

538-306

6/16/2010

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



OFFICE OF  
CHEMICAL SAFETY AND  
POLLUTION PREVENTION

June 16, 2010

Sanford R. Simon  
The Scotts Company  
14111 Scottslawn Road  
Marysville, OH 43041

Dear Mr. Simon:

Subject: Amended labeling to clarify application rates  
Grubex III  
EPA Reg. No. 538-306  
Your submission dated March 23, 2010; resubmission dated June 16, 2010

The proposed labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable with the following comment:

- On page 4, under Options 2 and 3, delete the word "Note." This word implies that the statements following are advisory, not mandatory.
- For prominence and consistency with other products, please ensure that the Storage and Disposal information is placed in a box of solid line.
- On page 9, for claims 29, 34, 37, and 39, delete the asterisks. The text denoted by the asterisk, "versus original Grubex," must follow directly after the preceding text. (In other words, this qualifier can not be separated from the first part of the claims.)
- On page 10, delete claim 48. Barrier claims are not permitted, as they imply 100% control.
- On page 10, revised claim 60 to read, "Highly Effective at [Listed][Specified] Usage Rates.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label or durably marked on the container itself. This information can be added by non-notification per PR Notice 98-10.

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A stamped copy is enclosed for your records. Please submit two copies of your final printed labeling before you release the product for shipment. Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). If you have any questions, please contact Julie Chao by phone at: (703) 308-8735, or by email at: [chao.julie@epa.gov](mailto:chao.julie@epa.gov).

Regards,



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

Enclosure

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NOTE:  
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# GRUBEX III

ACCEPTED  
With COMMENTS  
In EPA Letter Dated:  
JUN 16 2010  
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*)



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**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.

Apply 2.87 lbs/pounds of product per 1,000 sq. ft.

The maximum number of applications is one [1] per year.

[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 [and other listed insects]

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 product per 1,000 sq. ft. – **or** – 0.287 lbs. product per 100 sq. ft – **or** – 0.0287 lbs product 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]

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**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.  
Apply 2.87 lbs/pounds of product per 1,000 sq. ft.  
The maximum number of applications is one [1] per year.

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 product per 1,000 sq. ft.

~~or~~ 0.287 lbs. product per 100 sq. ft

~~or~~ 0.0287 lbs product per 10 sq. ft.

The maximum number of applications is one [1] per year

[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.

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**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**

**PESTICIDE 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.

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**OPTIONAL PRODUCT EFFICACY CLAIMS**

[Turf Damaging Pests]

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

- (1) White grubs (including larvae of):
- (2) Japanese beetles
- (3) Asiatic garden beetles
- (4) Black turfgrass ataenius
- (5) Aphodius spp.
- (6) European chafers
- (7) Green June beetles
- (8) May/June beetles
- (9) Northern masked chafers
- (10) Oriental beetles
- (11) Southern masked chafers

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

- (1) Caterpillars [such as/including:]
- (2) Armyworms
- (3) Cutworms
- (4) Sod webworms
- (5) Annual bluegrass weevils
- (6) Billbug grubs
- (7) Crane fly larvae

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

- (1) 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.]]

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[[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 <i>GrubEx III</i> 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>	
<i>Appropriate spreader settings and coverage will be inserted on Final Printed Label to replace "X"</i>	

**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).]

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### ***OPTIONAL MARKETING CLAIMS***

***The following claims may appear on any label panel***

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**PESTICIDAL CLAIMS**

- (1) [Annual use can] help[s] control Japanese Beetle [infestations][populations]
- (2) Apply anytime spring through late summer
- (3) Apply both in Spring or Summer
- (4) [Apply] Spring to [late] Summer]
- (5) Apply [anytime] early April to late August
- (6) Controls key [lawn damaging] grubs
- (7) Control/kills grubs for up to 4 months/an entire season
- (8) Corrects lawn [grub] problems [caused by grubs]
- (9) Controls insert any insect from List 2
- (10) Defends against grubs
- (11) Defends against grubs [[plus] [to] help[s] turf recover]
- (12) Four month soil insect protection
- (13) Guaranteed kill or your money back
- (14) GrubEx III also kills grubs in landscaped ornamental areas that contain flowers, groundcovers, shrubs and trees.
- (15) GrubEx III prevents turf damage by killing grubs when they are newly hatched, before they can cause damage
- (16) GrubEx III prevents turf damage by killing grubs [when they are young] [and] [before they can cause damage to your turf.]
- (17) GrubEx III works best when applied before grubs hatch
- (18) Helps prevent root damage for a healthier/stronger lawn
- (19) Keeps [on] killing [for four [4] months] [guaranteed] [all season long] **Note: Scotts No Quibble Guarantee on pg. 12 of master label will be used in conjunction with this claim.**
- (20) Kill/control/prevent/stop [lawn damaging] grubs
- (21) Kills/controls/prevents/stops insert any insect from List 1.
- (22) Kills/controls/prevents/stops lawn damaging insects
- (23) Kills/controls/prevents/stops grubs and strengthens your lawn
- (24) Kills/controls/prevents/stops grubs below the ground/soil/surface
- (25) Kills/controls/prevents/stops for a stronger lawn
- (26) Kills/controls/prevents/stops grubs so the lawn can repair itself
- (27) Kills/controls/prevents/stops grubs with a single application
- (28) Kills/controls/prevents/stops grubs/lawn insects/Prevents lawn damage for a healthier/stronger lawn
- (29) Kills/controls/prevents/stops 2 more grubs [species] [types]\* \*versus original Grubex [Green June beetle and Aphodius spp.]
- (30) Kills/controls/prevents/stops grubs [keeps on killing] [for four months guaranteed] [all season long] **Note: Scotts No Quibble Guarantee on pg. 12 of master label will be used in conjunction with this claim.**
- (31) Kills/controls/prevents/stops grubs before they become beetles
- (32) Kills/controls/prevents/stops grubs now and prevents them all season
- (33) Kills/controls/prevents/stops more species of [grubs/pests/insects]
- (34) Improved/better killing power\* \*versus original Grubex
- (35) Lawn protection [against/from] grubs
- (36) Long lasting grub control [up to 4 months guaranteed] [all season long] **Note: Scotts No Quibble Guarantee on pg. 12 of master label will be used in conjunction with this claim.**
- (37) Kills 2 more grub species\* \*versus original Grubex
- (38) Kills/controls [insert any insect from list 2] too
- (39) Kills 25% More Grub species/types\* \*versus original GrubEx
- (40) One application kills and protects [for four months/all season] [guaranteed] **Note: Scotts No Quibble Guarantee on pg. 12 of master label will be used in conjunction with this claim.**
- (41) [One application] kills and prevents [grubs/lawn insects] [for four months/all season] [guaranteed] **Note: Scotts No Quibble Guarantee on pg. 12 of master label will be used in conjunction with this claim.**
- (42) One application stops [grubs/lawn insects] all season long
- (43) Penetrates deep (in the soil) to kill lawn (damaging) grubs
- (44) Prevents [lawn damaging] grubs all season long
- (45) Promotes root growth by killing [lawn damaging] grubs
- (46) Protects the lawn [against/from] grubs

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**PESTICIDAL CLAIMS (cont.)**

- (47) Protect(s)/revitalize(s)/regenerate(s)/renew(s)/rejuvenate(s)/refresh(es) your lawn by killing [lawn damaging] grubs
- (48) Provides [protection/a protective barrier] to keep(s) grubs away all season
- (49) Season-long grub killer
- (50) Season-long grub control/ prevention/ protection
- (51) Specifically targets lawn damaging grubs
- (52) Stops [and repairs] grub damage
- (53) Stops grubs from further damaging your lawn
- (54) [Stops/kills] grubs and [helps the lawn repair [itself]] [repairs the lawn]
- (55) Sub-surface ingredient specifically targets turf larvae (grubs)
- (56) Suppresses insert any insect from List 3
- (57) 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.]
- (58) Use in landscape beds to protect shrubs, flowers and ground cover from (insert any insect from List 1)
- (59) Use GrubEx III every year to control grub populations in your lawn
- (60) Highly Effective at Low Usage Rates

**NON-PESTICIDE CLAIMS**

- (61) Ready-to-spread granules
- (62) Don't forget to feed your lawn. A strong root system will also help your lawn defend against grub[s] [damage]
- (63) Easy to apply/use [granules]
- (64) From the leader in lawn care
- (65) Helps build a healthier/stronger lawn
- (66) Helps restore/repair the lawn
- (67) Helps turf recover from grub damage
- (68) Helps your lawn stay strong during stressful summer months
- (69) Most trusted brand in lawn care
- (70) Now with [quick-release] [quick-dissolve] [Eco®] granule [ingredient]
- (71) [Grubex III is [Made] [with Eco® Granule] [to] add[s] back organic matter to [your] soil
- (72) Eco® Granule is biodegradable
- (73) Specially formulated for lawns
- (74) Guaranteed Results *Note: Scotts No Quibble Guarantee on pg. 12 of master label will be used in conjunction with this claim.*
- (75) From the Experts at Ortho

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[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 beauty of your home environment. –Scotts®

**GRUB LIFECYCLE**

[Stop the Destructive Cycle]

[Scotts GrubEx III kills grubs as they develop, BEFORE they cause damage to your lawn]

[Apply GrubEx III spring to late summer.]

[Graphics depicting the grub lifecycle (e.g., egg, pupa, grub, beetle)]

Spring	Summer	Fall
Grubs come out of winter hibernation and start to eat your lawn's roots.  By late spring, grubs enter the pupa stage to transform into beetles.	Adult beetles surface to feed on your garden and lay eggs in your lawn.	Eggs hatch into new grubs, which will feed on your lawn's roots, starting the destructive cycle all over.

Lawn products work effectively when used correctly. Read and follow all instructions for use and restrictions.

**Tips for Lawncare Success**

- Feed Regularly For Your Best Lawn. [Fertilizing regularly/Regular feedings will help grow a lawn you and your family can enjoy. Fertilizing/feeding provides the nutrients your lawn needs to look its best and withstand the stresses of weeds, heat, drought and family activity.]
- Mow Your 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.]

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**Questions/Information**

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

[ICON - Web] [Visit [our website]]  
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: To the extent consistent with applicable law, [the] 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

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

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Made in/Product of \_\_\_\_\_