

538-234

5/7/2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms Cheryl H. Prinster
The Scotts Company
14111 Scottslawn Rd
Marysville, OH 43041

MAY 7 2010

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

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated April 14, 2010 for:

EPA Registration 538-234

Weed Control with Fertilizer

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of 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 Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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

2012

Please read instructions on reverse before completing form.

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

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

1. Company/Product Number 538-234	2. EPA Product Manager Jim Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Scotts Company / Weed Control with Fertilizer	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company 14111 Scottslawn Rd 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. _____ Product Name _____	

Section II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below.
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NOTIFICATION
MAY - 7 2010

Label Notification – Submission of one highlighted and one clean copy of the updated master label for EPA Reg. No. 538-234 – Weed Control with Fertilizer. Notification to add "Nonrefillable container. Do not reuse or refill this container." language to Storage and Disposal in accordance with PR Notice 2007-4. See cover letter for 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 checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) plastic bag		
*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 1.76 lb		5. Location of Label Directions <input checked="" 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 <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 Cheryl H. Prinster	Title Senior Scientist	Telephone No. (Include Area Code) (937) 644-7296
2. Signature The Scotts Company BY:		6. Date Application Received (Stamped) _____
3. Title Senior Scientist, Regulatory Affairs		
4. Typed Name Cheryl H. Prinster		5. Date April 14, 2010

Certification
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete, acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

30412



The Scott's Company LLC

and Subsidiaries

April 14, 2010

Mr. Jim Tompkins (PM-25)
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: Label Notification
Weed Control with Fertilizer, EPA Reg. No. 538-234

Dear Mr. Tompkins:

The Scott's Company is notifying the Agency of a revision to the label for EPA Reg. No. 538-234, Weed Control with Fertilizer. The sole revision is the addition of the statements "Nonrefillable container. Do not reuse or refill this container." to the Storage and Disposal section on the label. This language is highlighted in yellow. The Scott's Company believes that this is in full compliance with PR Notice 2007-4.

In support of this action, please find enclosed the following documents:

- Application form (EPA Form No. 8570-1)
- One (1) "highlighted" copy of the master label
- One (1) "clean" copy of the master label

If you have any questions regarding this submission, please do not hesitate to contact me 937-644-7296.

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Sincerely,

Cheryl H. Prinster
Senior Scientist

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14111 Scottslawn Road
Marysville, Ohio 43041
Direct line: 937-644-7296
Facsimile: 937-578-7075
Email: Cheryl.Prinster@Scotts.com

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Note to PM:

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

EPA Reg. No. 538-234

EPA #538-234



ALTERNATE BRAND NAMES

NOTIFICATION

MAY - 7 2010

Step™2

Scotts® Weed Control with Fertilizer

Scotts® Weed Killer for St. Augustine Lawns

Ortho Weed-B-Gon® Weed Killer for St. Augustine Lawns

Ortho® OR Scotts® Weed-Free Weed Killer for St. Augustine Lawns

Ortho® OR Scotts® Spot Weeder Weed Killer for St. Augustine Lawns

FRONT

(Scotts)

Weed Control with Fertilizer

(NOTE: The description above will be inverted)

XXXXX

TREATS X,XXX SQ FT (*The 1.76 lb bag is for spot treatment at the rate of 0.03 lb per 4 sq ft*)
Step™2
of 4 easy steps to
a better lawn

(ILLUST)

SCOTTS®
No-Quibble
Guarantee®
SEE BACK FOR DETAILS

Weed Control with Fertilizer

(only use on St. Augustine, zoysia,
and carpetgrass lawns)

(ILLUST)

NET WEIGHT XX LBS

XX-X-X

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back for PRECAUTIONARY STATEMENTS

ACTIVE INGREDIENT:

Atrazine†0.588%

RELATED COMPOUNDS0.012%

OTHER INGREDIENTS:99.400%

Total 100.000%

†CAS #1912-24-9

EPA Reg. No 538-234

EPA Est 538-OH-1



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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. 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:** 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. Call a poison control center or doctor for treatment advice. **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.

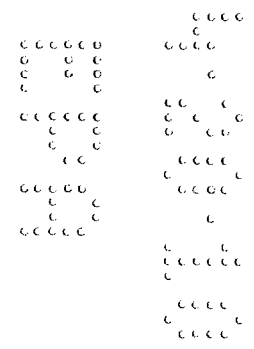
Have the product container or label with you when calling poison control center or doctor, or going for treatment.

Precautionary Statements

Hazards to Humans and Domestic Animals: CAUTION. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear long sleeved shirt and long pants, socks and shoes.

ENVIRONMENTAL HAZARDS: This product is toxic to aquatic invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff and drift from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when cleaning equipment. Do not clean equipment over hard surfaces or near storm drains.

Atrazine can travel (seep or leach) through soil and enter ground water which may be used as drinking water. Atrazine has been found in ground water. Users are advised not to apply Atrazine to permeable (i.e. well drained) soils where the water table (groundwater) is close to the surface. Your local agricultural agencies can provide further information on the type of soil in your area and the location of ground water.



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EPA Reg. No. 538-234

GUSSETS

Annual Program
XXXXX
Step™2
SCOTTS®
No-Quibble
Guarantee®
SEE BACK FOR DETAILS

BACK

PULL TAB and remove for pour spout (ILLUS.)
Easy Open
PULL HERE -
Step™2 - XXXXX
XM
TREATS XX,000 SQ FT
PROOF OF PURCHASE



Scotts Annual Lawn Care Program™

Now it's easy for you to have a better lawn

Save money

Why even consider a lawn care service
Scotts Annual Program will give you a beautiful lawn for about one-third the cost.

Start anytime

You can start the Annual Program anytime of the year. Just check the month and select the appropriate Step listed below.

Simple and easy

No more guesswork. You simply apply the right product - one Step at a time.

Guaranteed results

Each Step is designed for the specific season to help give you a healthier, greener lawn.

(The 4 Steps listed below will be placed horizontally in one row.)

Step™1. Early Spring February-April

Crabgrass Preventer plus Fertilizer - prevents crabgrass, foxtail, spurge, oxalis, chickweed and other annual weeds while providing deep, thick greening for up to 2 months. This is Scotts best fertilizer plus crabgrass preventer.

Step™2. (Application A Optional) Late Winter Spring January-May

Weed Control with Fertilizer - controls dollarweed, chickweed, matchweed and other broadleaf weeds while greening your lawn for up to 2 more months.

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EPA Reg. No. 538-234

Step™3. Summer June-August

Insect Control plus Fertilizer – controls white grubs, chinch bugs, sod webworms and other lawn insects plus keeps your lawn green through the Summer.

Step™4. Fall August-November

Lawn Fertilizer – specially formulated for the Fall – the best time to develop a stronger root system for a healthier, thicker, lawn. Helps your lawn green up even quicker next Spring. This is Scotts best fall fertilizer.

Product Facts	
Treats up to XX sq ft	
KILLS WEEDS	Dollarweed and 24 other lawn weeds
WHERE TO USE	For use on St. Augustinegrass (including Floratam), zoysia and carpetgrass lawns only – won't harm lawn grasses
AMOUNT TO USE	Sprinkle product lightly over weeds. 1 Tbs covers 4 sq ft.
 Questions, Comments or Medical Information call 1-800-225-2883 (1-800-543-TURF) www.ortho.com (www.scotts.com)	

WEEDS CONTROLLED

Black medic, blue toadflax, buckhorn, burclover, Carolina geranium (cranesbill), chickweed, dandelion, dichondra, dollarweed, eveningprimrose, Florida betony, Florida pusley, fragrant cudweed (rabbit-tobacco), henbit, lippia (matchweed), oxalis (yellow woodsorrel), pepperweed, purslane, red sorrel (sheep sorrel), rescuegrass, shepherdspurse, sowthistle, stinging nettle, Venus lookingglass, wild mustard.

WEEDS PREVENTED

Crabgrass, sedges, spotted spurge, bull paspalum.

Step™2 DIRECTIONS FOR USE

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

- Apply only when grass is dry.
- This product must be WATERED IN IMMEDIATELY after application.
- Do not apply this product in a way that will contact any person either directly or through drift. Keep people and pets out of area during application.
- Do not allow people or pets to enter treatment areas until watering-in is complete and the surface is dry.
- Do not apply granular lawn products by hand. Avoid contact with hands or skin. Broadcast applications must NOT be made using hand-held devices, such as a belly grinder or hand-held rotary applicator. Such equipment may only be used for spot treatments.

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Note to PM:

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- Maximum rate per application on turfgrass (including lawns) is 0.03 lbs (1 Tbs) per 4 sq ft.
- Maximum of two applications per year.
- Rinse particles off the grass blades when temperatures are 80°F or above.
- Don't apply to lawns or mixed lawns of bahiagrass, bermudagrass, bluegrass, fine fescue, bentgrass, ryegrass, tall fescue or dichondra because injury may occur.
- Don't apply to newly seeded carpetgrass lawns until after the new grass has been mowed at least twice.
- Don't plant sprigs for one month, or sow new grass seed for six months following application of Step™2.
- DESIRABLE PLANTS: DON'T APPLY ON OR UNDER THE BRANCH SPREAD (ROOTZONE) AREA OF TREES, SHRUBS, BEDDING PLANTS, FLOWERS OR GARDEN PLANTS, PARTICULARLY IN COMPACT, SLOWLY DRAINING SOILS IN THE DALLAS-FT WORTH AREA.
- An application of Scotts Lawn Supplement may be used anytime during the year if extra greening is desired.

OPTIONAL DIRECTIONS FOR USE

IMPORTANT

This product must be WATERED IN IMMEDIATELY after application.

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

Do not allow people or pets to enter treatment areas until watering-in is complete and the surface is dry.

Do not apply granular lawn products by hand. Avoid contact with hands or skin. Broadcast applications must NOT be made using hand-held devices, such as a belly grinder or hand-held rotary applicator. Such equipment may only be used for spot treatments.

Maximum rate per application on turfgrass (including lawns) is 0.03 lbs (1 Tbs) per 4 sq ft.

Maximum of two applications per year.

Do not apply to lawns or mixed lawns of bahiagrass, bermudagrass, bluegrass, fine fescue, bentgrass, ryegrass, tall fescue or dichondra because injury may occur.

Do not apply to newly seeded carpetgrass lawns until after the new grass has been mowed at least twice.

Do not plant sprigs for one month, or sow new grass seed for six months in treated area following application.

Do not apply to carpetgrass lawns during the period of winter dormancy – approximately October 15 – March 15.

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EPA Reg. No. 538-234

Desirable plants: Do not apply on or under the branch spread (rootzone) area of shrubs, bedding plants, flowers or vegetables.

FOR BEST RESULTS

AMOUNT TO USE [Image/illustration of amount to use]

Using a quarter as a size reference, this illustration shows the amount of (Name to be determined) with 1 Tablespoon sprinkled evenly over 4 sq ft (square feet).

WHERE TO USE

Use to control weeds on St. Augustine (including Floratam), zoysia, and carpetgrass lawns only.

WHEN TO APPLY

Apply anytime weeds are actively growing.

Optional - Ideal for spot treating lawn weeds in between fertilizer [and granular weed & feed] (Scotts Bonus S®) applications.

Apply only when grass is dry.

For best results, water after application to help activate the product.

HOW TO APPLY

-----[**OPTION 1**] SHAKER BAG, CANISTER, SHAKER BOTTLE-----

Open container and shake as needed to lightly sprinkle product over weeds. Cover as indicated in the picture above (below). 1 Tbs treats 4 square feet (sq ft).

-----[**OPTION 2**] GRASSHOPPER APPLICATOR -----

Easy to Use Applicator

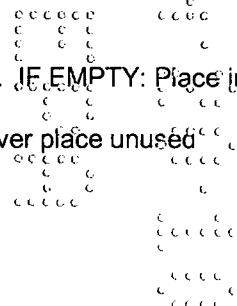
1. Remove top overcap. Unscrew nozzle and remove safety seal from jug. [illustration #1]
2. Extend nozzle applicator and rotate as shown [illustration #2]
3. Sprinkle product over weeds in lawn. Cover as indicated in above instructions. 1 Tbs treats 4 square feet (sq ft) [illustration #3]

Storage and Disposal

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

PESTICIDE 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.



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EPA Reg. No. 538-234

Guaranteed Analysis

643-XXXX

Total nitrogen (N)..... XX%

 X.X% ammoniacal nitrogen

 X.X% urea nitrogen

 X.X% other water soluble nitrogen*

 X.X% water insoluble nitrogen

Available phosphate (P²O⁵).....X%

Soluble potash (K²O)X%

Derived from: xxx

*Contains X.X% slowly available methylenediurea and dimethylenetriurea nitrogen.

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-sc.com>

Product of USA

U.S. Patent No. XXXXXXXXXXXXXXX

The Scotts Company
14111 Scottslawn Road
Marysville, Ohio 43041

The Ortho Group
P.O. Box 1749
Columbus, OH 43216

Spreader Setting	Scotts® Drop Spreader	Scotts® EasyGreen® Rotary
(treats X,XXX sq ft)	X	XX

TIPS ON SPREADING WITH SCOTTS® DROP SPREADERS

- First apply 2 header strips
- It is easier to follow wheel tracks if you operate spreader the longest way of the lawn or at right angles to the sun (ILLUS.)
- Overlap wheels about 2" to avoid striping
- Shut off spreader when you reach the header strips or anytime you stop (ILLUS.)
- If grass is tall enough to touch the bottom of the spreader, mow lawn before application

EasyGreen® Rotary

- Slide shut-off lever to the right, application automatically starts and stops when you do
- Avoid misses by making each pass about 30 inches from the previous one so some overlapping occurs

If you have questions.

We designed this Program to make having a better lawn as simple and easy as possible. but you may still have some questions about your lawn during the year. If so, you can contact the Scotts Lawn Pro retailer where you bought this Program. They are ready to answer your questions and provide any help or information that you may need. -Or- you can get the answers by talking directly with one of Scotts lawn counselors. Simply dial this toll-free number 1-800-543-TURF Monday through Friday 9:00 AM to 5:00 PM Eastern time (in Ohio 1-800-762-4010).



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EPA Reg. No. 538-234

Scotts®
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.

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.

SCOTTS.....the lawn people
MARYSVILLE, OHIO 40341

32247 XXXXX

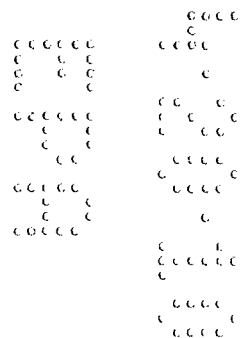
The Scotts Company
14111 Scottslawn Road
Marysville, Ohio 43041

The Ortho Group
P.O. Box 1749
Columbus, OH 43216

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Claims

- New
- Now
- Kills dollarweed [and 24 other [common] lawn weeds]
- Treats [over] 25 [common] [lawn] weeds
- Kills/Eliminates 25 [common] [lawn] weeds
- Kills weeds, not [St. Augustine] lawns
- Kills and prevents
- Kills (clears out) [existing] weeds and prevents new weeds from growing
- Our (Ortho's/Scotts'/Weed-B-Gon's) particles provide you with two [important] benefits: (1) Control(s) dollarweed and 24 other common lawn weeds. (2) Prevent(s)(tion) germination of these annual weeds: crabgrass, bull paspalum, sedges, spotted surge
- Targets weeds, leaves grass (lawn) unharmed
- Won't harm [St. Augustine] [Southern] lawns (grass)!
- Special formula (specially formulated to) kill(s) weeds, won't harm lawns
- For use on St. Augustinegrass (including Floratam), zoysia, and carpetgrass lawns only
- Made (formulated) (specially formulated) for [use on] St. Augustine Lawns
- [How it works] – (Name) contains a special blend of [proven] ingredients that target (seek out) and destroy (kill) weeds, while leaving the (your) grass (lawn) (St. Augustine lawn) unharmed – guaranteed
- [How it works] - (Name) contains a special granular formula that attacks weeds through the leaves and through the roots, killing them while leaving your grass (St. Augustine Lawn) completely unharmed - guaranteed
- [Dual-action] Works through the leaves and through the roots



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- Small, lightweight granules provide complete uniform coverage and are quickly absorbed to help insure complete control of weeds
- Contains Scotts' Bonus S® weed killing (control) technology (formula)
- Helps keep[s] the lawn look[ing] beautiful [all season long]
- Directions in [and/or] Spanish [see (on) back panel (label) (of bag)]
- Use anytime weeds are actively growing
- Guaranteed [performance]
- No mixing [or (no) measuring]
- Ready to use [granules]
- Dry (granular) formula
- Apply (Goes on) dry
- Rain or watering immediately after application will not wash away effectiveness
- Rainproof immediately [after application]
- Moisture (water) proof (resistant) container (package)
- Made in U.S.A.

CLAIMS SPECIFIC TO SHAKER CANISTER/BOTTLE

- Built-in applicator
- Easy to use [applicator]
- Applicator makes spot treating weeds easy.
- Easy (E-Z) pour spout
- Apply in (with) one easy step
- Easy/Ready to pour (shake) (apply) (sprinkle) [on (to) weeds]
- Great (ideal) for spot treatments (treating [lawn] weeds)
- Makes spot treating weeds easy.
- Apply (shake) (sprinkle) (pour) directly to (on) weeds
- Just open and pour (apply) (sprinkle) (shake) [on (to) weeds]
- [Ideal for] Use in between (as a supplement to) fertilizer (Scotts) (Scotts Bonus S®) applications (treatments) [to spot treat weeds in your lawn].
- No spreader required!

