

239-2681

04/01/2011

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

April 1, 2011

Jane Rothwell
The Scotts Company
d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43040

Subject: Amendment – Revising Environmental Hazards Statements & adding additional Marketing Claims
ORTHO Fire Ant Killer
EPA Reg. No. 239-2681
Your submission dated September 10, 2010 and October 25, 2010

Dear Ms. Rothwell:

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. Revised the *Precautionary Statements* to read as follows:

“Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.”

2. Delete the following *Optional Front Panel Claims*:

- Prevents [protects against] fire ants for an entire season
- One application provides season long control
- Season long control [protection]
- Prevents fire ants for an entire season
- Protects [your lawn] for entire season
- Last all season
- 1 application controls fire ants for the entire season

Revise the following *Optional Front Panel Claims* as follows:

- Replace "Prevents Fire Ant Mound formation" with "Controls Fire Ant Mound formation"
 - Replace "Prevents new Fire Ant mounds from forming for up to 6 months" with "Controls new Fire Ant mounds from forming for up to 6 months"
 - Replace "Prevents fire ants for [1,2,3,4,5] 6 months" with "Controls fire ants for [1,2,3,4,5] 6 months"
3. On pages 3 and 4 replace, "For extended fire ant control and prevention, apply ORTHO® Fire Ant Killer in spring and late summer" with "For extended fire ant control, apply ORTHO® Fire Ant Killer in spring and late summer" in the *For Best Results* tables. Also, replace "Treat the entire lawn area to prevent reinfestation of fire ants from neighboring areas" with "Treat the entire lawn area to control reinfestation of fire ants from neighboring areas"

If you have any questions regarding this action, please contact BeWanda Alexander at Alexander.bewanda@epa.gov or (703) 305-7460.

Sincerely,

 Richard Gebken
 Product Manager
 Insecticide Branch
 Registration Division (7505P)

Enclosure

NOTE:

Bold, italicized text is information for the reader and is not part of the label.
[Bracketed information is optional text]. Text separated by † denotes and/or options.
Underlined-highlighted text is new.

ORTHO Fire Ant Killer

[ABN: Ortho Max Fire Ant Killer Broadcast Granules]

ORTHO Fire Ant Killer

[front]

[scissors/ zipper]

DO NOT CUT BELOW DOTTED LINE / CUT HERE TO OPEN

ORTHO®

FIRE ANT KILLER

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

- Kills Mounds and The Queen**
- 6 month Fire Ant Control**
- 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**
- Ready-To-Use**
- Kills fly-in Queens**
- Kills Fire Ants and other Listed Insects**
- Quick/Immediate release granules and deep penetrating formula**
- Prevents [protects against] fire ants for an entire season**
- One application provides season long control**
- 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 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**
- 1 application controls fire ants for the entire season**

ACCEPTED
with COMMENTS
in EPA Letter Dated
APR 1 2011
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
239-2681

Active Ingredient

Bifenthrin* 0.20%
Other Ingredients 99.80%
Total 100.00%

*Cis isomers 97% minimum, trans isomers 3% maximum.

For residential lawn use only

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back /panel/ [of] bag for additional precautionary statements.

NET WT. XXX LBS / XXX KG

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[bottom]

ORTHO®

FIRE ANT KILLER
[FIRE ANT Illustration]

DO NOT CUT BELOW DOTTED LINE

PRODUCT FACTS	
KILLS INSECTS	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 pets may enter treated areas after granules have been watered in and treated area has dried.

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[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.

Apply this product directly to the lawn or garden area. Water treated area as directed on this label. Do not water to the point of run-off.

Do not make applications in the rain.

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). In New York State, do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

[Mound Treatment]

FOR BEST RESULTS	
APPLY PRODUCT [optional illustration]	Apply ½ 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.

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]

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[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.

Apply this product directly to the lawn or garden area. Water treated area as directed on this label. Do not water to the point of run-off.

Do not make applications in the rain.

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). In New York State, do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

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 ½ 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.
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 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. • 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.

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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.
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[Spreading/Spreader 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 / Scotts Basic™ / Standard™ / Deluxe™ / Edgeguard® / Lawn Pro®	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]

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

- Fire Ants
- Argentine
- Odorous
- Pyramid
- Pavement
- Red Harvester]

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

STORAGE AND DISPOSAL [trash can icon]

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

PESTICIDE AND CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. **If empty:** 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 [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. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutter 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. Sweeping any product that lands on a driveway sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

[phone icon]

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

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

NOTE:

EPA Reg. No. 239-2681

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The ORTHO Guarantee: If for any reason you, the consumer, are not satisfied with this product, mail us your original proof of purchase to obtain a full refund of your purchase price.

Questions, Comments or Medical Information? Call 1-800-225-2883 [phone icon]

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

EPA Reg. No. 239-2681
EPA Est. 9198-OH-1^M, 9198-OH-2^O, 9198-AL-001^L
Superscript is first letter of lot number
Made in USA