

538-306

1/28/2009

4/12



U.S. ENVIRONMENTAL PROTECTION AGENCY
 Office of Pesticide Programs
 Registration Division (7505C)
 1200 Pennsylvania Ave., N.W.
 Washington, D.C. 20460

EPA Reg. Number:
 538-306

Date of Issuance:
 JAN 28 2009

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Term of Issuance:
 Conditional

Name of Pesticide Product:
 GrubEx III

Name and Address of Registrant (include ZIP Code):

The Scotts Company
 14111 Scottslawn Road
 Marysville, OH 43041

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

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 section 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration/reregistration/registration review of your product when the Agency requires all registrants of similar products to submit such data.
2. Make the following label changes before you release the product for shipment:
 - a. Revise the EPA Registration Number to read, "EPA Reg. No. 538-306".
 - b. Claims containing the words "New" or "Now" are allowed only for a period of six months of the date of this notice.
 - c. On page eight of the label, delete the claim "Kills/controls/prevents/stops grubs/lawn insects within minutes of ingestion."

Signature of Approving Official:

Venus Eagle, Product Manager (01)
 Insecticide-Rodenticide Branch, Registration Division (7505P)

Date:

JAN 28 2009

- 2/2
- d. Within the "***The Scotts Advantage***" section of the label, revise the sentence "*When you feed with Scotts Water Smart Formula, your lawn will become thicker, with deeper roots to better absorb water and nutrients.*" to read "*When you fertilize, your lawn will become thicker, with deeper roots to better absorb water and nutrients.*" Alternatively, the sentence may be deleted entirely.
 - e. Revise the header "***[Water Smart] Tips for Lawn Care Success***" to read "***Tips for Lawn Care Success.***"
 - f. Within the "***Tips for Lawn Care Success***" section of the label, revise "***[Regular feedings of Scotts Turf Builder will help grow a lawn you and your family can enjoy. Scotts Turf Builder provides the nutrients your lawn needs to look its best...]***" to read "***Fertilizing regularly will help grow a lawn you and your family can enjoy. Fertilizing provides the nutrients your lawn needs to look its best...***" Alternatively, the statements may be deleted entirely.
3. Should you wish to retain the company's website on your label, then please be aware that the language presented in the website becomes labeling under the Federal Insecticide, Fungicide and Rodenticide Act and is subject to the false and misleading provisions of 40 CFR 156.10(a)(5). Therefore should the Agency find or if it is brought to our attention that a website contains claims substantially differing from the EPA approved section 3 registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.
 4. The data requirements for storage stability (830-6317) and corrosion characteristics (830-6320) have not been satisfied, and must be submitted within eighteen months of the date of this notice.
 5. Submit one copy of the revised final printed label for the record before you release 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 constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records. If you have any questions regarding this notice, please contact Kable Bo Davis at (703) 306-0415.

Venus Eagle
Product Manager (01)
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure- Stamped Labeling

3/2

NOTE::

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

Reg. No. 538-NEW

GRUBEX III

ACCEPTED
with COMMENTS
In EPA Letter Dated:

JAN 28 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
538-306

ACTIVE INGREDIENT:

Chlorantraniliprole[*]	0.08%
OTHER INGREDIENTS	99.92%
Total	100.00%

[*Chlorantraniliprole belongs to the anthranilic diamide chemical class.]
[(Protected by) US Patent No. X,XXX,XXX (*insert appropriate patent number(s)*)]

For Use on Residential Lawn[s] [and Landscaped Areas] Only
[[Treats/covers] X,XXX square feet (sq. ft.)]

KEEP OUT OF REACH OF CHILDREN
[No signal word [required]]

Net Wt. _____ lb (_____ kg) (*appropriate bag weight will be inserted*)

NOTE::

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

DIRECTIONS FOR USE

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

OPTION 1 – QUICK START GUIDE (LAWNS)

Scotts Quick Start Guide

[You're just three [simple] steps away from a beautiful Scotts lawn]

[ICON – Spreader Dial]

[1.] Fill & Set Spreader

[Scotts® Broadcast/Rotary Spreaders

X]

[Scotts® Drop Spreaders

X]

[See SPREADER SETTINGS [AND INFORMATION] for additional spreader descriptions and settings]

[Use only with Scotts® spreaders.]

[Scotts® products are designed to work with Scotts® spreaders.]

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

[ICON – Lawn]

[2.] Apply

Apply to dry lawn and [lightly] water to activate.

[ICON – Broom]

[3.] Clean-Up

Sweeping product from hard surfaces onto the lawn keeps product on the grass.

You're Done! What's Next?

People or pets may re-enter lawn once grass has dried.

Your lawn will be protected from grubs

Question? [Call] [now!] 1-800-543-TURF

[or] [visit] [www.scotts.com]

[Other Things You Should Know]

Apply spring to late summer.

Do not apply to waterlogged areas.

[Also for use in] Landscape and/or Ornamental [Fruit and Nut] Tree Plantings

Apply as a broadcast to soil/mulch/other substrate and [lightly] water in to activate. Apply 2.87 lbs. of active per 1,000 sq. ft. – **or** – 0.287 lbs. active per 100 sq. ft –**or** – 0.0287 lbs active per 10 sq. ft. Do not apply to vegetable gardens or under [ornamental] fruit or nut trees [in landscaped areas] being grown for consumption.

Kills/Controls White grubs (including larvae of): Japanese beetles, Asiatic garden beetles, Black turfgrass ataenius, Aphodius spp. , European chafers, Green June beetles, May/June beetles, Northern masked chafers, Oriental beetles, Southern masked chafers, Caterpillars]

NOTE::

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

OPTION 2 – HANDHELD APPLICATOR (LAWNS)

Apply [Grubex III] anytime between the beginning of April and the end of August.

Easy to Follow Instructions

Step 1 - Flip [icon]: Remove seal under cap. Flip spout from cap.

Step 2 - Tilt [icon]: Tilt bottle to a 90° angle.

Step 3 - Feed [icon]: Walk at a steady pace and shake bottle side-to-side using your wrist. For uniform coverage apply product in rows as you move across the lawn overlapping the rows a few inches. For best results maintain a 90° angle during application at all times.

Step 4 – Apply to dry lawn and [lightly] water to activate

Step 5 – Clean-up [icon]: To keep lawn products from reaching storm sewers, sweep or blow any stray particles from hard surfaces or near storm drains.

Step 6 – People or pets may re-enter lawn once grass has dried.

[TIP: 1,000 sq ft (20x50 ft) is approximately half the size of a tennis court [image]]

[NOTE]: Do not apply to vegetable gardens or under [ornamental] fruit or nut trees [in landscaped areas] being grown for consumption. Do not apply to waterlogged areas.

OPTION 3 –For Use in Landscape and/or Ornamental [Fruit and Nut] Tree Plantings

[Kills/Controls [the following]-[additional] [insects]]

Insert any insects from List 1
Caterpillars

[Apply]

Apply as a broadcast to soil/mulch/other substrate and [lightly] water in to activate.

Apply 2.87 lbs. of active per 1,000 sq. ft. – *or* – 0.287 lbs. active per 100 sq. ft – *or* – 0.0287 lbs active per 10 sq. ft.

[NOTE]: Do not apply to vegetable gardens or under [ornamental] fruit or nut trees [in landscaped areas] being grown for consumption. Do not apply to waterlogged areas. Permeable weed barriers need not be removed.

NOTE::

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

Reg. No. 538-NEW

6/12

OPTIONAL PRODUCT EFFICACY CLAIMS

[Turf Damaging Pests]

List 1. Kills/Controls [the following] [additional] [insects]

- White grubs (including larvae of):
 - Japanese beetles
 - Asiatic garden beetles
 - Black turfgrass ataenius
 - Aphodius spp.
 - European chafers
 - Green June beetles
 - May/June beetles
 - Northern masked chafers
 - Oriental beetles
 - Southern masked chafers

List 2. Kills/Controls [the following] [additional] [insects]

- Caterpillars (such as armyworms, cutworms and sod webworms)
- Annual bluegrass weevils
- Armyworms
- Billbug grubs
- Crane fly larvae
- Cutworms
- Sod webworms

List 3. Suppresses [the following] [additional] [insects]

- Chinchbugs

[What ***GrubEx III*** does:]

Annual bluegrass weevils can cause damage by feeding on grass blades and stems. ***GrubEx III*** controls these turf damaging insects and prevents damage.

Billbug grubs feed on roots, stolons, stems, and crowns. Infested turf may look drought damaged and the grass blades break off at the crown. ***GrubEx III*** prevents turf damage by killing grubs [when they are young] [and] [before they can cause damage to your turf.]

Caterpillars such as armyworms, cutworms and sod webworms can cause damage by feeding on grass blades and stems. ***GrubEx III*** controls these turf damaging insects and prevents damage.

Crane fly larvae cause damage by feeding on grass blades, stems, crowns and roots. ***GrubEx III*** controls these turf damaging insects and prevents damage.

White grubs can cause extensive damage to turf by feeding on grass roots. Infested turf turns brown and is easily pulled up by hand. ***GrubEx III*** prevents turf damage by killing grubs [when they are young] [and] [before they can cause damage to your turf.]

Grubs and other listed insects can cause extensive damage to lawns by feeding on grass and its roots. [***GrubEx III*** kills/controls/suppresses listed turf damaging insects and prevents damage.] [Infested turf turns brown and is easily pulled up by hand.] [***GrubEx III*** prevents turf damage by killing grubs] [when they are young] [and] [before they can cause damage to your turf.]

NOTE::

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

A Reg. No. 538-NEW

7/12

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

When used as directed this product does not present a hazard to humans or domestic animals. Wash hands thoroughly after use. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic invertebrates, oysters and shrimp. Do not apply directly to water. 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 will help to prevent run off to water bodies or drainage systems.

Ground Water Advisory

This chemical has properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.

STORAGE AND DISPOSAL

STORAGE: Store in a clean, dry place. Reseal opened bag by folding top down and securing.
CONTAINER DISPOSAL: **If empty:** Non-refillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.
If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

NOTE::

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

8/12

[[Treats/covers] X,XXX square feet (sq. ft.)]]

SPREADER SETTINGS [AND INFORMATION] (optional)

Spreader	Setting
Scotts Drop Spreaders	X
<i>(insert trade names from List 2. as appropriate)</i>	
Scotts Broadcast/Rotary Spreader	X
<i>(insert trade names from List 2. as appropriate)</i>	
Scotts GrubEx III cartridge applicator/spreader	X
<i>(insert trade names from List 2. as appropriate)</i>	
Scotts Broadcast Tractor Spreader	X
<i>(insert trade names from List 2. as appropriate)</i>	
Appropriate spreader settings and coverage will be inserted on Final Printed Label to replace “X”	

List 2.

Drop Spreader Trade Names and Descriptions (to be entered above as appropriate)

Scotts AccuGreen [Drop]	X
Scotts Basic [Rotary]	X
Scotts Deluxe EdgeGuard [Rotary]	X
Scotts EasyGreen [Rotary]	X
Scotts Lawn Pro [Rotary]	X
Scotts SpeedyGreen [Rotary]	X
Scotts Broadcast Tractor Spreader	X

[Use only with Scotts® spreaders.]

[Scotts® products are designed to work with Scotts® spreaders.]

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

NOTE::

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

Reg. No. 538-NEW

9/12

OPTIONAL MARKETING CLAIMS

The following claims may appear on any label panel

The following claims may be preceded by "New" and "Now" for a period of not longer than six (6) months from date of initial distribution.

NOTE::

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

PESTICIDAL CLAIMS

- [Annual use can] help[s] control Japanese Beetle [infestations][populations]
- Apply anytime spring through late summer
- Apply both in Spring or Summer
- [Apply] Spring to [late] Summer
- Apply [anytime] early April to late August
- Controls key [lawn damaging] grubs
- Control/kills grubs for up to 4 months/an entire season
- Corrects lawn [grub] problems [caused by grubs]
- Controls ***insert any insect from List 2***
- Defends against grubs
- Defends against grubs [[plus] [to] help[s] turf recover]
- Four month soil insect protection
- Guaranteed kill or your money back
- ***GrubEx III*** also kills grubs in landscaped ornamental areas that contain flowers, groundcovers, shrubs and trees.
- ***GrubEx III*** prevents turf damage by killing grubs when they are newly hatched, before they can cause damage.
- ***GrubEx III*** prevents turf damage by killing grubs [when they are young] [and] [before they can cause damage to your turf.]
- ***GrubEx III*** works best when applied before grubs hatch.
- Helps prevent root damage for a healthier/stronger lawn.
- Keeps [on] killing [for four [4] months] [guaranteed] [all season long]
- Kill/control/prevent/stop [lawn damaging] grubs
- Kills/controls/prevents/stops ***insert any insect from List 1.***
- Kills/controls/prevents/stops lawn damaging insects
- Kills/controls/prevents/stops grubs and strengthens your lawn
- Kills/controls/prevents/stops grubs below the ground/soil/surface
- Kills/controls/prevents/stops for a stronger lawn
- Kills/controls/prevents/stops grubs so the lawn can repair itself
- Kills/controls/prevents/stops grubs with a single application
- Kills/controls/prevents/stops grubs/lawn insects within minutes of ingestion
- Kills/controls/prevents/stops grubs/lawn insects/Prevents lawn damage for a healthier/stronger lawn
- Kills/controls/prevents/stops 2 more grubs [species] [types]* *versus original Grubex [Green June beetle and Aphodius spp.]
- Kills/controls/prevents/stops grubs [keeps on killing] [for four months guaranteed] [all season long]
- Kills/controls/prevents/stops grubs before they become beetles
- Kills/controls/prevents/stops grubs now and prevents them all season
- Kills/controls/prevents/stops more species of [grubs/pests/insects]
- Improved/better killing power [with] 60% fewer chemicals/60% less active ingredients] * *versus original Grubex
- Lawn protection [against/from] grubs
- Long lasting grub control [up to 4 months guaranteed] [all season long]
- [Exclusive] [Patented] active ingredient
- Kills 2 more grub species* *versus original Grubex
- Kills/controls [insert any insect from list 2] too
- Kills 25% More Grub species/types* *versus original GrubEx
- One application kills and protects [for four months/all season] [guaranteed]
- [One application] kills and prevents [grubs] [/lawn insects] [for four months/all season] [guaranteed]
- One application stops grubs [/lawn insects] all season long
- Penetrates deep (in the soil) to kill lawn (damaging) grubs
- Prevents [lawn damaging] grubs all season long
- Promotes root growth by killing [lawn damaging] grubs
- Protects the lawn [against] [/from] grubs

NOTE::

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

Reg. No. 538-NEW

11/12

PESTICIDAL CLAIMS (cont..)

- Protect(s)/revitalize(s)/regenerate(s)/renew(s)/rejuvenate(s)/refresh(es) your lawn by killing [lawn damaging] grubs
- Provides [protection/a protective barrier] to keep(s) grubs away all season
- Season-long grub killer
- Season-long grub control/ prevention/ protection
- Specifically targets lawn damaging grubs
- Stops [and repairs] grub damage
- Stops grubs from further damaging your lawn
- [Stops/kills] grubs and [helps the lawn repair [itself]] [repairs the lawn]
- Sub-surface ingredient specifically targets turf larvae (grubs)
- Suppresses **insert any insect from List 3**
- The active ingredient in **GrubEx III** will remain in the root zone of the turf until the grub eggs hatch. Young, newly hatched grubs are very susceptible to **GrubEx III** and are killed before they become large enough to cause turf damage.]
- Use in landscape beds to protect shrubs, flowers and ground cover from (**insert any insect from List 1**)
- Use **GrubEx III** every year to control grub populations in your lawn
- Kills grubs with less chemicals* *versus original Grubex
- Highly Effective at Low Usage Rates

NON-PESTICIDE CLAIMS

- Ready-to-spread granules
- Don't forget to feed your lawn. A strong root system will also help your lawn defend against grub[s] [damage]
- Easy to apply/use [granules]
- From the leader in lawn care
- Helps build a healthier/stronger lawn
- Helps restore/repair the lawn
- Helps turf recover from grub damage
- Helps your lawn stay strong during stressful summer months
- Most trusted brand in lawn care
- Now with [quick-release] [quick-dissolve] [Eco®] granule [ingredient]
- [Grubex III is [Made] [with Eco® Granule] [to] add[s] back organic matter to [your] soil]
- Eco® Granule is biodegradeable
- Specially formulated for lawns
- Guaranteed Results
- From the Experts at Ortho

The Scotts® Advantage

Scotts has been the leader in helping homeowners enjoy their lawns for more than 140 years. Scotts® is guaranteed to provide even feeding and greening with the right balance of essential nutrients in every particle. When you feed with Scotts® Water Smart™ Formula, your lawn will become thicker, with deeper roots to better absorb water and nutrients.

[GRAPHIC – lawn damaged by listed insects] – UNTREATED/BEFORE/Grub Infested Turf
[GRAPHIC – lawn treated with **Grubex III**] – TREATED/AFTER/Lawn Protected by Grubex III

Dedicated To A Beautiful World™

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

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 lands in the driveway, sidewalk or street back on to your lawn.

12/12

NOTE::

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

Lawn products work in harmony with the environment when used correctly. Read and follow package recommendations and instructions for use

[Water Smart®] Tips for Lawncare Success

- Feed Regularly For Your Best Lawn. [Regular feedings of Scotts Turf Builder will help grow a lawn you and your family can enjoy. Scotts Turf Builder provides the nutrients your lawn needs to look its best and withstand the stresses of weeds, heat, drought and family activity.]
- Mow You Lawn. [Mowing high allows the grass to develop a deep root system & helps your lawn use water more effectively.]
- Leave The Grass Clippings On Your Lawn. [This recycles the plant nutrients back into the soil.]
- Conserve Water. [Your lawn will begin to wilt when water is needed. As much as possible, take advantage of nature's sprinkler and rely on the rain to water your lawn.]

Questions/Information

[ICON - PHONE] Phone toll-free -or- Consumer Helpline -or- [toll-free] consumer hotline
1-800-543-TURF (8873)

[ICON - Web] www.scotts.com

[ICON - SMG] The Scotts Company, [LLC,]
14111 Scottslawn Rd.,
Marysville, OH 43041

Questions? Call 1-800-543-TURF (8843)

Scotts No-Quibble Guarantee™

If for any reason you, the [consumer or customer], are not satisfied [with the 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.

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.
Consumer Helpline/Call [now]
1-800-543-TURF (8873)

Contact the Experts/Learn more at www.scotts.com or 1-800-543-TURF (8873)
Scotts®... the lawn people Marysville, Ohio 43041
"Lawn success made easy" [Call 1-800-543-TURF (8873)]

Notice: Buyer assumes all risks of use, storage, or handling of this product not in accordance with directions.

Manufactured by/Distributed by:
The Scotts Company, [LLC,] 14111 Scottslawn Rd., Marysville, OH 43041

EPA Reg. No. 538-XXX

EPA Est. No. XXX-XX-X [Superscript used is first letter of run code on end of container]