

239-2632

11/28/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mrs. Denna Newell
Registration Specialist
The Scotts Company d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43041

NOV 28 2008

RE: Notification for General Label Revisions per PR Notices 98-10
EPA Reg. No.: 239-2632
Date of Submission: October 6, 2008

Dear Ms. Newell:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated October 6, 2008, for the product Orthene Fire Ant Killer II. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

Theresa A. Stone

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

EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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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 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 to the pesticide being registered to: NOTIFICATION EPA Reg. No. <u>NOV 28 2008</u> Product Name _____	

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.
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Explanation: Use additional page(s) if necessary. (For section I and Section II.)
This notification covers minor labeling revisions per PR Notices 98-10. Please see attached October 6, 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
2. Signature The Scotts Company BY: <i>Deena Newell</i>		3. Title Registration Specialist
4. Typed Name: Deena Newell	5. Date: October 6, 2008	
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.		Date Application Received (Stamped)

The Scotts Company

and Subsidiaries



October 6, 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 General Label Revisions per PR Notice 98-10

Dear Ms. Eagle:

Please find included with this cover letter 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

General labeling revisions to the label are as follows.

- On page 2 under "DIRECTIONS TO OPEN CAP", optional graphics have been added to Option 1 ("Cutting Fin type Cap"):
 - (1) [Graphic: Hand unscrewing cap.]
 - (2) [Graphic: Inverted cap with arrow showing where to puncture seal.]
 - (3) [Graphic: Hand demonstrating 3/4 turn of cap.]

If you have any questions regarding this submission, please contact me by phone at 937-644-7314, or by email at Deena.Newell@scotts.com.

"This notification is consistent with the provisions and guidance 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 maybe in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

Sincerely,

Deena Newell
Registration Specialist

Enclosures

14111 Scottslawn Road Marysville, Ohio 43041 937-644-0011

www.scotts.com

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

ABN: ORTHO® ORTHENE® Fire Ant Killer₁

NOTIFICATION

NOV 28 2008

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

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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.~~

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.	[Graphic: Hand unscrewing cap.]
2. To easily open inner seal: Aiming away from body, Invert cap and press down on seal to puncture.	[Graphic: Inverted cap with arrow showing where to puncture seal.]
3. Rotate cap a three-quarter (¾) turn while pressing down to cut open seal. Remove inner seal.	[Graphic: Hand demonstrating ¾ turn of cap.]

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

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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

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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. 44616-MO-1^G, 58996-MO-1^A, 9198-AL-001^L
Superscript is first letter of lot number
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.

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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

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

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- 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

NOTIFICATION

NOV 28 2008