

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 20, 2007

Charles T. Levey
The Scotts Company
14111 Scottslawn Road
Marysville, OH 43041

Subject: Amendment – In response to Agency's 11/22/04 letter/ Suppression and Quick Kill claims.
Ortho Fire Ant Killer
EPA Reg. No. 239-2681
Your submission dated March 28, 2006

Dear Mr. Levey:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. The efficacy data submitted has some deficiencies (see attached efficacy review dated 2-20-2007). However, despite the deficiencies, the data does support the claim that the product is efficacious for up to 6 months. Also, the data doesn't support the claims of "24 hour", "quick", or "fast" acting. Please delete the following claims:
 - a. Kills fire ants fast
 - b. Kills fire ants on contact
 - c. Fast acting
 - d. Kills on contact
 - e. Provides season-long and other listed insects
 - f. Visible results in 24 hours
 - g. Kills[fire ants] in [as little as] 24 hours [1 day]
 - h. See dead fire ants in [as little as] 24 hours [1 day]
 - i. Same day [visible][immediate] results
 - j. Starts to kill [fire ants] immediately

- k. Starts killing immediately
 - l. One day results
 - m. Fast acting granules
 - n. Fast acting and long lasting
 - o. [quickly] suppresses fire ants
 - p. [One application] suppress fire ants in [as little as] 24 hours [one day]
 - q. Fast-acting fire ant suppression
 - r. Starts to suppress fire ants immediately
 - s. Apply twice for season long control [protection]
 - t. Fast acting plus season long control
 - u. Apply once and you're done
2. Delete Carpenter Ants and Pharaoh Ants from the label, the data doesn't support these pests. See attached efficacy review dated 2-20-2007.
 3. Delete "This treatment will kill the queen within 24 hours of application" from Directions for Use – Option 2, under Mound Treatment section.
 4. Reinstate New York state requirements: "In New York state, this product may not be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch)" and "In New Your State, do make a single repeat application of [product] if there are signs of renewed insect activity, but not sooner than two weeks after the first application".
 5. Under Product Facts reword the sentence under People and Pets to read:

"People and pets may enter treated areas after granules have been watered in and treated area has dried"

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.

Sincerely,

 George T. LaRocca
 Product Manager 13
 Insecticide Branch
 Registration Division (7505C)

Enclosure

ORTHO Fire Ant Killer

EPA Reg. No. 239-2681

ORTHO Fire Ant Killer

[front]
[scissors / zipper]
DO NOT CUT BELOW DOTTED LINE

ACCEPTED
with COMMENTS
In EPA Letter Dated
FEB 20 2007
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
239-2681

ORTHO®
FIRE ANT KILLER

**Note to PM: OPTIONAL
FRONT PANEL CLAIMS**

Kills Mounds and The Queen
6 month Fire Ant Control
Kills Fire Ants Fast
Kill Fire Ants On Contact
Keeps New Mounds from forming
Protects the entire lawn for up to 6 months
Prevents Fire Ant Mound formation
Kills foraging Fire Ants
Prevents new Fire Ant mounds from forming for up to 6 months
Fast Acting
Kills on Contact
Ready-To-Use
Kills fly-in Queens
Kills Fire Ants and other Listed Insects
Provides season-long and other listed insects
Quick/Immediate release granules and deep penetrating formula

Visible results in 24 hours
Kills [fire ants] in [as little as] 24 hours [1 day]
See dead fire ants in [as little as] 24 hours [1 day]
Same day [visible] [immediate] results
Starts to kill [fire ants] immediately
Starts killing immediately
One day results
Fast-acting granules
Fast-acting plus season long control
Fast-acting and long lasting
[Quickly] suppresses fire ants
[One application] suppress fire ants in [as little as] 24 hours
[one day]
Fast-acting fire ant suppression
Starts to suppress fire ants immediately

Prevents [protects against] fire ants for an entire season
One application provides season long control

NOTE TO PM: FRONT
PANEL CONT.

Season long control [protection]
Prevents fire ants for [1,2,3,4,5] 6 months
Prevents fire ants for an entire season
[1,2,3,4,5] 6 month [fire ant] control
Apply twice for season long control [protection]
Apply in spring and fall for year round [long] control
Protects [your lawn] for entire season
Protects your lawn for [1,2,3,4,5] 6 months
Lasts all season
Fast acting plus season long control
1 application controls fire ants for the entire season
Apply once and you're done

Active Ingredient
Bifenthrin* 0.200%
Other Ingredients 99.800%
Total 100%
* Cis isomers 97% minimum, trans isomers 3% maximum.

For residential lawn use only

KEEP OUT OF REACH OF CHILDREN
CAUTION
See back panel for additional precautionary statements.

[bottom]

ORTHO®**FIRE ANT KILLER**

[FIRE ANT Illustration]

DO NOT CUT BELOW DOTTED LINE

PRODUCT FACTS	
KILLS INSECTS Fire ants	Fire Ants
WHERE TO USE	On residential lawns
AMOUNT TO USE	Broadcast Treatment: Apply uniformly over your lawn using the suggested spreader settings. Mound Treatment: Apply ½ cup per mound
COVERAGE	Treats up to 5,000 square feet.
PEOPLE AND PETS	People and pests may enter treated areas after granules have been watered treated area is dried.

[NOTE TO PM: DIRECTIONS FOR USE - OPTION 1]

DIRECTIONS FOR USE

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

[Mound Treatment]

FOR BEST RESULTS	
APPLY PRODUCT [optional illustration]	Apply 1/2 cup of ORTHO Fire Ant Killer over each fire ant mound. A 4 ft. diameter circle around the mound should also be treated.
WATER [optional illustration / watering can]	If the soil is not moist, then it is important to irrigate before application. After applying the product, drench the mounds with 1 to 2 gallons of water.
WHEN TO APPLY [optional illustration]	<ul style="list-style-type: none"> • Apply when temperatures are between 65° and 80°F. • For best results, apply during morning or late evening when it is cool and the ants are most active. • For extended fire ant control and prevention, apply ORTHO® Fire Ant Killer in spring and late summer. • This treatment will kill the queen within 24 hours of application.

IMPORTANT

Food utensils such as teaspoons and measuring cups must not be used for food purposes after use with pesticides

[Broadcast Treatment]

Apply uniformly over your lawn using the suggested spreader settings. Water lawn after application to wash granules from the lawn foliage. For best results, apply during the morning or late evening when it is cool and the ants are most active. Don't treat just the infested areas of the lawn where mounds are visible. Treat the entire lawn area to prevent reinfestation of fire ants from neighboring areas. Control will be optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound treatments that will kill existing colonies. If the soil is not moist, then it is important to irrigate before application.

[NOTE TO PM: END OF OPTION 1]

[NOTE TO PM: DIRECTIONS FOR USE - OPTION 2]

DIRECTIONS FOR USE

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

For Best Results

Broadcast Treatment	Apply uniformly over your lawn using the suggested spreader settings. Water lawn after application to wash granules from the lawn foliage. If the soil is not moist, then it is important to irrigate before application.
Mound Treatment	Apply 1/2 cup of ORTHO Fire Ant Killer over each fire ant mound. A 4 ft. diameter circle around the mound should also be treated. If the soil is not moist, then it is important to irrigate before application. After applying the product, drench the mounds with 1 to 2 gallons of water. [Optional] This treatment will kill the queen within 24 hours of application
Helpful Hints	<ul style="list-style-type: none"> • For best results, apply during morning or late evening when it is cool and the ants are most active. • Don't treat just the infested areas o the lawn where mounds are visible. Treat the entire lawn area to prevent reinfestation of the fire ants from neighboring areas • Control will be optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound treatments that will kill existing colonies. • For best results, Apply when temperatures are between 65° and 80°F. • [Optional] For extended fire ant control and prevention, apply ORTHO® Fire Ant Killer in spring and late summer.
Important	<ul style="list-style-type: none"> • Food utensils such as teaspoons and measuring cups must not be used for food purposes after use with pesticides

[Spreading Tips
For best results

Spreader	Spreader Settings - Covers 5,000 sq. ft.	Directions
Drop Spreaders	X	Mow lawn first if grass is tall enough to touch the bottom of the spreader. First apply two header strips. Operate spreader the longest way of the lawn. Overlap wheel marks to ensure uniform coverage. Shut off spreader when you have reached the header strips or stopped.
EasyGreen® Rotary	X	Slide shut-off lever to the right; application automatically starts and stops when you do. For complete coverage make each pass about 30 inches from the previous one so some overlapping occurs.
SpeedyGreen® Rotary	X	Shut off spreader anytime you stop. For complete coverage make each pass about five feet from the previous one, so some overlapping occurs. Avoid applying this product on vegetables.

Additional Spreader Settings

- EZ Drop, Republic (#530)----- (X)
- EZ Broadcast, Republic (#540)----- (X)
- Scotts® Handy Green® II----- (X)
- Scotts® Easy™ Hand Held Spreader----- (X)
- ORTHO® Whirlybird® Multipurpose Spreader----- (X)

Spreader settings are approximate. You may need to adjust for proper coverage.

Illustrations: spreading patterns]

[ORTHO Fire Ant Killer kills the following types of ants:

- Fire Ants
- Argentine
- Carpenter
- Odorous
- Pyramid
- Pavement
- Pharoah (sugar)
- Red Harvester]

[Re-entry icon] People and pets may enter treated area after granules have been watered and treated area has dried.

STORAGE AND DISPOSAL [trash can icon]

STORAGE: Store in original bags/containers only. Store in a cool, dry place and avoid excess heat. Carefully open bags/containers. After partial use close tightly. Do not contaminate water, food or feed by storage or disposal.

DISPOSAL: If empty: Do not reuse this bag/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 [icon]

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Harmful if absorbed through the skin. Avoid contact with skin, eyes or clothing.

FIRST AID: 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.

Note to Physician: This product is a pyrethroid. If large amounts have been ingested, milk, cream and other digestible fats and oils may increase absorption and so should be avoided.

ENVIRONMENTAL HAZARDS: This product is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.

[phone icon]

Emergency Assistance Call: 1-800-225-2883.

NOTICE: Buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

10/10

Manufactured for
The ORTHO Group
P.O. Box 190
Marysville, OH 43040

EPA Reg. No. 239-2681
EPA Est. 58996-MO-1A, 44616-MO-1G, 44616-GA-1D
Superscript is first letter of lot number
Made in USA