



U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7505C)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EPA Reg. Number:
538-301

Date of Issuance:
FEB 6 2007

Term of Issuance:
Conditional

Name of Pesticide Product:
Southern Max

NOTICE OF PESTICIDE:

- Registration
- Reregistration

(Under FIFRA as amended)

Name and Address of Registrant (include ZIP Code):

The Scotts Company
14111 Scottslawn Road
Marysville, Ohio 43041

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A), provided that:

1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. You will make the following label changes before you release the product for shipment:
 - a) Revise the EPA Registration Number to read "EPA Reg. No. 538-301."
 - b) The acute toxicity profile for this product is as follows:

Acute oral toxicity	IV
Acute dermal toxicity	IV
Acute inhalation toxicity	IV
Primary eye irritation	III
Primary skin irritation	IV
Dermal sensitization	Negative

Based on the acute toxicity profile above please revise the Precautionary Statement as follows:

Signature of Approving Official:

George T. LaRocca
George T. LaRocca, Product Manager (13)
Insecticide Branch/Registration Division (7505C)

Date:

Feb 6, 2007

Enclosure

“Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.”

Also, based on the acute toxicity for acute dermal, oral, and inhalation (all classified Toxicity Category IV), you are not required to have an “If inhaled”, “If swallowed” or “If on skin or clothing” first aid statement. Add, “Call a poison control center or doctor for treatment advise.” to “If in eyes first aid statement.

- c) Add “Maximum of 2 applications per year” to the Directions for Use section.
 - d) Remove the following pests: Ants (Carpenter, Pharaoh), Carpenter Ants, Pharaoh Ants, and Centipedes, from the label, these pests are not supported by the submitted data. See attached efficacy review.
 - e) Add a spreader table with appropriate settings. Note that the current maximum application rate of granular products containing bifenthrin applied as a broadcast application to lawns is 0.2lb ai/acre. Make sure your treatment rate per container size is within this limit.
 - f) On page 7 what does the 2lbs ai per acre refer to, atrazine or bifenthrin. Note paragraph (i) above with respect to maximum application rate for bifenthrin.
3. Remove or revise the following marketing claims, these claims are not supported:
- a. “all season long” [REMOVE ALL OR SUBSTITUTE w/ “up to 6 months”]
 - b. Scotts products help you get the best lawn. [REMOVE: comparative claim]
 - c. Kills/control/treats ants (*except Carpenter and Pharaoh ants*), fleas, ticks, and other *listed* insects.
 - d. Kills/control/treats *listed* lawn & garden pests/insects/bugs.
 - e. Kills/control/treats *listed* pests insects/bugs in lawns landscapes.
 - f. Kills fire ants quickly and completely. [REMOVE: Heightened Efficacy Claim.]
 - g. Kills/controls/treats a wide variety of insects/ants/fireant/fleas/ticks/... [REMOVE: open ended statement]
 - h. Controls most/many insect problems. [Delete “most”]
 - i. Small, lightweight granules provide uniform coverage to... [Delete “complete”]
 - j. Contains a proven formula that targets/kills/controls insects. [REMOVE: heightened efficacy/comparative claim]
 - k. Proven formula targets & kills fire ants. [REMOVE: heightened efficacy/comparative claim]
 - l. Protective barrier kills fire ants and keeps them away for *up to 6 months*.

- m. Kills/controls foraging fire ants throughout the entire yard [REMOVE: the product has only been demonstrated effective in the portion of the yard treated.]
 - n. Protects the entire yard for *up to* 6 months. [Delete "the entire yard"]
 - o. Kills and prevents fire ants all season long. Delete "all season long"]
 - p. Kills and prevents fire ants for *up to* 6 months.
 - q. Controls fire ants for *up to* 6 months.
 - r. Kills chich bugs, mole crickets, fleas, ticks, and more *listed [insects/pests/bugs/etc...]*.
 - s. Kills fleas and ticks before they get on your pet. [REMOVE]
 - t. Protects you lawn, family and pets from pests [REMOVE]
 - u. One application suppresses fire ants for *up to* 6 months/~~Season~~
 - v. Protects the entire yard *treated* for *up to* 6 months.
 - w. Kills/destroys fire ants fast and prevents fire ants from returning for up to 6 months. [Delete "destroys" throughout the marketing claims.]
 - x. ~~Season long control~~ *Up to 6 months control* with one application
 - y. Kills/destroys fire ants on contact [REMOVE: not a contact killer]
 - z. Kills/destroys fire ants quickly and completely [REMOVE: heightened efficacy]
 - aa. No new mounds. [REMOVE: heightened efficacy]
 - bb. Kills/control fire ant overnight/in 24 hours [MODIFY: Kills/controls fire ants in as little as 24 hours]
 - cc. Provide overnight/24 hr results[MODIFY: Provides results in as little as 24 hours]
 - dd. Builds and thick, [green,] insect-free lawn [Delete "insect-free"]
 - ee. Contains [~~a proven~~] formula that targets/kills/controls insects.
4. Submit an updated data matrix that includes product chemistry and acute toxicity MRID No's and MRIDs 47005401 and 4680801 for efficacy data.
 5. Generate and submit the results of an one year storage stability and corrosion characteristics study to the Agency on completion. It is recommended that the observations be made at 0, 3, 6, 9, and 12 months intervals.
 6. Please submit three (3) copies of your final printed labeling before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact BeWanda Alexander of my team at (703) 305-7460.



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SouthernMax
EPA Reg. No. 538-XXX

ACCEPTED
with COMMENTS
In EPA Letter Dated
FEB 6 2007
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
538-301

FRONT
(Scotts)

SouthernMax

TREATS X,XXX SQ FT

OPTIONAL FRONT PANEL CLAIMS

[Claims regarding "General Benefits"]

- Helps/Helps keep/Keeps the lawn [look/looking] beautiful [all season long].
- Helps the lawn look beautiful [all season long].
- Great for neglected lawns.
- The cure for a neglected lawn.
- Formulated for the home environment.
- Scotts products help you get the best lawn.

[Claims regarding "Problem Control"]

- Kills/controls/treats ants, fleas, ticks and other insects.
- Kills/controls/treats lawn & garden pests/insects/bugs.
- Kills/controls/treats pests/insects/bugs in lawns and landscapes.
- Kills fire ants quickly and completely.
- Kills/controls/treats chinch bugs, mole crickets and cutworms [or other listed insects].
- Kills/controls/treats surface and sub-surface pests/insects/bugs that ruin your lawn.
- Kills/controls/treats lawn-destroying insects.
- Kills/controls/treats a wide variety of insects/ants/fire ants/fleas/ticks/mole crickets/chinch bugs/other lawn-damaging insects.
- Kills/controls/treats insects that cause your lawn to thin and turn brown
- Controls most/many [lawn] insect problems.
- Kills/controls/treats chinch bugs, sod webworms (lawn moth), fleas, ticks (including ticks that may transmit Lyme Disease), and other lawn pests listed on the back.
- Small, lightweight granules provide uniform coverage to [help] ensure complete control of insects.
- Specially formulated to kill/control/treat insects - won't harm lawns!
- Targets/ Kills insects leaving your grass [lawn] unharmed.
- Specially formulated to kill insects, won't harm lawns [grass].
- Contains a proven formula that targets/kills/controls insects.

- Proven formula targets & kills fire ants
- Protective barrier kills fire ants and keeps them away for [up to] 6 months.
- Kills/controls foraging fire ants throughout the entire yard.
- Protects the entire yard for [up to] 6 months.
- Kills and prevents fire ants all season long
- Kills and prevents fire ants for [up to] 6 months.
- Controls fire ants for [up to] 6 months
- Kills chinch bugs, mole crickets, fleas, ticks and more.
- Supplies these nutrients to help your lawn (X% Nitrogen, X% Available Phosphate and X% Soluble Potash).
- Kills fleas and ticks before they get on your pet
- Kills fleas, ticks and fire ants
- Kills insects that cause your lawn to thin and turn brown
- Kills insects that damage your lawn such as chinch bugs, mole crickets and sod webworms
- Kills nuisance pests in your lawn.
- Protects your lawn, family and pets from pests
- Southern lawns formula
- Feeds lawn, helping turf to fill in where insect damage occurred.
- Helps repair bare spots from previous insect/fire ant damage.
- Lawn Fertilizer with Fire Ant Killer and Bonus S® Weed Control
- Fire Ant and Weed control plus lawn fertilizer
- Weed-and-Feed plus Fire Ant control
- Kills dollarweed and other common lawn weeds (as listed)
- Eliminates dollarweed, chickweed and over 25 common lawn weeds while greening your lawn without rapid, extreme growth.
- Kills Dollarweed & Other Common Lawn Weeds
- Kills Dollarweed & other broadleaf weeds
- One application suppresses Fire Ants for 6 months/Season
- Protects the entire yard for up 6 months
- Kills/destroys [fire ants] fast and prevents fire ants from returning for up to 6 months
- Season long control with one application
- Kills/destroys fire ants on contact
- Kills/destroys fire ants quickly and completely
- Prevents mounds from moving
- Prevents/controls new mound formation
- No new mounds
- Kills/control fire ant overnight/in 24 hours
- Provide overnight/24 hr results
- Guaranteed to kill fire ants or your money back!
- Kills weeds completely – root and all
- Kills the toughest weeds completely
- Kills weeds to the root

[Claims regarding the fertilizer properties]

- 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 weather/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, phosphorus, potassium and insect control ingredients contained in every particle).
- All-In-One Particles™ provide even insect and weed 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/Strengthens your lawn.
- Fast, long lasting greening power.
- Feeds and Greens for up to two months without burning your lawn
- Builds a thick, [green,] insect-free lawn
- Thickens and strengthens lawn [turf] against [future] insects [insect invasions]
- Builds thick, green lawns.
- Thicker, greener turf – satisfaction guaranteed
- Thickens lawn to crowd out weeds
- 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 [to help repair lawn from existing mound damage]
- Plus Scotts Turf Builder® Fertilizer to thicken/green lawn and help repair existing [mound] damage
- Strengthens lawn to defend against future invasions.
- Hot weather formula won't burn your lawn ... Guaranteed!
- Builds strong, green turf from the roots up without burning your lawn*
- Builds thick, green turf from the roots up without burning your lawn*
- Specially formulated with Scotts Poly-S® timed released fertilizer
- Contains both readily available nitrogen for quick green up and controlled release nitrogen for uniform growth and extended feeding.

[Claims regarding "How it works"]

- Contains [a proven] formula that targets/kills/controls insects.
- Provides a protective barrier around your home.
- Provides a protective barrier on your lawn

[Claims regarding "Where to use/Grass types"]

- For use on St. Augustine grass (including Floratam), centipede, zoysia, and carpetgrass lawns ONLY

[Claims regarding "Positioning"]

- Scotts best.
- Our/Scotts best insect killing formula.
- Scotts' only/best solution that kills/prevents/protects against fire ants, keeps them away, and repairs/feeds your lawn.
- Scotts' only/best solution that kills/prevents/protects against fire ants, kills/destroys weeds and repairs existing mound damage.
- Unique 3-in-1 formula!
- Three-in-one formula
- Combines three products in one!
- Convenient three-in-one formula kills/destroys fire ants and weeds and feeds your lawn!
- Convenient, three-in-one product kills/prevents/protects against fire ants, kills/prevents weeds and feeds and strengthens your lawn!
- Triple-action formula kills and prevents fire ants [and other insects], kills weeds, and greens/feeds your lawn
- Controls insects, weeds and feeds your lawn.

[Claims regarding "Product Form"]

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

[Claims regarding "Coverage"]

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

[Claims regarding "Application Timing"]**[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].
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8 7 12

[Front Panel cont.]

NET WEIGHT XX LBS

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back for additional precautionary statements.

ACTIVE INGREDIENT:

Atrazine*	1.067%
RELATED COMPOUNDS.....	0.022%
Bifenthrin	0.110%
OTHER INGREDIENTS	<u>98.801%</u>
	Total 100.00%

*CIS isomers 97% minimum, trans isomers 3% minimum
For Residential Lawn Use Only

Controls/Kills (insects)

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
 Chiggers
 Chinchbugs
 Crickets
 Cutworms (including Black Cutworms)
 Earwigs
 European Crane Fly Larvae
 Fire Ants
 Fleas
 Grasshoppers
 Leafhoppers
 Mealybugs
 Millipedes
 Mole Crickets [tawny Mole Crickets]
 Sod Webworms (Lawn Moth)
 Spiders [brown recluse]
 Ticks [including ticks that may transmit Lyme disease and Rocky Mountain
 Spotted fever]
 Weevils (including hyperodes and Bluegrass)

Controls/Kills (weeds) [CONTROLS 25 [these] common lawn weeds.]

black medic
 blue toadflax
 buckhorn
 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
 venue lookingglass
 wild mustard

Apply in spring or fall when insects and weeds are first observed in the lawn.

DIRECTIONS FOR USE

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

- Do not apply to lawns or mixed lawns of bahiagrass, bermudagrass, bluegrass, fine fescue, bentgrass, ryegrass, tall fescue or dichondra because injury may occur.
- Apply only when grass is dry.
- This product must be WATERED IN IMMEDIATELY after application. This product applies 2 lbs active ingredient per acre. ?
- Do not apply on or under the branch spread (rootzone) of trees, shrubs, bedding plants, flowers, or garden plants, particularly in compact slowly draining soils.
- Do not apply by hand or hand-held rotary devices such as a handheld rotary applicator.

If treating for the following:

- Mole Crickets – Apply in late spring.
- Fire Ants – Treat twice a year. For complete control, treat established mounds with a mound control product.

Control

- For severe weed problems, a second treatment may be required 2 months after the first.

Reentry

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

Prevention

- Don't apply to centipede or carpetgrass lawns during the period of winter dormancy – approximately October 15 to March 15 (Okay to apply in Florida, however)

Seeding/sodding/sprigging

- SouthernMax may be applied after sprigging/sodding a new St. Augustine or zoysia lawn to prevent weeds from germinating. First, water the new sprigs/sod, and allow the grass blades to dry, then make the application of SouthernMax.
- Don't apply to newly seeded centipede and carpetgrass lawns until after the new grass has been mowed at least twice.
- Don't plant sprigs/sod for one month, or sow new grass seed for six months following application of SouthernMax.

Reapplication

- Repeat application if there are signs of renewed insect activity, but not more than two times per year.
- Allow at least six weeks after the first application
- [Allow at least six weeks between applications]

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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.

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 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. **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.

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.

Storage and Disposal

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

DISPOSAL: **If empty:** Do not reuse this container. 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.

Environmental Hazards

This product is toxic to fish and aquatic invertebrates. Do not apply directly to water. Runoff and drift from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes. Atrazine can leach through soils and has been found in groundwater. Users are advised not to apply on well drained soils where the water table (groundwater) is close to the surface. Your county Agricultural Extension Service can advise you of local conditions. Nor for use on or under trees, shrubs, bedding plants, or garden plants (see Directions for Use for further explanation).

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Scotts & Your Environment

We Care

Scotts products are designed with care to grow thicker, greener lawns.

Because green is good.

A healthy lawn cleans the air, produces oxygen and prevents runoff and soil erosion.

You can make a difference.

Help keep our water resources clean. Apply this product only to your lawn, and sweep any product that inside the driveway, sidewalk or street back on to your lawn.

Use Any of These Products Next To Keep Your Lawn Looking Great All Season!

Anytime

Scotts Southern Turf Builder

Use to feed and strengthen against heat and drought

Prepare for Winter

Scotts Southern WinterGuard

Use to build stronger, deeper roots for a thicker, greener spring lawn

Get Expert Advice For Your Lawn NOW!

Want information on what to use and when? Sign up today to get free expert advice specifically for your lawn. Visit scotts.com or call 1-800-543-TURF (8873)

Questions / Information

Consumer Helpline

1-800543-TURF (8873)

Visit our website

www.scotts.com

The Scotts Company

14111 Scottslawn Rd.

Marysville, OH 43041

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Made in U.S.A.

Scotts No-Quibble Guarantee®

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