

538-88

7/12/2010

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

JUL 12 2010

Jessica McLaughlin  
The Scotts Company  
14111 Scottslawn Road  
Marysville, Ohio 43041

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4 and 98-10

Dear Ms. McLaughlin:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 and 98-10 dated March 18, 2010 for:

**EPA Registration 538-88**

**Systemic Fungicide**

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 98-10 and finds that the label change(s) requested falls within the scope of PRN-2007-4 and 98-10. 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 Nicole Williams of my staff at 703-308-5551

Sincerely,

*Rachel C. Holoman*  
for

Paul Mastradone, Ph.D.  
Acting 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

<b>EPA</b> United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number 538088LBL20100318
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**Application for Pesticide - Section I**

1. Company/Product Number 538-88	2. EPA Product Manager Mary Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Scotts Company/Systemic Fungicide	PM# PM-21	
5. Name and Address of Applicant (Include ZIP Code) THE SCOTTS COMPANY 14111 Scottslawn Road Marysville, Ohio 43041  <input type="checkbox"/> Check if this is a new address	6. <b>Expedited Review.</b> 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**

<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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**NOTIFICATION**

JUL 17 2010

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Label Notification: Submission of one (1) marked-up copy and one (1) clean copy of labeling being modified to incorporate changes per PR Notice 98-10 and PR Notice 2007-4.

**Section III**

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
*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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 29.75		5. Location of Label Directions <input checked="" type="checkbox"/> On Bag <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Jessica McLaughlin	Title Scientist, Regulatory Affairs	Telephone No. (Include Area Code) (937) 578-5703
2. Signature The Scotts Company BY:		3. Title Scientist, Regulatory Affairs
4. Typed Name: Jessica McLaughlin		5. Date: March 18, 2010

**Certification**

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)



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NOTE:

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Yellow Highlights – Revisions made per PR Notice 2007-4  
Green highlights – Revisions made per PR Notice 98-10

**SYSTEMIC FUNGICIDE**

**NOTIFICATION**

JUL 12 2010

**FRONT:**

**OPTIONAL FRONT PANEL CLAIMS FOR PROFESSIONAL PRODUCT**

Systemic Fungicide XXXX

(Note: The description above will be inverted.)

Scotts®  
BRAND

Scotts®  
BRAND

Systemic Fungicide

- provides systemic disease prevention and control

Net Weight 29 ¾ lbs. (13.49 kg)

The Scotts Company  
14111 Scottslawn Road  
Marysville, Ohio 43041

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For Use By Professional Turfgrass or Nursery Managers

**OPTIONAL FRONT PANEL CLAIMS FOR RETAIL PRODUCTS**

Treats up to 7,400 square feet

For home lawn use only. Do not apply to sod farms.

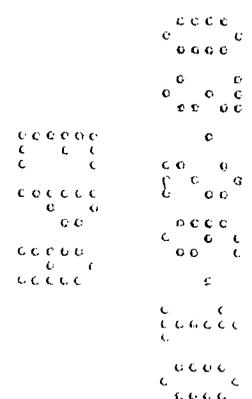
- Controls major lawn fungus problems without fertilizer application.
- Controls brown patch, dollar spot, and other common lawn diseases (as listed on back).
- Suppresses Fusarium blight, necrotic ring spot, and summer patch diseases.
- Use anytime on all lawns to prevent or control listed lawn diseases.
- Systemic action formula!

[PHOTOS: LAWN DISEASES]

DOLLAR SPOT      BROWN PATCH  
SUMMER PATCH      PINK SNOW MOLD

Net Weight 10.0 lbs. (4.53 kg)

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**  
**See back for first aid and additional precautionary statements**



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**Front Panel (cont)**

ACTIVE INGREDIENT:	
Thiophanate-methyl† .....	2.30%
OTHER INGREDIENTS: .....	97.70%
	Total 100.00%

†CAS #23564-05-8

EPA Reg No 538-88	EPA Est.	538-OH-1 (S)
		9198-OH-1 (M)

Product of U.S.A.

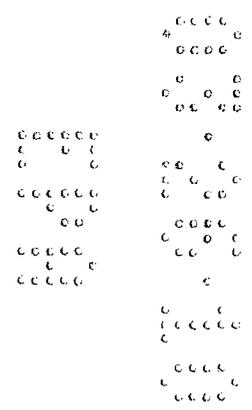
**GUSSETS:**

RIGHT GUSSET

XXXX	Scotts® BRAND	Systemic Fungicide
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LEFT GUSSET

Scotts® BRAND	Systemic Fungicide (Printing Calendar)	XXXX	Scotts® BRAND
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**BACK:**

**DIRECTIONS FOR USE FOR PROFESSIONAL PRODUCT**

Scotts®  
BRAND

Systemic  
Fungicide

Scotts®  
BRAND

Directions for use

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

Not for homeowner use. For use only by certified applicators or those under their immediate supervision.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.

Keep children and pets off treated areas until material has been washed off the foliage and the area is completely dry. Do not feed clippings from treated turf to livestock and poultry. Do not contaminate feed or foodstuffs.

Prevents or arrests the turfgrass diseases brown patch, dollar spot and copper spot. In Washington, Oregon and California only, prevents or arrests pink snow mold (*Fusarium patch*).

Not a control for leaf spot or gray snow mold on turf.

Not a season long (all winter) control of snow mold unless applied on a 2 to 3 week application program.

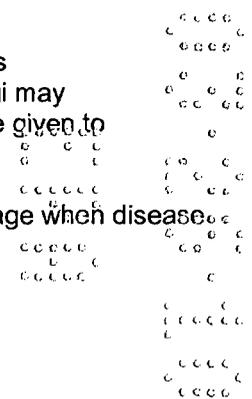
**TURF**

For prevention of dollar spot\*, copper spot and brown patch, apply to dry or moist foliage at the PREVENTIVE RATE when disease activity is noted or suspected and repeat at 2 to 3 week intervals. During conditions that favor disease activity such as humidity and high temperatures, brown patch control may require 2-week treatments intervals.

To avoid product pickup, lightly irrigate treated areas soon after application.

\*If dollar spot control is not effective following the use of this product as recommended, a thiophanate-methyl or benomyl tolerant strain of fungi may be present. Consult your ProTurf Tech Rep as consideration should be given to prompt use of other suitable ProTurf fungicides.

For prevention of pink snow mold, apply at the PREVENTIVE RATE to dry foliage when disease activity is anticipated. Repeat at 2 to 3 week interval.



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For suppression of pink snow mold in areas where snow cover occurs, apply to dry foliage at the CURATIVE RATE prior to the first snow. Repeat in mid-winter when turf is free of snow and again immediately after the final snow melts in the spring.

**Precautions**

Allow one week between the application of this and other turf control products except where severe insect or disease attack requires immediate treatment.

Do not apply by hand or hand-held spreader.

MAXIMUM USE RATE TABLE

Use Site	Max. rate per application (lb ai/acre)	Max annual application rate (lb ai/acre)	Minimum re-application Interval (days)
Golf course greens, tees, aprons	2.72	21.77	14
Golf Course Fairways (except FL)	2.72	5.45	14
Golf Course Fairways (FL only)	2.72	2.72	14
Residential and Municipal Turf (home lawns, parks, athletic fields, schools, and day care centers)	2.72	10.88	14

**Storage and disposal (FOR PROFESSIONAL PRODUCT)**

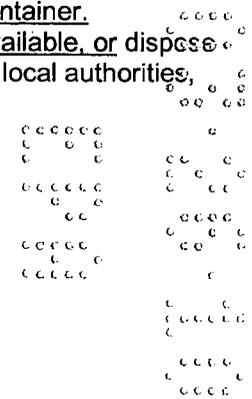
Do not contaminate water, food, or feed by storage or disposal.

**PESTICIDE STORAGE:** Store in a clean, dry place. Reseal opened bag by folding top down and securing.

**PESTICIDE DISPOSAL:** Pesticides wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

**CONTAINER DISPOSAL:** Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

The Scotts Company  
14111 Scottslawn Road  
Marysville, Ohio 43041



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**(PROFESSIONAL SPREADER SETTINGS)**

Suggested Spreader Settings  
(to provide proper distribution calibrate spreader before application)

29 3/4 lbs. treats 22,000 ft<sup>2</sup> at the PREVENTIVE RATE  
29 3/4 lbs. treats 11,000 ft<sup>2</sup> at the CURATIVE RATE

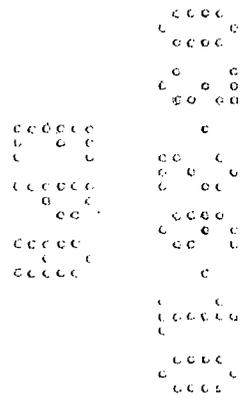
Spreader	Ground Or PTO Speed	Width of Coverage	SPREADER SETTINGS	
			Preventive Rate	Curative Rate
Scott Drop Type	X mph	overlap wheels	X	X
Scotts Rotary R-7, R-7X	X mph	X feet	X	X
Scotts Rotary R-8 (cone 8)	X mph	X feet	X	X
Lely Models (see below)	X mph	X feet	X	X

Lely models WTR, WFR, HR and 1250. PTO at 450 rpm. Metric coverage: 13.49 kg treats 2044 m<sup>2</sup> at the PREVENTIVE RATE and 1022 m<sup>2</sup> at the CURATIVE RATE.

**IMPORTANT NOTICE: DISCLAIMER AND LIMITATION OF LIABILITY**

NO WARRANTY OR REPRESENTATION IS MADE, EXPRESS, OR IMPLIED, CONCERNING THE RESULTS TO BE OBTAINED FROM THE USE OF THIS. The exclusive remedy of the user or Buyer, and the limit of liability of The Scotts Company or its affiliates, for any and all losses, injuries or damages resulting from the use or handling of this product shall be the purchase price paid by the user or Buyer for the quantity of this product involved. The Buyer and all users are deemed to have accepted the terms of this Notice, which may be varied only by agreement in writing, signed by a duly authorized representative of The Scotts Company.

Systemic Fungicide



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**[OPTIONAL DIRECTIONS FOR USE FOR RETAIL PRODUCTS]**

Treats up to 7,400 sq. ft.

Controls the following turfgrass diseases:

- anthracnose
- brown patch
- copper spot
- pink patch
- red thread
- pink snow mold (Washington, Oregon and California only)
- stripe smut
- dollar spot

Suppresses the following turfgrass diseases:

- Fusarium blight
- necrotic ring spot
- summer patch

**Directions for use**

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

**When to use:**

Do not apply this product in a way that will contact any person or pet, either directly or through drift. Keep people and pets out of the area during application.

Do not enter or allow others to enter the treated areas until dusts have settled.

**Prevention**

- Apply to dry or moist foliage at the PREVENTIVE RATE when disease activity is noted or suspected.
- Repeat at 2 to 3 week intervals. During periods of high day and night temperature and humidity, 2 week treatment interval may be needed to achieve best brown patch control.
- For cure of these diseases when symptoms indicate advanced stages, apply at the NORMAL RATE (CURATIVE) and follow with the PREVENTIVE RATE within 2 – 3 weeks.

**Suppressing turfgrass diseases**

- Apply to dry foliage at the NORMAL RATE (CURATIVE) every 30 days (beginning in late spring to early summer).
- Water-in immediately after application and keep turf from becoming drought stressed by watering (1 inch) weekly.
- Three to four applications may be necessary for season-long suppression.

**Suppressing pink snow mold [Optional – only to be used when pink snow mold is listed on label]**

- Apply to dry foliage at the CURATIVE RATE prior to the first snow.
- Repeat in mid-winter when turf is free of snow and again after the final snow melts in the spring.

**How to use:**

- Do not apply by hand or with hand-held rotary spreader. Apply with a drop-type spreader. For best results with a rotary spreader, apply during a calm period of the day. If necessary to

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apply when a breeze is blowing, move in the direction of the wind to prevent material from blowing toward the operator.

- Allow one week between the application of this and other control products. (This guideline may be relaxed where a severe insect or disease attack requires immediate treatment).
- Maximum number of applications is four per year.
- It is not necessary to water in immediately. However, water is required before product will be activated.

**[STORAGE AND DISPOSAL FOR RETAIL PRODUCTS]**

**Storage and disposal**

**PESTICIDE STORAGE:** Reseal opened bag by folding top down and securing.

**PESTICIDE CONTAINER DISPOSAL:** If empty: Nonrefillable 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.

**(RETAIL SPREADER SETTINGS)**

**Spreading Tips**

Apply header strips. Then apply product in longest direction of lawn.

For best results, use a Scotts spreader

**[Note to PM: "XX lb treats X,XXX sq ft" information noted in spreader setting chart is dependent upon bag weight. To maintain proper application rates (i.e. 2.72 lb ai/acre for normal rate), coverage statement will change by notification if bag weight is altered]**

SPREADER SETTINGS	PREVENTIVE RATE (10 lb. treats 7,400 sq. ft.)	NORMAL RATE (CURATIVE) (10 lb. treats 3,700 sq. ft.)	DIRECTIONS
Scotts AccuGreen® Drop Spreaders	X	X	Mow lawn first; apply 2 header strips; apply longest direction of lawn, overlapping wheel marks.
Scotts PrecisionGreen® Drop Spreader	X	X	Mow lawn first; apply 2 header strips; apply longest direction of lawn, overlapping wheel marks.
Scotts SpeedyGreen® & EdgeGuard™ Rotary Spreaders	X	X	Make each pass about 5 feet from previous pass to overlap spread width.
Scotts EasyGreen® Rotary	X	X	Make each pass about 30 inches from previous pass to overlap spread width.

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Additional Spreader Settings

- EZ Drop, Republic (#530) ..... X
- EZ Broadcast, Republic (#540 or #545)..... X
- Scotts Broadcast Tractor Spreader..... X

(Non-Scotts spreader settings are approximate. You may need to adjust for proper coverage.)

[Note to PM – End of retail section]

**PRECAUTIONARY STATEMENTS**

Hazards to Humans and Domestic Animals: CAUTION, causes eye irritation. Do not get in eyes, on skin or on clothing. Harmful if swallowed or absorbed through skin. Avoid inhalation.

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 first 5 minutes, then continue rinsing eye.
- **If on skin or clothing:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes.
- **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 inhaled:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.

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

Personal Protective Equipment (PPE):

Loaders, applicators and other handlers must wear:  
long-sleeved shirt and long pants, and shoes plus socks.

User Safety Recommendations:

User should wash hands before eating, drinking, chewing gum, tobacco, or using the toilet. User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards: Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment wash water.

Attention

This product contains a chemical known to the state of California to cause birth defects or other reproductive harm.

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14111 Scottslawn Rd  
Marysville, Ohio 43041

**[NOTE TO PM – OPTIONAL INFORMATION FOR RETAIL PRODUCT]**  
**Questions/Information**

[phone art]  
Consumer Helpline:  
1-800-543-TURF (8873)

[computer art]  
Visit our website  
[www.scotts.com](http://www.scotts.com)

[NYSE INFO]

**Scotts Policy: No-Quibble Guarantee™**

If for any reason you, the consumer, are not satisfied with results after using this product, you are entitled to get your money back. Simply send us evidence of purchase and we will mail you a refund check promptly.

Scotts® . . . . . the lawn people™

Marysville, Ohio 43031

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