



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Paula Bodey
Manager Federal Registrations
The Scotts Company d/b/a The Ortho Group
14111 Scottslawn Road
Maysville, OH 43041

JUL 25 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Alternate Brand Name "Bonus S Max Southern Weed & Feed and Fire
Ant Killer" and General Label Changes
EPA Reg. No. 538-301
Application Dated June 2, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 06/02/08 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

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

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

2/14

EPA

United States
Environmental Protection Agency
Washington, DC 20460

- Registration
- Amendment
- Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 538-301	2. EPA Product Manager George LaRocca	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SouthernMax	PM# PM-13	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company 14111 Scottslawn Road 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)(1), my product is similar or identical in composition and labeling to: EPA Reg. No. NOTIFICATION Product Name JUL 25 2008	

Section II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated XX-XX-XX
<input type="checkbox"/> Resubmission in response to Agency letter dated 04/04/2008	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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

Submission of reformatted and revised label to include various notifications.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 156.46, and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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.

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		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per Container	If "Yes" Package wgt.	No. per Container
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 5 M, 10 M		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 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 Paula Bodey		Title VP of Regulatory Affairs and Compliance		Telephone No. (Include Area Code) (937) 641-7241	
<p align="center">Certification</p> <p>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.</p>					6. Date Application Received (Stamped)
2. Signature <i>Paula Bodey</i>		3. Title VP of Regulatory Affairs and Compliance			
4. Typed Name Paula Bodey		5. Date June 2, 2008			

The Scotts Company

and Subsidiaries



June 4, 2008

George LaRocca
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: SouthernMax (EPA Reg. No. 538-301)
- label notification

Dear Mr. LaRocca:

The Scotts Company (Scotts) is submitting a label notification for SouthernMax (EPA Reg. No. 538-301). In addition to making all the changes requested by EPA under sections 2 and 3 of the SouthernMax registration notice dated February 6, 2007, Scotts has added, modified, and/or corrected several statements on the label. All of the changes are consistent with the notification provisions as outlined in PR Notice 98-10. Six copies of the label are included herein, one of which is clearly marked to show the changes above and beyond those requested by the Agency in the SouthernMax registration notice.

The specific label changes made herein are:

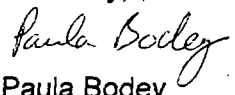
1. Page 1: Added alternate brand name "Bonus S Max Southern Weed & Feed and Fire Ant Killer."
2. Page 1, Ingredient Statement:
 - a. Removed the asterisk behind "Atrazine" and placed one behind "Bifenthrin." This was to correct a typographical error on the original label approved by EPA.
 - b. Changed "...trans isomers 3% minimum" to "...trans isomers 3% maximum" to correct typographical error on original label.
3. Page 2, Directions for Use:
 - a. Added header "Application Precautions" for clarity.
 - b. Changed "...applies 2 lbs per acre" to "...applies 2 lbs atrazine (and its related compounds) per acre" per clarification requested by EPA in the February 6, 2007 registration notice.
4. Page 5, Spreader Settings: Added this section per EPA request in February 6, 2007 registration notice.
5. Page 5: Added EPA Registration Number, EPA Establishment Numbers, and letter code descriptor for Establishment Numbers.
6. Page 6: Added reference to a Guaranteed Analysis chart.

- 7. Page 8, Marketing Statements:
 - a. Changed "Kills weeds completely" to "Kills weeds."
 - b. Changed "Kills the toughest weeds completely" to "Kills the toughest weeds."

- 8. Page 10, Marketing Statements: Placed brackets around text to make it optional text (i.e., "Apply in spring or fall [when insects and weeds are first observed in the lawn]")

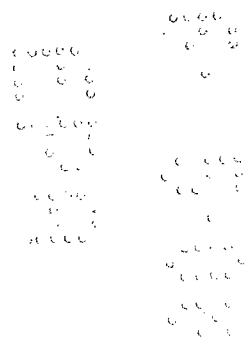
If you should have any questions or comments regarding this notification, please contact me directly.

Sincerely,



Paula Bodey
Vice President, Regulatory
Affairs and Compliance

Enclosures



NOTE: ***Bold, italicized text is information for the reader and is not text that will appear on the label.***

[Bracketed information is optional text.]

NOTIFICATION

JUL 25 2008

Front panel

Scotts
SouthernMax

Alternate brand name: Bonus S Max™ Southern Weed & Feed and Fire
Ant Killer

ACTIVE INGREDIENT:

Atrazine 1.067%

RELATED COMPOUNDS 0.022%

Bifenthrin* 0.110%

OTHER INGREDIENTS 98.801%

Total 100.00%

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

Comment [JD1]: Asterisk was removed because it should have originally been placed next to "Bifenthrin." Correcting typographical error.

Comment [JD2]: Added asterisk. See previous comment regarding asterisk.

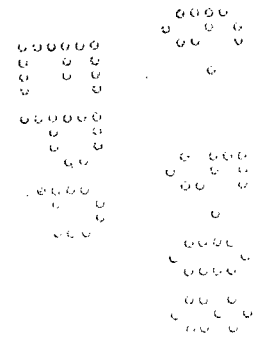
Comment [JD3]: Originally said "minimum." Correcting typographical error.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back for additional precautionary statements.

NET WEIGHT XX LBS



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[Bracketed information is optional text.]

Front or other panels

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: 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.

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. Have the product container or label with you when calling a 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.

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. Not for use on or under trees, shrubs, bedding plants, or garden plants (see Directions for Use for further explanation).

DIRECTIONS FOR USE

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

Application Precautions

- 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 atrazine (and its related compounds) 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.
- Maximum of 2 applications per year.

Comment [JD4]: Added.

Comment [JD5]: Added per EPA registration notice dated February 6, 2007.

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[Bracketed information is optional text.]

Front or other panels (continued)

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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[Bracketed information is optional text.]

Front or other panels (continued)

Controls/Kills (insects)

Ants (including Argentine, Black Turf, Fire, Red Harvester, Odorous Pyramid, Pavement)
 Armyworms (including Fall Armyworms)
 Billbugs (including Bluegrass Billbugs)
 Black Turfgrass Ataenius
 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

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[Bracketed information is optional text.]

Front or other panels (continued)

stinging nettle
venue lookingglass
wild mustard

Spreader Settings

Spreading Tips - Apply header strips. Then apply product in longest direction of lawn. For best results, use a Scotts® spreader.

Comment [JD6]: Spreader Settings section added per EPA registration notice dated February 6, 2007.

Scotts Broadcast/Rotary Spreaders – Each pass should be within 5 feet of each other to ensure an overlap. Scotts Basic®, Standard™, Deluxe™, EdgeGuard®, Lawn Pro® or SpeedyGreen®

Scotts EasyGreen® - Each pass should be within 30" [inches] of each other to ensure an overlap.

Scotts Drop Spreaders – Make sure spreader wheel completely overlaps previous wheel marks. Scotts AccuGreen®

For additional spreader settings, please call 1-800-543-TURF (8873).

[artwork showing spreader overlap and setting dial]

[spreader settings:] 5 ¼, 30, 7 ¾

Covers x,xxx sq. ft.

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.

The Scotts Company
14111 Scottslawn Rd.
Marysville, OH 43041

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World rights reserved
Made in U.S.A.

EPA Reg. No. 538-301

EPA Est. No. 538-OH-1^S

EPA Est. No. 35512-FL-2^H

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

Comment [JD7]: Added per registration notice dated February 6, 2007.

Comment [JD8]: Added EPA Establishment Numbers and letter code descriptor.

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[Bracketed information is optional text.]

Front or other panels (continued)

Various marketing and/or non-pesticide statements

For Residential Lawn Use Only

TREATS X,XXX SQ FT

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!

Prepare for Winter

Scotts Southern WinterGuard

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

[Guaranteed Analysis ***chart***]

Comment [JD9]: Added.

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

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Front or other panels (continued)

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.

Additional marketing statements

[Claims regarding "General Benefits"]

- Helps/Helps keep/Keeps the lawn [look/looking] beautiful [up to 6 months].
- Helps the lawn look beautiful [up to 6 months].
- Great for neglected lawns.
- The cure for a neglected lawn.
- Formulated for the home environment.

[Claims regarding "Problem Control"]

- Kills/controls/treats ants (except Carpenter and Pharaoh ants), fleas, ticks and other listed insects.
- Kills/controls/treats listed lawn & garden pests/insects/bugs.
- Kills/controls/treats listed pests/insects/bugs in lawns and landscapes.
- 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 insects that cause your lawn to thin and turn brown.
- Controls 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 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].
- Protective barrier kills fire ants and keeps them away for up to 6 months.
- Protects for up to 6 months.
- Kills and prevents fire ants.
- 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 listed [insects/pests/bugs].
- Supplies these nutrients to help your lawn (X% Nitrogen, X% Available Phosphate and X% Soluble Potash).
- 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.

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[Bracketed information is optional text.]

Front or other panels (continued)

- 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 up to 6 months.
- Protects the entire yard treated for up to 6 months.
- Kills [fire ants] fast and prevents fire ants from returning for up to 6 months.
- Up to 6 months control with one application.
- Prevents mounds from moving.
- Prevents/controls new mound formation.
- Kills/control fire ants in as little as 24 hours.
- Provides results in as little as 24 hours.
- Guaranteed to kill fire ants or your money back!
- Kills weeds, – root and all.
- Kills the toughest weeds,
- Kills weeds to the root.

Deleted: completely
Deleted: completely

[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.

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[Bracketed information is optional text.]

Front or other panels (continued)

- Fast, long lasting greening power.
- Feeds and Greens for up to two months without burning your lawn.
- Builds a thick, [green] 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 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!

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[Bracketed information is optional text.]

Front or other panels (continued)

- 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"]

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

Comment [JD10]: Added brackets around EPA-approved text.

[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].