

239-2706

11/10/2010

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

NOV 10 2010

Mandy Slack  
The Scotts Company, LLC  
P.O. Box 190  
Marysville, OH 43040

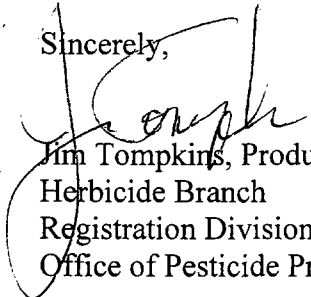
Subject: Notification per PR Notice 98-10  
Ortho Season-Long Weed & Grass Killer Plus Preventer Ready-Spray II  
EPA Reg. No. (239-2706)  
Application Dated: October 22, 2010

Dear Ms. Slack,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for Ortho Season-Long Weed & Grass Killer Plus Preventer Ready-Spray II (EPA Reg. No. 239-2706) dated October 22, 2010. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls 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 703-305-5697.

Sincerely,

  
Jim Tompkins, Product Manager 25  
Herbicide Branch  
Registration Division (7505P)  
Office of Pesticide Programs

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Please read instructions on reverse before completing form.

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

EPA

United States  
Environmental Protection Agency  
Washington, DC 20460

- Registration
- Amendment
- Other

Identifier Number

Application for Pesticide - Section I

1. Company/Product Number The Scotts Company d/b/a The Ortho Group / 239-2706	2. EPA Product Manager James Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Ortho Group / Ortho Season Long MAX Weed & Grass Killer Plus Preventer Ready-Spray II	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The Ortho Group PO 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 in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section II

- Amendment - Explain below.
- Resubmission in response to Agency letter dated \_\_\_\_\_
- Notification - Explain below.
- Final printed labels
- "Me Too" Application
- Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)  
 Addition of Alternate Brand Name: Ortho® Season-Long MAX™ Weed & Grass Killer Ready-Spray II.  
 This notification is consistent with the provisions 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 may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

Section III

1. Material This Product Will Be Packaged In:				2. Type of Container	
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			<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 4 to 20 pounds		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 Flexographic reverse print <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 Mandy Slack	Title Scientist, Regulatory Affairs	Telephone No. (Include Area Code) (937) 641-7187
<b>Certification</b> 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>Mandy Slack</i>	3. Title Scientist, Regulatory Affairs	
4. Typed Name Mandy Slack	5. Date October 22, 2010	



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NOTE:

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[Bracketed information is optional text]. Text separated by / denotes and/or options  
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# Ortho<sup>®</sup> Season-Long MAX<sup>™</sup> Weed & Grass Killer Plus Preventer Ready-Spray II

**Alternate Brand Name(s):**

- Ortho<sup>®</sup> Season-Long MAX<sup>™</sup> Weed & Grass Killer Plus Preventer Ready-Spray 2
- Ortho<sup>®</sup> Season-Long MAX<sup>™</sup> Weed & Grass Killer Plus Preventer Ready-Spray II
- Ortho<sup>®</sup> Season-Long MAX<sup>™</sup> Weed & Grass Killer Plus Preventer Ready-Spray 2
- Ortho<sup>®</sup> GroundClear Vegetation Killer Ready-Spray II
- Ortho<sup>®</sup> GroundClear Vegetation Killer Ready-Spray 2
- Ortho<sup>®</sup> GroundClear Vegetation Killer Ready-Spray
- Ortho<sup>®</sup> Season-Long MAX<sup>™</sup> Weed & Grass Killer Ready-Spray II

[Covers/Treats up to 480 sq ft [32 oz. size]]  
[Covers/Treats up to xxx sq ft [xx oz. size]]

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**ACTIVE INGREDIENTS:**

Oxyfluorfen.....	1.5%
Diquat dibromide .....	0.1%
Glyphosate, isopropylamine salt.....	8.0%
OTHER INGREDIENTS*.....	90.4%
TOTAL.....	100.0%

KEEP OUT OF REACH OF CHILDREN

CAUTION

\*Contains Petroleum Distillate

See [back] [panel] [booklet] for additional precautionary statements.

NET CONTENTS [32 fl. oz.] [30 fl. oz] [xx fl. oz.]

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**PULL HERE TO OPEN LABEL. PRESS TO RESEAL.**

**DIRECTIONS FOR USE**

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

**(Note to PM: The application rate will be consistent with the RED for Oxyfluorfen and not exceed a total of 3 pounds Oxyfluorfen per acre.)**

<b>PRODUCT FACTS</b>	[Covers/Treats up to 450 sq ft (32 fl oz size)] [Covers/Treats up to xxx square feet (xx fl. oz. size)]
<b>KILLS WEEDS</b>	Unwanted weeds and grasses
<b>PREVENTS WEEDS</b>	For up to 3 months
<b>WHERE TO USE</b>	<ul style="list-style-type: none"> <li>• Driveways, sidewalks, patios, and curbs along fences</li> <li>• In landscaped areas (except vegetable gardens) where no vegetation is desired.</li> <li>• [This product kills Grasses. DO NOT spray this product on your grass / lawn.]</li> </ul>
<b>[FOR BEST RESULTS/ HOW TO USE]</b>	SPRAY TO KILL: Thoroughly cover existing weeds and grasses SPRAY TO PREVENT: Thoroughly cover cracks, crevices and landscaped areas where you want to prevent weeds and grasses from growing
<b>[WHAT TO EXPECT]</b>	<ul style="list-style-type: none"> <li>• Visible results in 24 hours</li> </ul>
<b>[WHEN TO RE-ENTER SPRAYED AREAS]</b>	<ul style="list-style-type: none"> <li>• Do not allow people or pets to touch treated plants until the sprays have dried.</li> </ul>

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.

Do not allow people or pets to touch treated plants until the sprays have dried.

**WHERE TO USE:**

Apply only where no vegetation is desired, such as driveways, mulched landscapes, gravel & rock landscapes, along fences, sidewalks, walkways, patios, curbs, and even cracks in sidewalks.

**REPLANTING INSTRUCTIONS FOR 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

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.

Handwritten scribbles and marks on the right side of the page.

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**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 the [Ready-Spray II]/[Ready-Spray 2]/[Applicator name] System. 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 [using the water [only] setting].

**FOR BEST RESULTS:**

**SPRAY TO KILL:** Thoroughly cover existing weeds and grasses

**SPRAY TO PREVENT:** Thoroughly cover cracks, crevices and landscaped areas where you want to prevent weeds and grasses from growing.

**[Begin Application Directions Option 1]-----****HOW TO USE THE READY-SPRAY® II/[APPLICATOR NAME] SYSTEM**

Optional:[

1. Measure the total [entire] area to be sprayed. For rectangular areas, multiply the length by width to obtain total square feet.
2. See below directions for the ready-to-use hose-end sprayer.
3. Spray evenly over the entire measured area.]

End of optional section

**Connect:**

1. Shake well before using. [optional step]
2. Connect sprayer to hose.
3. Turn on water.
4. Extend hose to farthest area of the measured area to be treated. [optional step]

**Spray:**

1. To begin spraying, point nozzle in the direction you want to spray.
2. Bend small plastic tab back and turn knob to ON position.
3. Spray evenly over measured area.

**Finish:**

1. To STOP spraying, rotate the knob to the OFF position.
2. Turn off water.
3. Relieve water pressure by bending plastic tab back and turning knob to ON position until water slows to a drip. Then, turn knob to the OFF position.
4. Disconnect sprayer from hose.

[Optional illustrations may be used in conjunction with the above steps]

**[End Application Directions Option 1]-----**

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**[Begin Application Directions Option 2]**-----

**HOW TO USE THE READY-SPRAY® II/[READY-SPRAY 2]/[APPLICATOR NAME] SYSTEM**

Optional:[

1. Measure the total [entire] area to be sprayed. For rectangular areas, multiply the length by width to obtain total square feet.
2. See below directions for the ready-to-use hose-end sprayer.
3. Spray evenly over the entire measured area.]

End of optional section

**Connect:**

1. Shake well before using. [optional step]
2. Connect sprayer to hose.
3. Turn on water.
4. Extend hose to farthest area of the measured area to be treated. [optional step]

**Spray:**

1. To begin spraying, [disengage safety lock and] point nozzle in the direction you want to spray.
2. Slide thumb activation switch forward to ON position.
3. Spray evenly over measured area.

**Finish:**

1. To STOP spraying, slide thumb activation switch backward to OFF position.
2. Turn off water.
3. Relieve water pressure by sliding thumb switch to ON /WATER/ WATER ONLY position until water slows to a drip. Then, slide switch back to OFF position [and engage safety lock].
4. Disconnect sprayer from hose.

[Optional illustrations may be used in conjunction with the above steps]

**[End Application Directions Option 2]**-----

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**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 AND CONTAINER DISPOSAL:** **If empty:** Non-refillable container. 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 1-800-225-2883 for emergency medical treatment information.

**ENVIRONMENTAL HAZARDS:**

This product is toxic to aquatic invertebrates. Do not apply directly to water. 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. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.



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**OPTIONAL FILL MARKER EMBOSSED ON BOTTLE**

- sq. ft.
- Square feet
- Oz
- Ounces

**OPTIONAL NON-PESTICIDAL CLAIMS (claims may appear on any or all label panels(s))**

- Broadcast [applicator] [spray pattern]
- Convenient [Simple] [Design]
- For rock yards/gardens/landscapes
- Easily cover large areas
- [Easy] [Ergonomic] Comfort Grip [Design]
- Easy grip [control]
- Easy [to use]
- Economical – use to cover large areas
- Ergonomic [design]
- For use in landscape[d] areas
- [For] Use on driveways, sidewalks and patios, PLUS along fence lines, PLUS in mulched areas
- [For] Use on driveways, sidewalks, patios, and along fence lines [mulched areas]
- Gentle shower [applicator] [spray pattern]
- Guaranteed
- Hand doesn't get wet
- Hand stays dry
- [Great] for use in landscape[d] areas
- Includes water [only] setting/option
- Instant/Easy [One-handed] on/off applicator/switch/action
- **New/Now (*on labeling for the first 6 months of product registration*)**
- No mixing required
- Notice the incredible effect of Ortho® Season-Long MAX Weed & Grass Killer Plus Preventer Ready-Spray II. Great for use on patios, driveways, sidewalks, and landscaped areas. For weeds in lawns, we recommend using Ortho® Weed-B-Gon MAX Weed Killer for Lawns.
- One-handed operation
- Ready-Spray®/Ready-to-Spray/Applicator Name
- Simple [and easy] [to use]
- [Simply] attach to [garden] hose and spray/go

**OPTIONAL PESTICIDAL CLAIMS (claims may appear on any or all label panels(s))**

- 2-WAY ACTION - Kills Weeds & Grasses - Prevents Weed Seeds from Sprouting for up to 3 Months
- Up to 3 month control
- Up to 3 month extended weed and grass control
- Up to 3 month long-lasting [weed and grass control]
- Apply to landscaped areas to kill [prevent] weeds [and grasses]
- Blocks weed[s] [growth] up to 3 months
- [Covers/Treats up to 480 sq ft [32 oz. size]]
- [Covers/Treats up to xxx sq ft [xx oz. size]]
- Dual-action [formula] [kills and prevents]
- Fast-acting formula
- For weed [and grass] control [in landscape[d] [mulched] areas] - we recommend using [Ortho® Season-Long MAX Weed & Grass Killer Plus Preventer Ready-Spray II] before spreading [applying] [putting down] mulch around trees, shrubs and in landscape[d] areas.

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**OPTIONAL PESTICIDAL CLAIMS (continued)**

- How it works: Ortho® Season-Long MAX Weed & Grass Killer Plus Preventer Ready-Spray II dual-action formula kills the weeds and grasses you see and stops new weeds from growing [for up to 3 months].
- Keeps [prevents] weeds [and grasses] from growing in cracks [and joints] in sidewalks, driveways and patios
- Keeps weeds from growing [for up to 3 months]
- Kill and prevent weeds before mulching [putting down mulch]
- Kills and prevents weeds and grasses [for up to 3 months]
- Kills the Root
- Kills weeds [and grasses] all season long\*
- Kills weeds [for up to 3 months]
- Kills weeds for up to 3 months
- Long-lasting\* [formula] [weed [and grass] control]
- One application for season-long\* control
- One application lasts all season\*
- Prevents growth [for up to 3 months]
- Prevents re- [new] growth [for up to 3 months]
- Prevents weeds [and grasses] from growing [for up to 3 months]
- Prevents [weeds and grasses] [from growing]
- Prevents [weeds and grasses] in landscaped areas
- Prevents weeds [and grasses] all season long\*
- Protects against weeds [and grasses] [for up to 3 months]
- Provides long-term\* weed [and grass] control
- Results/works in 24 hours [overnight results]
- Scientifically formulated to prevent [kill] weeds [and grasses] [for up to 3 months]
- Season long [weed] [and grass] control\*
- Ingredient[s] prevents [kills] weeds [and grasses] [from growing] [for up to 3 months]
- Stops weed [and grasses] all season long\*
- Stops weeds [and grasses] before they start
- Stops weeds [and grasses] from growing for up to 3 months
- Use around landscape[d] areas to kill [and prevent] weeds
- Use before putting down [landscaping with] mulch
- Use in landscape[d] [mulched] areas to kill [and prevent] weeds
- Use on driveways [and patios] to kill [and prevent] weeds [for up to 3 months]
- Works all season\*
- Works for up to 3 months

\* Up to 3 months

**OPTIONAL PRODUCT COMMUNICATIONS (claims may appear on any or all label panels(s))**

- [For Hard Surfaces [and / &] Landscapes]
- [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. Follow instructions for appropriate usage, storage, and disposal.]

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



Questions, Comments or Medical Information?  
Call 1-800-225-2883

Visit our website  
[www.ortho.com](http://www.ortho.com)

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

**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.

[Product of]/Made in the USA

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EPA Reg. No. 239-2706

EPA Est. No. 239-IA-3<sup>l</sup>, 239-MS-001<sup>M</sup>, 84064-IA-001<sup>P</sup>, 085652-OH-1<sup>W</sup>, 58996-MO-1<sup>A</sup>

[Superscript is first letter of lot number on [end] [side] [top] [bottom] of container.]