

239-2632

9/25/2008

10 of 10



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Deena Newell
Registration Specialist
The Scotts Company d/b/a
The Ortho Group
14111 Scottslawn Road
Marysville, OH 43041

SEP 25 2008

Subject: Label Notifications for Pesticide Registration Notices 2007-4, 2008-1 and 98-10
Minor Typographical Corrections
Alternate Brand Name: Ortho Orthene Fire Ant Killer II

Dear Ms. Newell:

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notices (PRN) 2007-4, 2008-1, and 98-10 dated August 1, 2008 for:

EPA Registration 239-2632

Ortho Orthene Fire Ant Killer II

The Registration Division (RD) has conducted a review of this request for applicability under PR Notices 2007-4, 2008-1, and 98-10 and finds that the label changes requested falls within the scope of PR Notices 2007-4, 2008-1, and 98-10. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Nicole Williams of my staff at 703-308-8893.

Sincerely,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

Please read instructions on reverse before completing form.

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

<p>EPA</p> <p style="text-align: center;">United States Environmental Protection Agency Washington, DC 20460</p>	<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 239-2632	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Orthene® Fire Ant Killer II	PM# PM-1	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The Ortho Group 14111 Scottslawn Road 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. NOTIFICATION Product Name SEP 25 2008	

Section II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated XX-XX-XX <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated XX-XX-XX <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below.
---	---

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
This notification covers correction to alternate brand name and other minor labeling revisions/corrections per PR Notices 98-10 and 2007-4. Please see attached August 1, 2008, cover letter for details and certification statement.

Section III

1. Material This Product Will Be Packaged In:					
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	2. Type of Container <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 14.35 & 43.05 lb		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 Deena Newell	Title Registration Specialist	Telephone No. (Include Area Code) (937) 644-7314

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 The Scotts Company BY: <i>Deena Newell</i>	3. Title Registration Specialist	
4. Typed Name: Deena Newell	5. Date: August 1, 2008	

The Scotts Company

and Subsidiaries



August 1, 2008

Venus Eagle, PM-1
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Re: Orthene® Fire Ant Killer II (EPA Reg. No. 239-2632)
Notification of ABN (correction) and General Label Revisions per PR Notices 98-10 and 2007-4

Dear Ms. Eagle:

The Scotts Company respectfully requests the approval of the attached Application of Registration for a Notification of general label revisions. Included with this cover letter are the following:

- Completed Application for Registration (EPA form 8570-1)
- Two copies of the updated Master Label with changes highlighted
- Two, "clean" copies of the updated Master Label

Complete Alternate Brand Name (ABN) is:

- Ortho® Orthene® Fire Ant Killer₁

General labeling and minor corrections to the label are as follows. Please note, label has been slightly reformatted, moving optional marketing claims to last page.

- Page 1: For prominence in the active ingredient statement, put in all caps and added a colon to "ACTIVE INGREDIENT:" and "OTHER INGREDIENTS:"
- Page 2: Under DIRECTIONS TO OPEN CAP, OPTION 1, #3, restated "Rotate cap a ¾ quarter turn . . ." to "Rotate cap a three-quarter (3/4) turn . . ."
- Page 2: Under "Product Facts," added "Red Harvester Ants" to "Kills Insects." This had been inadvertently removed with notification dated June 25, 2008, which resulted in the July 24, 2008 stamped label. Red Harvester Ants are approved elsewhere on the label.
- Page 3: Updated STORAGE AND DISPOSAL per P.R. Notice 2007-4.
- Page 4: Correction to the headings, "PRECAUTIONARY STATEMENTS" and "HAZARDS TO HUMANS & DOMESTIC ANIMALS." The word "HAZARDS" was misplaced on the master label.
- Page 4: Correction to ENVIRONMENTAL HAZARDS – added sentence, "Cover or soil incorporate spills." This was inadvertently left off 6/25/08 notification when section was updated per P.R. Notice 2008-1.
- Page 4: Updated company address.
- Page 4: Updated EPA establishment numbers.
- Page 5: Added company specific information – "The Ortho Guarantee" statement and copyright information. 14111 Scottslawn Road Marysville, Ohio 43041 937-644-0011

50910

Bold, italicized text is information for the reader and is not part of the label. EPA Reg. No. 239-2632
[Bracketed information is optional text.] ~~Strike through text is being deleted.~~

**MASTER LABEL
ORTHENE® Fire Ant Killer II**

ABN: ORTHO® ORTHENE® Fire Ant Killer₁

ACTIVE INGREDIENT:

Acephate 50%

OTHER INGREDIENTS: 50%

Keep out of reach of children

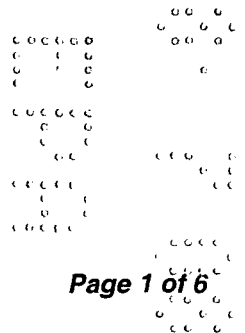
CAUTION

See side/back panel for additional precautionary statements.

NET WT. 6 oz./170 g

12 oz./340 g

17 oz./482 g



60910

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):

1. Do NOT Shake Package. Squeeze cap sides while unscrewing. Squeeze hard.
2. To easily open inner seal: Aiming away from body, Invert cap and press down on seal to puncture.
3. Rotate cap a three-quarter (¾) 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 Insects: Fire Ants, Red Harvester Ants

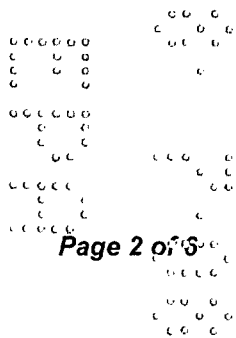
WHERE TO USE • As a mound treatment for home lawns and around ornamental plants (including flowers, shrubs & trees)

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 made under prolonged hot and dry conditions may be ineffective due to location of ants deep in nest. 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 treated area 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:** Nonrefillable. Do not reuse or refill 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
HAZARDS TO HUMANS & DOMESTIC ANIMALS

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 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 from 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. 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. Cover or soil-incorporate spills.

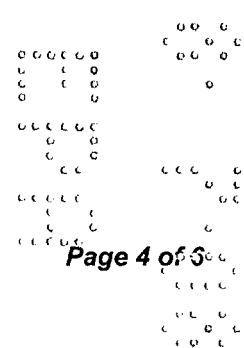
NOTICE: To the extent consistent with applicable laws, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

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
P.O. Box 190
Marysville, OH 43040
EPA Reg. No 239-2632
EPA Est. 39578-TX-1, 44616-MO-1^G, 58996-MO-1^A, 9198-AL-001^L
Superscript is first letter of lot number

24.JUL.2008 EPA STAMPED LABEL
01.AUG.2008 NOTIF



Made in USA

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.

©2008, Licensed by The Ortho Group. World rights reserved.

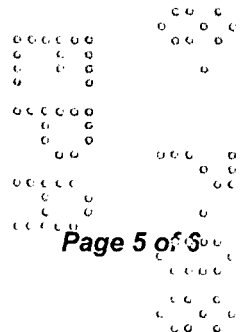
OPTIONAL FRONT PANEL CLAIMS

- 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
- 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
- Ready-To-Use
- Destroys Entire Colonies within 3 to 7 days
- For Outdoor Home Use Only

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]

24.JUL.2008 EPA STAMPED LABEL
01.AUG.2008 NOTIF



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