

538-260

9/9/2010

10/13



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

September 9, 2010

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

Subject: Amendment – Response to Agency’s May 5, 2010 letter
Turf Builder with Fire Ant-X
EPA Reg. No. 538-260
Your submission dated June 1, 2010

Dear Ms. McLaughlin:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. Under Chinch Bugs either delete “Repeat applications throughout the growing season as needed or indicate the repeat interval which should be based upon the residual effectiveness of the product.
2. Revise the follow Optional Front Panel Claims:
 - a. Replace “Specially formulated for warm weather/season grasses [the hottest months]” with “Formulated for warm weather/season grasses [the hottest months]”.
 - b. Replace “Specially formulated not to burn summertime lawns” with “Formulated not to burn summertime lawns”.
 - c. Replace “Formulated to kill/control insects, won’t harm lawns” with “Formulated to kill/control listed insects, won’t harm lawns”.
 - d. Replace “Kills/controls ants/fire ants/fleas (larvae)/ticks/mole crickets/chinch bugs/other lawn-damaging insects” with “Kills/controls ants/fire ants/fleas (larvae)/ticks/mole crickets/chinch bugs/other listed lawn-damaging insects”.
3. Delete the claim “For outdoor multi-insect control. [as listed]”. This claim implies a greater range of effectiveness than labeled. Claims must be limited to those pests listed on the label.

4. Delete all references to claims for Pharaoh's Ants and Centipedes. The data submitted and cited do not support these claims.

If you have any questions regarding this action, please contact BeWanda Alexander at Alexander.bewanda@epa.gov or (703) 305-7460.

Sincerely,



Richard Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)

Enclosure

NOTE:

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[Bracketed information is optional text]. Text separated by " / " denotes and/or options.

EPA Reg. No. 538-260

Turf Builder with Fire Ant-X

ACCEPTED
with COMMENTS
In EPA Letter Dated
SEP 9 2010
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
538-260

FRONT

SCOTTS®
-----Lawn Fertilizer with Insect Control-----

OPTIONAL FRONT PANEL CLAIMS

Claims regarding "General Benefits"

- Helps/Helps keep/Keeps the lawn [look/looking] beautiful.
- Helps the lawn look beautiful.
- Great for neglected lawns.

Claims regarding "Problem Control"

- Kills/controls ants, fleas (larvae), ticks and other listed insects.
- Kills/control lawn & garden pests/insects/bugs.
- Kills/controls pests/insects/bugs in lawns and landscapes.
- Kills/controls chinch bugs, mole crickets and cutworms [or other listed insects].
- Kills/controls surface and sub-surface pests/insects/bugs that ruin your lawn.
- Kills/controls lawn-destroying insects
- Kills/controls ants/fire ants/fleas (larvae)/ticks/mole crickets/chinch bugs/other lawn-damaging insects.
- Kills/controls insects that cause your lawn to thin and turn brown.
- Kills/controls chinch bugs, sod webworms (lawn moth), fleas (larvae), ticks (including ticks that may transmit Lyme Disease), and other lawn pests listed on the back.
- Effective insect control.
- Small, lightweight granules provide uniform coverage to help in the control of listed insects.
- Formulated to kill/control insects, won't harm lawns.
- Targets/Kills insects leaving your grass [lawn] unharmed.
- Formulated to kill listed insects, won't harm lawns [grass].
- Contains a proven formula that targets/kills/controls/ insects.
- Kills fire ants.
- Kills/controls foraging fire ants [throughout the treated lawn].
- Protects the treated lawn area.
- Provides 4 month control [of fire ants].
- 4 month [control].
- Supplies these nutrients to help your lawn (X% Nitrogen, X% Available Phosphate and X% Soluble Potash).
- Kills fleas (larvae), ticks and fire ants.
- Kills insects that cause your lawn to thin and turn brown.
- Kills insects that damage your lawn including chinch bugs, mole crickets and sod webworms.
- Kills nuisance pests in your lawn.
- Can be used anytime of the year.
- Formulated to be effective throughout the south.
- Special southern formulation.

Claims regarding the fertilizer properties



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- Feeds and strengthens lawn against heat, drought, and wear and tear.
- Heat-friendly [fertilizer] formula won't burn your lawn... Guaranteed!
- Won't [Will not] burn lawns – Guaranteed!
- Hot weather formula – Guaranteed not to burn
- Specially formulated for warm season grasses [the hottest months].
- Specially formulated not to burn summertime lawns.
- Formulated not to burn summer lawns/Formulated not to burn even in hot, dry weather.
- Patented timed-release nitrogen formula builds thick, green lawns from the roots up without burning your lawn.
- Formulated with Scotts All-in-One Particles™ (All-in-One = nitrogen, phosphorous, potassium and insect control ingredients contained in every particle).
- All-in-One Particles™ provide even insect control and feeding!
- Specially formulated with Scotts® Poly S® timed-release fertilizer.
- Contains both readily available nitrogen for quick green-up and controlled release nitrogen for uniform growth and extended feeding.
- [Turf Builder®] summer formula builds thick, green turf from the roots up without burning your lawn.
- Builds thick [strong], green turf from the roots up without burning your lawn.*
- Feeds lawn, helping turf to fill in where insect damage occurred.
- Helps repair bare spots from previous insect/fire ant damage.
- Feed/Strengthens your lawn.
- Fast, long lasting greening power.
- Builds a thick, [green] lawn.
- Thickens and strengthens-lawn [turf].
- Quick greening, long lasting.
- Improves lawn [s'] drought resistance.
- Feeds and greens up to 2 months [without burning your lawn].
- Contains Scotts Turf Builder® fertilizer.
- Plus Scotts Turf Builder® fertilizer to thicken/green lawn.
- Strengthens lawn.
- Hot weather formula won't burn your lawn... Guaranteed!

Claims regarding "Where to use/Grass types"

- For outdoor multi-insect control. [as listed]
- For use on [all] lawns [and]/grass types.
- For use on all Southern lawns.
- Won't harm your lawn.
- [Fertilizer] specially formulated for/for use on St. Augustine, Floratam, Bermuda, Bahia, Centipede, Zoysia, Carpetgrass, Bluegrass, Fine Fescue, Bentgrass, Ryegrass, Tall Fescue, and Dichondra lawns.

Claims regarding "Positioning"

- Scotts best.
- Our/Scotts best insect killing formula.
- Scotts' only/best solution that kills fire ants, and repairs/feeds your lawn.
- Two products in one!
- Convenient, two-in-one product kills fire ants and repairs your lawn!
- Dual-action formula kills fire ants [and other insects], and greens/feeds your lawn.

Claims regarding "Product Form"

- Easy to spread [granules].
- Ready to Use [granules].
- No measuring or scooping!



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Claims regarding "Coverage"

- Feeds and Treats [Covers] [up to] 5,000 sq. ft.
- Special/Value Size/Pack.

Claims regarding "Application Timing"

- Apply anytime [insects are active].
- Apply in spring and fall or anytime fire ants/insects are active.

Claims regarding "Guarantee"

- Guaranteed [performance/results].
- Thicker, greener turf – satisfaction guaranteed.
- Scotts® No-Quibble Guarantee®.

Claims regarding "Cross-Sell"

- For a beautiful lawn, apply [a] Scotts fertilizer [product] four times a year [every six to eight weeks].

NET WEIGHT XX LBS

KEEP OUT OF REACH OF CHILDREN

CAUTION

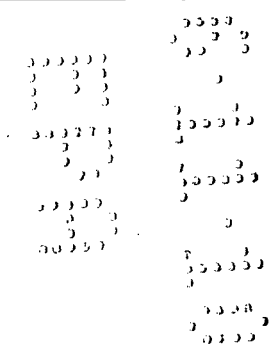
See back for additional precautionary statements.

ACTIVE INGREDIENT:

Bifenthrin*.....	0.147%
OTHER INGREDIENTS.....	<u>99.853%</u>
Total	100.00%

*CIS isomers 97% minimum, trans isomers 3% minimum

For Residential Lawn Use Only



OPTIONAL BACK PANEL CLAIMS



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Scotts Tips

The best insect prevention begins with a complete lawn care program. Tips for an insect-free lawn:

1. Feed your lawn regularly using Scotts Annual Lawn Care Program. It provides the correct balance of nutrients to strengthen the lawn against insect attack.
2. Drought stress can weaken the lawns resistance to insects. Always water the lawn early in the morning, not in the evening.
3. Mow your lawn at the recommended height for your grass and season.
4. Lawn thatch is a breeding ground for insects. Dethatch when it exceeds 1/2 inch.

Controls/Kills

- Ants (including Argentine, Black Turf, Carpenter, Fire, Red Harvester, Odorous Pyramid, Pavement, Pharaoh [sugar])
- Armyworms (including Fall Armyworms)
- Billbugs (including Bluegrass Billbugs)
- Black Turfgrass Ataenius
- Centipedes
- Chinchbugs
- Crickets
- Cutworms (including Black Cutworms)
- Earwigs
- European Crane Fly Larvae
- Fire Ants
- Fleas (larvae)
- Grasshoppers
- Leafhoppers
- Mealybugs
- Millipedes
- Mole Crickets [tawny Mole Crickets]
- Sod Webworms (Lawn Moth)
- Ticks [including ticks that may transmit Lyme disease and Rocky Mountain Spotted fever]
- Weevils (including hyperodes and Bluegrass)

What to expect

- Pests & lawn damaging insects will be controlled, but lawn damage will not be undone.
- Recovery of your lawn will occur from re-growth, reseeding or sodding.
- Does not control grubs. For grub control apply Scotts GrubEx Season Long Grub Control between late April and mid-August.
- Grass/Lawn will become greener in 4 – 6 days after application.
- Fire ants will be controlled and your lawn will be greener in one week.

Where to use/Grass Types

- For use on all lawns and grass types.

Coverage

Covers X,XXX sq. ft.

OPTIONAL BACK PANEL CLAIMS



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The Scotts Difference

Every particle of Turf Builder® with Fire Ant-X contains Scotts patented timed-release nitrogen, phosphorus, potassium and insect control.

Turf Builder® with Fire Ant-X contains an active ingredient that kills fire ants, chinch bugs, fleas (larvae), ticks, mole crickets and other listed lawn insects. Its dual action formula kills insects, and strengthens your lawn without burning.

The Scotts Advantage

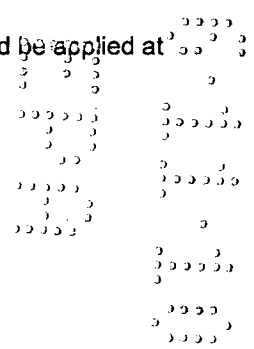
Turf Builder® with Fire Ant-X combines an insect control ingredient with a time-released nitrogen, phosphate and potash fertilizer. This special hot weather formula will build thick, green turf from the roots up without burning your lawn.

For best results, apply Scotts Annual Lawn Care Program™

	St. Augustinegrass (including Floratam)	Bermudagrass, Bahigrass, Zoysia	Tall Fescue, Ryegrass
January- February	Halts®	Halts®	
February- March	Bonus®S		Turf Builder® with Halts®
March- April		Turf Builder® with Fire Ant-X	
April- May	Turf Builder® with Fire Ant-X	Turf Builder® with Plus 2®	Turf Builder® with Plus 2®
June, July- August	Turf Builder® with Fire Ant-X or Turf Builder®		
August- September	Turf Builder® with Fire Ant-X	Turf Builder® with Fire Ant-X	
September- October	Bonus®S	Turf Builder®	Turf Builder®
November		Winterizer™	Winterizer™

† Apply Turf Builder® with Fire Ant-X at two months intervals for fire ant control.

†† For control of fire ants in Tall Fescue grass, Turf Builder® with Fire Ant-X should be applied at least four times a year.



NOTE TO PM: DIRECTIONS FOR USE OPTION 1



NOTE:

EPA Reg. No. 538-260

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Directions for use

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

This product applies 0.20 lbs of bifenthrin per acre.

When to use/apply

- Apply when insect activity or damage is first observed in the lawn
- Apply when the grass blades are dry
- If treating for the following:
 - Mole Crickets – Apply in late spring as late in the day as possible. If the soil is not moist, irrigate first to bring mole crickets closer to the surface. Allow foliage to dry, then apply.
 - Fire Ants – For best control, treat established mounds with a mound control product.
 - **Note to PM: Optional Directions for Use when product is labeled for European Crane Fly:** For best control of European Crane Fly larvae in the Pacific Northwest, apply late winter (February & March) to early Spring or apply in the fall (October & November).

Optional: With other products

- Does not interfere with the performance of other lawn control products such as weed controls and insect controls.
- Allow at least one-week before applying other control products to the lawn and at least six weeks before applying fertilizer.

Optional: With new lawns or seeding/When seeding, sprigging, or sodding

- Can be applied [immediately] before or after seeding or sodding.

Optional: With other products, new lawns, or seeding

- Does not interfere with the performance of other lawn control products such as weed controls and insect controls.
- Allow at least one-week before applying other control products to the lawn and at least six weeks before applying fertilizer.
- Can be applied [immediately] before or after seeding or sodding.

Reentry

Keep children and pets off treated area until product has been watered in and foliage is dry.

How to apply

- Apply to dry grass blades.
- Apply with a drop or rotary spreader. Do not apply by hand or hand-held spreader.
Optional: For best results, use a Scotts Spreader.
- In New York State, this product may NOT be applied to any grass or turf area (lawns) within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

Optional: Step

Optional: Action

1. Mow lawn
 - If grass is tall enough to touch bottom of spreader, mow before application.
2. Set Spreader
3. Fill Spreader
 - Fill spreader over bare ground or hard surface.



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- Sweep or brush any particles off of hard surfaces and apply on lawn or dispose of properly.
- 4. Apply Product
 - Apply one or two header strips, then apply product in longest direction of lawn.
 - Shut off spreader each time you reach the header strip, or stop.
- 5. Water-in
 - Water-in lightly (up to 1/10 inch) after application. If treating for Chinch Bugs – water [in] moderately (up to ¼-inch).
 - Rain after application will not hurt product performance.

Optional: How to apply

- Apply to dry grass blades.
- Apply with a drop or rotary spreader. Do not apply by hand or hand-held spreader.
- **Optional:** For best results, use a Scotts Spreader.
- In New York State, this product may NOT be applied to any grass or turf area (lawns) within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch)
 1. If grass is tall enough to touch bottom of spreader, mow before application.
 2. Set spreader.
 3. Fill spreader over bare ground or hard surface. Sweep or brush any particles off of hard surfaces and apply on lawn or dispose of properly.
 4. Apply one or two header strips, then apply product in longest direction of lawn. Shut off spreader each time you reach the header strip, or stop.
 5. Water-in lightly (up to 1/10 inch) after application. If treating for Chinch Bugs – water [in] moderately (up to ¼-inch). Rain after application will not hurt product performance.

NOTE TO PM: END OF OPTION 1

NOTE TO PM: DIRECTIONS FOR USE OPTION 2

KEY PRODUCT FACTS

Directions for Use

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

In New York State, this product may not be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland or drainage ditch).

Do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

This product applies 0.20 lbs of bifenthrin per acre.

General Use Instructions

- Apply as soon as insect activity or damage is first observed in the lawn.
- Spread uniformly over your lawn using the suggested spreader settings. For best results, use a Scotts® spreader.
- Apply when the lawn foliage is dry. Water lightly immediately after application. See specific instructions on watering below.
- Re-treat as needed but not more than four times a year.



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- Keep children and pets off treated area until product has been watered in and foliage is dry.

Specific instructions

CHINCH BUGS: A moderate watering-in (up to 1/4 inch) is necessary to reach the chinch bugs which are found in the thatch layer. Make applications in early spring or whenever chinch bug activity is noticed. Repeat applications throughout the growing season as needed.

MOLE CRICKETS: Make application as late in the day as possible and water with 1/2 inch of water. If the soil is not moist prior to application, it may be necessary to irrigate first to bring mole crickets closer to the surface where they are more likely to contact the insecticide. Let the lawn foliage dry and then apply Turf Builder® with Fire Ant-X. Mole crickets are best controlled by treating the young nymphs. For best control, treat prior to peak egg hatch in the spring.

FIRE ANTS: Treat your entire lawn every two months. A broadcast application will control foraging workers and new fly-in females. For best results, treat during the morning or late evening when it is cool and the fire ants are most active. For control, treat established mounds with a mound control product 2-3 days prior to applying Turf Builder® with Fire Ant-X.

FLEA LARVAE: Water in with 1/2 inch of water. Flea larvae develop in the soil of shaded areas where pets frequent.

TICKS: Apply in the spring when ticks are first noticed. Water with 1/10 inch of water is required to activate the insecticide.

ARMYWORMS, CUTWORMS, SOD WEBWORMS: Water with 1/10 inch of water after application to activate the insecticide.

NOTE TO PM: END OF DIRECTIONS FOR USE OPTION 2

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

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 poison control center or doctor for further treatment advice.

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have the 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.

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

Note to Physician: This product is a pyrethroid. If large amounts have been ingested, milk, cream, or other digestible fats and oils may increase absorption and so should be avoided.



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ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and aquatic invertebrates. 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.

STORAGE & DISPOSAL

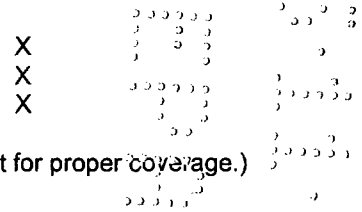
Prohibitions: Do not contaminate water, food or feed by storage or disposal.
Pesticide Storage: Keep out of reach of children and animals. Store in original container only. Store in a clean, dry, well ventilated place and avoid excess heat. For bags after partial use, reseal opened bag by folding top down and securing.
Container Disposal: Nonrefillable container. Do not refill or reuse this container. **IF EMPTY:** Place in trash or offer for recycling if available. **IF PARTLY FILLED:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

Spreader Setting
For best results, use a Scotts spreader.
Apply header strips. Then apply product in longest directions of lawn.

[ART]

		Directions
Scotts AccuGreen® Drop Spreader	X	Mow lawn; apply 2 header strips; apply longest direction of lawn, overlapping wheel marks.
Scotts PrecisionGreen® Drop Spreader	X	Mow lawn; apply 2 header strips; apply longest direction of lawn, overlapping wheel marks.
Scotts SpeedyGreen & EdgeGuard™ Rotary Spreader	X	Make each pass about 5 feet from previous pass to overlap spread width.
Scotts EasyGreen® Rotary Spreader	X	Make each pass about 5 feet from previous pass to overlap spread width.

Additional Spreader Settings:
EZ Drop, Republic (#530)
EZ Broadcast, Republic (#540)
Scotts Broadcast Tractor Spreader



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

-OR-

Spreader	Setting Covers x,xxx sq. ft.	Coverage Tip
Rotary Spreaders		
Scotts SpeedyGreen® (1000, 2000, 3000 series) & EdgeGuard™	X	Make each pass about 5 feet from the previous pass.



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Scotts EasyGreen®	X	Make each pass about 30 inches from the previous pass.
Scotts Tractor Spreader	X	
Drop Spreaders		
Scotts Accugreen® (1000, 2000, 3000 series)	X	Overlap wheel marks to ensure uniform coverage.
Scotts PrecisionGreen®	X	

Product of U.S.A.

EPA Reg. No. 538-260

EPA Est. Nos. 538-OH-1(S)

Superscript used is first letter of run code on end of container.

Scotts No-Quibble Guarantee®

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

-OR-

NOTICE: 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.

Dedicated To A Beautiful World™

Trusted by generations of homeowners, Scotts is dedicated to helping you enhance and protect the natural beauty of your home environment
Scotts®

Questions/Information

Consumer Helpline

1-800-543-TURF (8873)

Visit our website

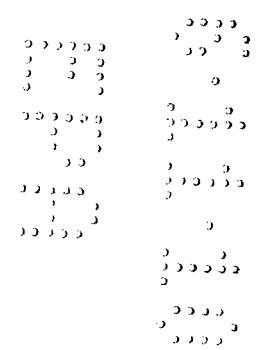
www.scotts.com

[Ilus] SMG listed NYSE

The Scotts Company
14111 Scottslawn Road
Marysville, Ohio 43041

The Ortho Group
P.O. Box 190
Marysville, Ohio 43040

SCOTTS... the lawn people
MARYSVILLE, OHIO 43041



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