dew or just before a rain.
- Treat new mounds as they appear.

END OF OPTIONAL TEXT 1

OPTIONAL TEXT 2

FIRE ANTS and Red Harvester Ants as a mound treatment in home lawns and around ornamental plantings:
 Sprinkle 3 teaspoonfuls (1 tablespoon) dry powder over each mound. **DO NOT WATER IN.** Treat new mounds as they appear. For best results, apply when ants are active. Applications during prolonged hot or dry conditions may be less effective. Try not to disturb mounds while treating. Do not apply during a heavy dew or just before a rain. Repeat treatment if ants reappear.

END OF OPTION TEXT 2

{Reentry icon}: Do not allow people or pets to enter the treated surfaces until dusts have settled.

STORAGE AND DISPOSAL [optional garbage can icon]

STORAGE: Keep pesticide in original container. Store in a cool, dry place, preferably 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 for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS TO HUMANS & DOMESTIC ANIMALS

HAZARDS CAUTION: Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes and clothing. When handling this product, wear long-sleeved shirt and long pants, shoes plus socks and chemical resistant gloves made of any water proof material. Wash the outside of the gloves with soap and water before removing. Wash hands before

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eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

FIRST AID:

If swallowed:

Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

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.

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. Acephate is a cholinesterase inhibitor. Atropine is antidotal. 2-PAM is also antidotal and may be used in conjunction with atropine but should not be used alone.

ENVIRONMENTAL HAZARDS: This pesticide is toxic to birds. Do not apply directly to water. Do not contaminate water by cleaning of equipment or disposal of wastes. Cover or soil-incorporate spills.

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

Note: This package is sold by weight. Contents may have settled during shipment.

☎ Questions, Comments or medical Information?

Call 1-800-225-2883 www.ortho.com

Manufactured for
The ORTHO Group

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P.O. Box 1749
Columbus, OH 43216
EPA Reg. No 239-2632
EPA Est. 39578 TX-1
Made in USA

Additional Claims for Now Packaging

- Now! Easy-Open Packaging
- Now! No-Touch Opening Feature
- Now! No-Mess Opening Feature
- Now! Easy-Open Seal
- Now! No-Touch Seal Removal [Remover]
- Now! No-Mess Seal Removal [Remover]
- Now! Twist n' Go Seal Removal [Remover]
- Now! Twist n' Go Seal Feature
- Now! Twist n' Go Opening
- Now! Easy-Off Seal Feature
- Now! Slice & Go Seal Removal [Remover]
- Now! Press & Go Seal Puncture
- Now! Press & Go Seal Opener
- Now! Punch & Go Seal Opener
- Now! Punch & Go Seal [cap]
- Now! Easy Punch Seal [cap]
- Now! Easy Puncture Seal [cap]
- Now! Easy Punch Dome [cap/seal]
- Now! Easy Puncture Dome [cap/seal]
- Now! Press & Punch Dome [cap/seal]
- Now! Built-In Seal Puncture
- Now! Built-In Seal Removal [Remover]
- Now! No-Tool Opening Feature
- Now! Ready, Aim, Open packaging
- Now! Pop n' Go Seal [Opener]
- Now! Pop n' Go Closure [Cap/dome]
- Now packaging opens easily for less mess.
- Now cap lets you puncture inner seal easily
- Now Packaging Automatically opens the seal when you remove cap
- Open inner seal with no [added] tools!
- Easy-Open cap feature lets you remove seal with no mess
- Remove seal with no mess!
- Remove seal with no [added] tools!
- Now cap opens seal when twisted.
- Now cap opens seal when turned
- Open inner seal with one turn [twist] [of cap]
- One turn [twist] of the cap opens [inner] seal
- Now Auto Vent Package