

538-88

06-21-2011

1/4



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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Jessica McLaughlin
Scientist, Regulatory Affairs
The Scotts Company
14111 Scottslawn RD
Marysville, OH 43041

JUN 21 2011

Dear Ms. McLaughlin:

SUBJECT: Systemic Fungicide
EPA Registration Number 538-88
Your label amendment submitted November 30, 2010

The label labeling referred to above, submitted in connection with registration under section (3) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is acceptable provided you make the following change:

Page 3 – Directions for Use

In an earlier revision, removal was requested for the "Not for homeowner use" statement. Such "Not for" statements are not enforceable by the Agency. The directions for use are to be explicit as to who, and what the product labeling is designated for. There are additional "Not for" and/or "Not" statements throughout this section that are requested for revision.

Page 8 – Precautionary Statements:

Your draft labeling indicates that you are using bold italic text to indicate which language belongs to the gold course product and which belongs to the retail (home use) product. Add language in bold italics indicating that everything between the bold italic "End of Retail Section" and "Optional Information for Retail Product" belongs to both label types.

Page 8- First Aid:

Place inside of text box

Page 8: User Safety Recommendations:

Format with bulleted statements

Page 9: Questions/Information For Retail Product

Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance. As an alternative, you may refer consumers to the company's phone number or e-mail address.

One copy of the label stamped "Accepted with comments" is enclosed for your records. This label supersedes all labels previously accepted for this product. You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after 12 months from the date of this letter or the next printing of the label whichever occurs first, must bear the new revised label.

If you have any questions, please contact Lisa Jones on my team at (703) 308-9424 or jones.lisa@epa.gov.

Sincerely yours,



Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7504P)

Enclosure: Stamped label

3
11

NOTE:

Bold, italicized text is information for the reviewer and is not part of the label.
[Bracketed information is optional text]. Text separated by "/" denotes and/or options.

EPA Reg. No. 538-88

SYSTEMIC FUNGICIDE

**ACCEPTED
with COMMENTS
In EPA Letter Dated
JUN 21 2011
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
538-88**

[Scotts® [BRAND]]

ACTIVE INGREDIENT:

Thiophanate-methyl† 2.30%

OTHER INGREDIENTS: 97.70%

Total 100.00%

†CAS #23564-05-8

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back for first aid and additional precautionary statements

EPA Reg No 538-88

EPA Est.

538-OH-1 (S)

9198-OH-1 (M)

XXX-XX-X (*insert additional EPA Registered Establishments*)

[Superscript used is first letter of run code on end of container]

[Underlined letter is first letter used in run code on bag.]

OPTIONAL FRONT PANEL CLAIMS INTENDED FOR PRODUCTS USED ON GOLF COURSES

- provides systemic disease prevention and control
- Formulated on proprietary DG [Lite/Heavy Weight/Pro] dispersible carrier
- For Use By Turfgrass or Nursery Managers

Net Weight 29 ¾ lbs. (13.49 kg) *Intended For Products Used On Golf Courses*

NOTE:

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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!
- [ICON: lawn disease]
- [ICON: dollar spot]
- [ICON: brown patch]
- [ICON: summer patch]
- [ICON: pink snow mold]

Net Weight 10.0 lbs. (4.53 kg) ***For Retail Products***

114

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EPA Reg. No. 538-88

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DIRECTIONS FOR USE: INTENDED FOR PRODUCTS USED ON GOLF COURSES

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 according to label directions, 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.

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.

5
11

6
11

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EPA Reg. No. 538-88

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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: INTENDED FOR PRODUCTS USED ON GOLF COURSES

Storage and Disposal

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.

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7
11

SPREADER SETTINGS: INTENDED FOR PRODUCTS USED ON GOLF COURSES

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

29 3/4 lbs. treats 22,000 ft² at the PREVENTIVE RATE
 29 3/4 lbs. treats 11,000 ft² 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 m² at the PREVENTIVE RATE and 1022 m² at the CURATIVE RATE.

IMPORTANT NOTICE: DISCLAIMER AND LIMITATION OF LIABILITY

To the extent consistent with applicable law, 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.

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EPA Reg. No. 538-88

8
11

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 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

9
11

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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.
- Do not apply more than 2.7 lb Systemic Fungicide per 1000 sq. ft. of turf.

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

"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

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10
11

			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.)

END OF RETAIL SECTION

PRECAUTIONARY STATEMENTS

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.

Attention

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

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.

Personal Protective Equipment (PPE):

Loaders, applicators and other handlers must wear:

- long-sleeved shirt
- long pants
- 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.

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Environmental Hazards – Alternate per PR Notice 2008-1

Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. 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. 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.

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Product of U.S.A

[Distributed/Manufactured/Sold/Guaranteed by/for:]

The Scotts Company
14111 Scottslawn Rd
Marysville, Ohio 43041

OPTIONAL INFORMATION FOR RETAIL PRODUCT

Questions/Information

[ICON: phone]

Consumer Helpline:
1-800-543-TURF (8873)

[ICON: computer]

Visit our website
www.scotts.com

[NYSE INFO]

U.S. Patent No. X,XXX,XXX

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.

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.

Product of U.S.A.

Scotts® the lawn people™

Marysville, Ohio 43031

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