

239-2694

8/14/2008

1/10



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

AUG 14 2008

Subject: Notification(s) for Label Revisions under PRN 98-10, PRN 2007-4, and Alternate Brand
Names: Season-Long Max™ Weed & Grass Killer Plus Preventer Concentrate
Season-Long Max™ Weed & Grass Killer Concentrate
Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer for
Hard Surfaces & Landscapes
Ortho® Weed B Gon® Concentrate Weed & Grass Killer + Preventer Singles™

Dear Mrs. Newell:

The Agency is in receipt of your Application(s) for Pesticide Notification under
Pesticide Registration Notices (PRN) 98-10, and 2007-4 dated, July 22, 2008 for:

EPA Registration 239-2694 Ortho Season-Long Grass & Weed Killer

The Registration Division (RD) has conducted a review of the request(s) for applicability
under PRN 98-10 and PRN 2007-4 and finds that the label changes requested fall within the scope of
PRN-98-10 and PRN-2007-4. 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 Joyce Edwards of
my staff at 703-308-5479.

Sincerely,

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



United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 239-2694	2. EPA Product Manager James Tompkins	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ortho Season-Long Grass & Weed Killer	PM# PM-25	
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 _____ AUG 14 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.
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Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 This notification covers additional brand name and other minor labeling revisions per PR Notice 98-10, 2007-4 and 2007-1.
 Please see attached 7-22-08 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 If "Yes" Unit Packaging wgt. No. per Container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt. No. per Container	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)
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 Kathleen Lee	Title Director, Regulatory Affairs	Telephone No. (Include Area Code) ○○○○○ (937) 644-7426
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 BY: <i>Kathleen Lee</i>	3. Title Director, Regulatory Affairs	
4. Typed Name: Kathleen Lee	5. Date: July 22, 2008	



July 22, 2008

Jim Tompkins
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: Ortho Season-Long Grass & Weed Killer (EPA Reg. No. 239-2694)
Notification of ABNs and general Label Revisions per PR Notices 98-10, 2007-4 and
2007-1

Dear Mr. Tompkins:

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

The following language has been modified since last approved stamped label 11/3/2005:

The master label has been updated to address the all of the conditions specified on the 11-3-05
Conditional Approval. Please note that condition number 6 has been deleted as specified,
however similar claims remain on the label.

PR Notice 2007-1 and 2007-4 Information

- Under disposal section, deleted reference to "1-800-CLEANUP" phone number.
Under disposal section, inserted "Non-refillable" and added words "or refill" to "Do not
reuse or refill this container."

Notice of Alternate Brand Names Per PR Notice 98-10

- Season-Long Max™ Weed & Grass Killer Plus Preventer Concentrate.
Season-Long Max™ Weed & Grass Killer Concentrate.
Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer for Hard
Surfaces & Landscapes.
Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer Singles™.


Other labeling Notifications per PR Notice 98-10

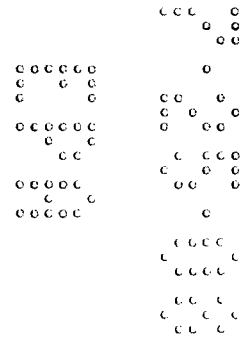
- Corrected active ingredient list to include descriptor "isopropylamine salt" after
"Glyphosate".

- Addition of new package size: “Net 8 FL OZ” on label and “Net Weight 24 FL OZ (3- 8 OZ Containers)” for a bundle package.
- Added statement to “Where to Use” on page 2: “This product kills Grasses. DO NOT spray this product on your grass lawn.”
- ✓ • Added guarantee statement: “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.”
- ✓ • Added notice: “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.”
- ✓ • Added by non-notification: “Made in USA” and “©2008 Licensed by The ORTHO Group. World rights reserved.”
- ✓ • Added pesticide claim: “Kills the Root”. This claim is based upon a version of a claim on the existing stamped approved label: “Kills Weeds & Grasses, Roots & All – Prevents Weed Seed from Sprouting for 3 months”.
- Added optional product statement: “ORTHO® & YOUR ENVIRONMENT – Your yard is a place for family and pets to enjoy. That’s why Ortho® products are designed with care to provided effective solutions to weed problems. For best results, please follow instructions for appropriate usage, storage and disposal.”
- Added optional product statements: “Formerly Ortho® Season-Long Max” and “For Hard Surfaces and Landscapes”.
- Adding non-pesticidal, product specific statements / claims for the 8 oz. concentrate bottles: “Designed for [use with] tank sprayers”; “No measuring, No mess”; and “Pre-measured Concentrate Bottle”.
- Adding custom, product specific statements / mixing instructions for the 8 oz. concentrate bottles: “1 Bottle Makes 1 Gallon” and “Mixing Instructions [Amount to Use] -Add entire contents (8 oz.) [of bottle] to empty tank sprayer. Slowly fill [tank sprayer] with [1 gallon/128 oz.] of clean tap water.”

“This notification is consistent with the provisions and guidance of PR Notices 2007-1, 2007-4 and 98-10 and EPA regulations at 40 CFR 152.10, 156.140, 156.144, 156.146 and 156.156. 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 Notices 2007-1, 2007-4, 98-10 and 40 CFR 152.10, 156.140, 156.144, 156.146 and 156.156, this product maybe in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.”

If you have any questions regarding this submission, please contact me by phone at 937-644-7426, or by email at Kathleen.lee@scotts.com.

Sincerely,

 Kathleen Lee
 Director, Regulatory Affairs



Enclosures

S/O

NOTE::

Bold, italicized text is information for the reader and is not part of the label. [Bracketed information is optional text].
Underline text is new. ~~Strike-through text is being deleted.~~

EPA Reg. No. 239-2694

NOTIFICATION

AUG 14 2008

ORTHO® Season-Long Grass & Weed Killer

Alternate Brand Name(s):

- Season-Long Max Weed & Grass Killer Plus Preventer Concentrate
- Season-Long Grass and Weed Killer₁ Concentrate
- Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer for Hard Surfaces & Landscapes
- Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer Singles™

[Covers up to 1000 sq ft* [40 oz. size]]
[*of patio stones]

Active Ingredients

Oxyfluorfen	1.5%
Diquat	0.1%
Glyphosate, isopropylamine salt	8.0%
Other Ingredients*	90.4%

KEEP OUT OF REACH OF CHILDREN

CAUTION

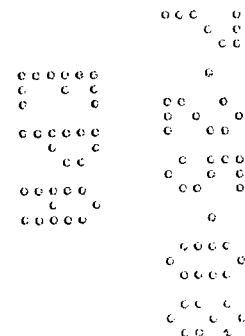
*Contains Petroleum Distillate

See back panel booklet for additional precautionary statements.

NET CONTENTS [40 oz.] / [1.18 kg]

NET [8 FL OZ]

NET WEIGHT [24 FL OZ (3- 8 FL OZ Containers)]



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EPA Reg. No. 239-2694

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PULL HERE TO OPEN LABEL. PRESS TO RESEAL.



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

The ORTHO Group
 P. O. Box 190
 Marysville, OH 43040
 EPA Reg. No. 239-XXXX
 EPA Est 239-IA-3¹, 58996-MO-1^A
 Superscript is first letter of lot number
 UPC BAR CODE

Notice the incredible effect of Ortho Season-Long Grass & Weed Killer. Great for use on patios, driveways, sidewalks, and mulched areas. For weeds in lawns, use Ortho Weed-B-Gon MAX Weed Killer for Lawns.

PRODUCT FACTS	Covers up to 500 square feet (40 oz. size) Covers up to 2000 linear feet (40 oz. size)
KILLS WEEDS	Unwanted weeds and grasses
PREVENTS WEEDS	For up to 4 months
WHERE TO USE	<ul style="list-style-type: none"> • Driveways, sidewalks, patios, curbs and gutters, along fences • In landscaped (mulched) areas (except vegetable gardens). • [This product kills Grasses. DO NOT spray this product on your grass lawn.]
FOR BEST RESULTS (HOW TO USE)	SPRAY TO KILL: Thoroughly cover existing weeds and grasses SPRAY TO PREVENT: Thoroughly cover cracks, crevices and mulched (landscaped) areas where you want to prevent weeds and grasses from growing
(WHAT TO EXPECT)	<ul style="list-style-type: none"> • Visible results in 24 hours • Rain or watering 30 minutes after application will not wash away effectiveness
WHEN TO RE-ENTER SPRAYED AREAS	<ul style="list-style-type: none"> • Do not allow people or pets to touch treated plants until the sprays have dried.

DIRECTIONS FOR USE

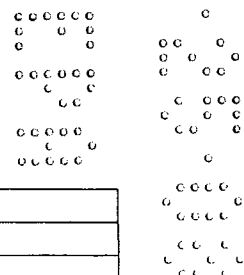
It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact people or pets. Only persons applying this product may be in the area during application.

WHERE TO USE: Apply only where no vegetation is desired, such as driveways, mulched (landscaped) areas, along fences, sidewalks, walkways, patios, curbs, gutters and even cracks in sidewalks.

REPLANTING INSTRUCTIONS FOR MULCHED (LANDSCAPE) AREAS
 IMPORTANT:

Use the Replanting chart below for when to replant.

Plant	Weeks to Wait for planting
Trees & Shrubs	4 weeks
Annuals & Perennials	8 weeks



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When replanting follow these steps:

- 1) Use garden gloves
- 2) Dig the planting hole
- 3) Set aside the removed soil
- 4) Put the plant in the hole and fill-in with a garden soil [such as Miracle-Gro Garden Soil].
- 5) Spread the removed soil in an area where no vegetation is desired.

WHEN TO APPLY: Apply to (unwanted) actively growing weeds and grasses. If weeds are taller than 6 inches, they should be cut down and removed before application. Apply when the air is calm to avoid drift.

HOW TO APPLY: (see below for specific use site directions.)

Apply with a tank sprayer. When treating around desirable plants, shield the plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with water.

FOR BEST RESULTS:

SPRAY TO KILL: Thoroughly cover existing weeds and grasses

SPRAY TO PREVENT: Thoroughly cover cracks, crevices and mulched areas (landscaped areas) where you want to prevent weeds and grasses from growing (see dilution table for amount to apply)

Patios (covers 1000 sq. ft. per 40 oz. bottle)(prevents weeds for up to 4-months)	
1.	Measure the square footage of the patio by multiplying length times width.
2.	See dilution table for the amount of product needed.
3.	Spray the product on existing weeds (and grasses), and spray all the cracks and crevices, even where you don't see weeds (and grasses), to prevent new weeds (and grasses) from growing.
4.	For best results spray only the cracks and crevices.

Driveways and sidewalks (Covers 2000 linear feet per 40 oz. bottle)(Prevents weeds for up to 4-months)	
1.	Measure the length of the cracks (and crevices) in linear feet. (1 linear foot equals 1 foot by 2 inch)
2.	See dilution table for the amount of product needed.
3.	Spray existing weeds (and grasses), and spray all the cracks and crevices, even where you don't see weeds (and grasses), to prevent new weeds (and grasses) from growing. (Spray slowly so that enough product gets in the cracks and crevices.)
4.	For best results spray only the cracks and crevices.

Mulched areas, gravel paths and rock gardens (Covers 500 sq. ft. per 40 oz. bottle)(Prevents weeds for up to 4-months)	
1.	Measure the square footage of the area by multiplying length times width.
2.	See dilution table for the amount of product needed.
3.	Spray the entire area to kill existing weeds (and grasses) and to prevent new weeds from growing.

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Dilution table

Use site	Area to Cover (Covers this area)	Amount to use (of product)	Water to Add (Amount of water to add)
Patios	200 sq. ft.	8 oz.	1 Gal.
Driveways & Sidewalks	400 linear feet	8 oz.	1 Gal.
Mulched (landscaped) areas	100 sq. ft.	8 oz.	1 Gal.
Gravel paths and rock gardens	100 sq. ft.	8 oz.	1 Gal.

STORAGE AND DISPOSAL

PESTICIDE STORAGE: Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Store in a cool, dry place, preferably in a locked storage area.

PESTICIDE CONTAINER DISPOSAL: **If empty:** Non-refillable. 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: Avoid contact with eyes, skin or clothing. Causes moderate eye irritation. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

FIRST AID:

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.

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.

If swallowed: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

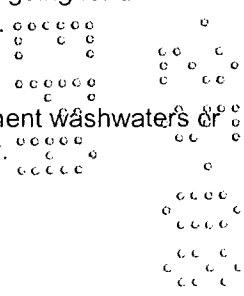
Note to Physician: May pose an aspiration pneumonia hazard. Contains petroleum distillate. Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-885-2883 for emergency medical treatment information.

ENVIRONMENTAL HAZARDS:

Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate. This product is toxic to aquatic invertebrates. Do not apply directly to water.



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



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The ORTHO Group
P. O. Box 190
Marysville, OH 43040
EPA Reg. No. 239-2694
EPA Est 239-IA-3¹, 58996-MO-1^A
Superscript is first letter of lot number
UPC BAR CODE

[Made in the USA]

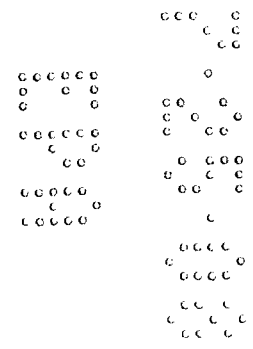
[© 2008 Licensed by The ORTHO Group. World rights reserved.]

[**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.]

[**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.]

OPTIONAL FORMULA CLAIMS

- Long-lasting (formula) (weed (and grass) control)
- Ideal (great) for use in landscape(d) areas
- For maximum weed (and grass) control (in landscape(d) (mulched) areas) - use (Ortho Season-Long Grass & Weed Killer) before spreading (applying) (putting down) mulch around trees, shrubs and in landscape(d) areas.
- Use before putting down (landscaping with) mulch
- Provides long-term weed (and grass) control
- Use to edge (It edges) (It's an edger) (Use as an edger) PLUS so much more!
- Keeps (prevents) weeds (and grasses) from growing in cracks (and joints) in sidewalks, driveways and patios
- Kill and prevent weeds before mulching (putting down mulch)
- (For) Use on driveways, sidewalks, patios, and along fence lines (mulched areas)
- (For) Use on driveways, sidewalks and patios, PLUS along fence lines, PLUS in mulched areas
- Dual-action (formula) (kills and prevents)
- 2-WAY ACTION - Kills Weeds & Grasses, Roots & All - Prevents Weed Seeds from Sprouting for 3 Months
- [Kills the Root]
- Prevents re- (new) growth (for 3 months)
- Prevents growth (for 3 months)
- Prevents weeds (and grasses) from growing (for 3 months)
- Use in landscape(d) (mulched) areas to kill (and prevent) weeds
- Use in flower beds to kill (and prevent) weeds
- Use around landscape(d) areas to kill (and prevent) weeds
- Use on driveways (and patios) to kill (and prevent) weeds (for 3 months)
- Prevents (weeds and grasses) in landscaped areas
- Prevents (weeds and grasses) (from growing)
- Kills weeds (for 3 months)
- Kills and prevents weeds and grasses (for 3 months)
- Blocks weed(s) (growth) (3 months)
- Works for 3 months
- Season long (weed) (and grass) control



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- Kills weeds (and grasses) all season long
- Prevents weeds (and grasses) all season long
- Stops weeds (and grasses) from growing for 3 months
- Stops weeds (and grasses) all season long
- Works all season
- 3 month extended weed and grass control
- 3 month complete weed and grass control
- Specially formulated to kill weeds (and grasses) (3 months)
- Keeps weeds from growing (3 months)
- Prevents (kills) weeds longer
- For use in landscape(d) areas
- Special ingredient(s) prevents (kills) weeds (and grasses) (from growing) (for 3 months)
- Scientifically formulated to prevent (kill) weeds (and grasses) (for 3 months)
- New/Now
- Easy to use
- Apply to landscaped areas to kill (prevent) weeds (and grasses)
- Protects against weeds (and grasses) (for 3 months)
- 3 month control
- No weeds for 3 months
- (3 month) long-lasting (weed and grass control)
- One application lasts all season
- One application for season-long control
- All weeds. All gone. All season.
- Results (works) in 24 hours (overnight results)
- How it works: Ortho Season-Long Grass & Weed Killer's special dual-action formula kills the weeds and grasses you see and forms a protective barrier that stops new weeds from growing all season long.
- Stops weeds (and grasses) before they start
- Fast-acting formula
- Maximum weed control
- Guaranteed
- Makes up to 5 gallons
- Covers over a third of a mile of cracks and crevices

Notification of 7/22/08

Optional Product Communications

- [ORTHO® & YOUR ENVIRONMENT – Your yard is a place for family and pets to enjoy. That's why Ortho® products are designed with care to provide effective solutions to weed problems. For best results; please follow instructions for appropriate usage, storage, and disposal.]
- [Formerly Ortho® Season-Long Max]
- [For Hard Surfaces [and / &] Landscapes]

Optional Product Claims and Mixing instructions for 8 oz bottles sold as ~~ABN~~ Ortho® Weed B Gon® Max™ Concentrate Weed & Grass Killer + Preventer Singles™

- [Designed for [use with] tank sprayers]
- [No measuring][No mess]
- [Pre-measured Concentrate Bottle]
- [1 Bottle makes 1 Gallon]
- [Mixing Instructions:][Amount to Use:] [Add entire contents[(8 oz.)] [of bottle] to empty tank sprayer.] [Slowly fill [tank sprayer] with [1 gallon / 128 oz.] of clean tap water].