

538-308

10/16/2009

1/15



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Wendy Holingsworth-Cox
Product Registration
The Scotts Company
14111 Scottslawn Road
Maysville, OH 43041

OCT 16 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change
"Turf fertilizer Plus Preemergent Weed Control 0.75"
EPA Reg. No. 538-308
Application Dated May 26, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 05/26/09 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 cursive script that reads "Rachel C. Halloran".

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

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 05-31-98

EPA

United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number
538308LBL20090526

Application for Pesticide - Section I

1. Company/Product Number 538-308	2. EPA Product Manager Jim Tompkins	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Scotts Company/Turf Fertilizer Plus Preemergent Weed Control 0.75%	PM# 25	
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)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated
<input checked="" type="checkbox"/> Resubmission in response to Agency letter dated February 25, 2009	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

NOTIFICATION
OCT 16 2009

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

Submission of a notification per PR Notice 98-10 and revised final label in response to Notice of Registration dated February 25, 2009.

Section III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
*Certification must be submitted		If "Yes" Unit Packaging wgt. No. per Container	If "Yes" Package wgt. No. per Container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container	5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input 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 Claudia S. Herrington	Title Director, Federal Registrations	Telephone No. (Include Area Code) (937) 578-5973
Certification 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.		6. Date Application Received (Stamped)
2. Signature The Scotts Company LLC BY: <i>Claudia S. H.</i>	3. Title Director, Federal Registrations	
4. Typed Name Claudia S. Herrington	5. Date May 26, 2009	



The Scotts Company LLC

and Subsidiaries

August 5, 2009

Ms. Linda Arrington
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Subject: **Turf Fertilizer Plus Preemergent Weed Control 0.75%
EPA Reg. No. 538-308
OPP Identifier Number 538308LBL20090526**

Dear Ms. Arrington:

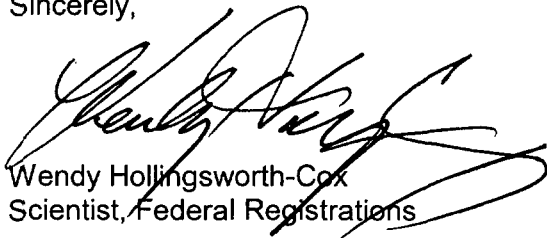
Per our recent correspondence with Jim Tompkins (PM 25) via email, the abovementioned submission which was delivered to USEPA on May 28, 2009 has not been received by your team. For your convenience, please find the enclosed documents:

- A copy of the original submission dated May 26, 2009
- The referenced email correspondence
- The Federal Express tracking documentation

Due the unforeseen circumstances regarding this submission, we would like to request an expedited review.

Should you have any questions regarding this submission, please do not hesitate to contact me at 937-578-5205 or via email at wendy.hollingsworth-cox@scotts.com.

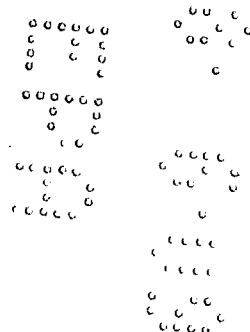
Sincerely,



Wendy Hollingsworth-Cox
Scientist, Federal Registrations

Enclosures

**14111 Scottslawn Road
Marysville, Ohio 43041
Direct line: 937-578-5205
Facsimile: 937-644-7075
Email: wendy.hollingsworth-cox@scotts.com**





The Scotts Company LLC

and Subsidiaries

May 26, 2009

SENT VIA FEDEX

Jim Tompkins, PM 25
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

COPY

Subject: Turf Fertilizer Plus Preemergent Weed Control 0.75% (EPA Reg. No. 538-308)
OPP Identifier Number 538308LBL20090526

Dear Mr. Tompkins:

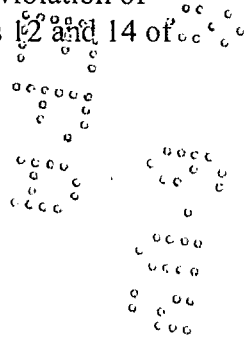
In response to the EPA's Notice of Pesticide Registration dated February 25, 2009 for Turf Fertilizer Plus Preemergent Weed Control 0.75% (EPA Reg. No. 538-308), Scotts is submitting an updated master label that incorporates the Agency's comments because final printed labels will not be available until later this year. In addition to the Agency's corrections, Scotts has removed evening primrose from the list of weeds controlled and *Poa annua* from the tolerant turfgrasses. These changes fall with PR Notice 98-10.

Enclosed please find the following documentation in support of this submission:

- EPA Application Form 8570-1
- One copy of the updated label with highlights
- One copy of the updated label without highlights

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, 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.

1411 Scottslawn Road
Marysville, Ohio 43041
Direct line: 937-578-5973
Facsimile: 937-644-7075
Email: Claudia.Herrington@Scotts.com

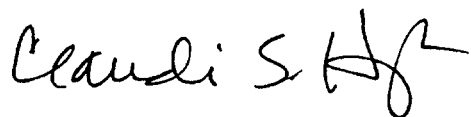


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Jim Tompkins
May 26, 2009
Page 2

If you have any questions regarding this submission, please do not hesitate to contact me at 937-578-5973 or via email at Claudia.Herrington@Scotts.com.

Regards,



Claudia S. Herrington, Esq.
Director, Federal Registrations

Enclosures

*1411 Scottslawn Road
Marysville, Ohio 43041
Direct line: 937-578-5973
Facsimile: 937-644-7075
Email: Claudia.Herrington@Scotts.com*

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EPA Reg. No. 538-308

NOTIFICATION

OCT 16 2009

Turf Fertilizer Plus Preemergent Weed Control 0.75%

ACTIVE INGREDIENT:

Pendimethalin†	0.75%
OTHER INGREDIENTS	99.25%
Total	100.000%

This product applies 50.0 lbs. and treats 10,729,890 ft² (1/4 acre) at the 2003 lbs product/acre rate (equivalent to 1.5 lbs active ingredient/acre) and X lbs N/1,000 sq ft.

†CAS #40487-42-1

EPA Registration Number 538-308

EPA Establishment Number 538-OH-1

NET WEIGHT 50 LBS

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back for additional precautionary statements.

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KEEP OUT OF REACH OF CHILDREN

CAUTION

See back for additional precautionary statements.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION, Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

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.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

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

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes. In case of spills, either collect for use or dispose of properly.

User Safety Recommendations:

Users should:

- ~~Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.~~
- ~~Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.~~
- ~~Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.~~

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Personal Protective Equipment (PPE)

Applicators and other handlers must wear: Long-sleeved shirt and long pants, chemical resistant gloves, shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining personal protection equipment (PPE). If no such instructions for washables exist, use detergent and hot water. Keep and wash personal protection equipment separately from other laundry.

Engineering Controls

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS


Use this product only in accordance with its labeling and with the Workers Protection Standard 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is: coveralls, waterproof gloves, shoes plus socks.

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EP  g. No. 538-308

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NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to use of this product that are not within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The Worker Protection Standard applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until dust has settled.

For use on established turfgrasses including bentgrass, and bermudagrass, ~~and *Poa annua*~~ (except putting greens and tees), Kentucky bluegrass, perennial ryegrass, fine fescue, tall fescue, St. Augustinegrass, bahiagrass, zoysiagrass, centipedegrass and blends of the grasses. See "Bermudagrass, and Bentgrass and *Poa annua* Precautions" and "Limitation of Liability" statements.

Not for use on bentgrass, ~~*Poa annua*~~ and bermudagrass putting greens and tees, or on dichondra. Where bentgrass and bentgrass-containing turf ~~and *Poa annua*~~ are the desired species, ~~a light rate application only is recommended.~~ apply at the lower rate.

How/When to Use

For control of annual grassy and broadleaf weeds such as crabgrass, goosegrass, foxtail, barnyardgrass, fall panicum, *Poa annua*, oxalis, knotweed, purslane, and prostrate spurge, apply in spring before they sprout.

To prevent *Poa annua* and fall germinating chickweed, apply product to dry foliage in late summer/early fall (before germination). Repeat application yearly for continued control. A repeat application made after *Poa annua* treatment should not be sooner than 4 months.

Where lower infestations are expected, the lighter rates may be used.

Apply product uniformly to dry foliage at the ~~suggested-listed~~ rate with a properly calibrated spreader. For best results, water after application (1/4-1/2 inch) to remove granules from the foliage and to move the product to the soil surface for an effective chemical barrier. Do not destroy the chemical barrier created at the soil surface by raking or aerifying as a segment to application. Allow at least a four-month space between the applications except when repeat applications are necessary after 6-8 weeks.

Do not mow treated area until product has been watered in and turf foliage has dried.

Application Precautions and Restrictions

Maximum of two applications per year.

Do not use on bentgrass, ~~*Poa annua*~~ and bermudagrass putting greens and tees, or on dichondra. Where bentgrass and bentgrass-containing turf ~~and *Poa annua*~~ are the desired species, ~~a light rate application only is recommended.~~ apply at the lower rate.

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On cool season turfgrasses, avoid applications when temperatures are regularly in the 80's.

This product may cause discoloration and thinning where over-applications have been made if the turfgrass is under severe stress conditions (disease, drought, low temperature – below 40°F, scalping, and excessive soil moisture).

Do not apply to dormant bentgrass ~~and *Poa Annua*~~ (turf that is not actively growing or has experienced frost).

When any preemergence herbicide is applied to dormant bermudagrass, green-up may be delayed 2 to 3 weeks in the spring. The delay in green-up may be extensive in low-cut bermudagrass and on sandy soils.

As with most other preemergence herbicides, application of this product to bermudagrass overseeded with cool season turfgrass species may injure and thin the overseeding.

Do not apply to bentgrass ~~or *Poa annua*~~ after late summer.

Avoid application to cement, stone, clothing or shoes. If contact occurs, brush off particles to prevent staining. If necessary, rinse with water.

If metallic surfaces (golf course equipment, automobiles, etc.) are present at the application site, do not use this product under windy conditions (5-10 MPH) due to its staining potential.

Do not apply more than a cumulative total of 400 lbs. of product/acre (3.0 lbs. active ingredient/acre) per year on bentgrass ~~and *Poa annua*~~.

Properties of All Dinitroaniline (DNA) Products

May cause temporary slowing of turf fill-in and stolon-rhizome rooting where turf has been thinned.

Requires a waiting period before seeding or sprigging.

Seeding or Sprigging Intervals after Treatment

Delay seeding by 4 months and sprigging by 5 months after application. Prior to planting, for best results, the soil surface should be disturbed or worked to dilute any remaining chemical residue.

Treatment Interval after Seeding or Sprigging

On newly planted areas, wait until the grass has been mowed at least 4 times and has filled in before making an application.

11/15

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Turfgrass Species	Weeds	Weed Control	Comments
<u>Cool Season Grasses</u> Kentucky bluegrass Perennial ryegrass Fine fescue Tall fescue	Crabgrass foxtail <i>Poa annua</i> barnyardgrass fall panicum oxalis prostrate spurge purslane knotweed chickweed	200-266 lbs./acre as the initial application prior to weed germination.	Apply a repeat application of 166-200 lbs./acre after 6-8 weeks for extended control or where heavy weed infestations are expected.
	goosegrass	200-266 lbs./acre in the spring prior to weed germination. Apply a repeat application after 6-8 weeks at 200-233 lbs./acre	
Bentgrass and established <i>Poa annua</i> (1/2 inch) height or taller. (Not for use on greens and tees)	Crabgrass foxtail <i>Poa annua</i> barnyardgrass fall panicum oxalis prostrate spurge purslane knotweed chickweed	200 lbs./acre in the spring prior to weed germination. Apply a repeat application after 6-8 weeks at 200 lbs./acre	Apply a repeat application of 166-200 lbs./acre after 6-8 weeks where heavy infestations are expected.
	Goosegrass	200 lbs./acre in the spring prior to weed germination with a repeat application of 200 lbs./acre after 6-8 weeks	

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Turfgrass Species	Weeds	Weed Control	Comments
<u>Warm Season Grasses</u> Bermudagrass St. Augustinegrass Bahiagrass Zoysiagrass Centipedegrass (401 lbs./acre rate or less) Tall fescue (Not for use on greens and tees)	Crabgrass Foxtail <i>Poa annua</i> barnyardgrass fall panicum oxalis prostate spurge purslane knotweed chickweed	200-266 lbs./acre prior to weed germination. 266 lbs./acre may be used prior to weed germination with a repeat application of 200 lbs./acre after 4 months where weeds germinate over an extended period. (Do not use this high rate on centipedegrass).	Apply a repeat application of 166-200 lbs./acre after 6-8 weeks for extended control or where heavy weed infestations are expected.
	Goosegrass Cudweed hop clover evening primrose henbit	200-266 lbs./acre prior to weed germination with a repeat application of 200-266 lbs./acre after 6-8 weeks.	
	goosegrass	200-266 lbs./acre prior to weed germination.	Apply a repeat application of 200-266 lbs./acre <u>after 6-8 weeks</u> to extend control of goosegrass or if the lower rate was used initially.
	Cudweed hop clover evening primrose henbit	200-266 lbs./acre prior to weed germination	Apply a repeat application of 166-233 lbs./acre after 6-8 weeks if the lower rate was used initially.

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SPREADER SETTINGS

To provide proper distribution calibrate spreader before application. Do not adjust rates in order to meet fertilizer requirements of your soil.

This product applies 50.0 lbs. and treats 10,890 ft² (¼ acre) at the 200 lb product/acre rate (equivalent to 1.5 lbs active ingredient/acre and) X lbs N/1,000 sq ft).

~~50.0 lbs. treat 10,720 ft² (¼ acre) at the 203 lbs product/acre rate (equivalent to 1.5 lbs active ingredient/acre and X lbs N/1,000 sq ft).~~

RECOMMENDED APPLICATION RATE RANGE

SPREADER	GROUND OR PTO SPEED	WIDTH OF COVERAGE	Lbs product/acre	
			200	266
Scotts SR2000	3.5 MPH	12 feet	K	L 1/2

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage ~~or~~ and disposal.

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

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container. Offer ~~for recycling if available.~~ Completely empty bag into application equipment. ~~Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.~~ Then offer for recycling, if available, or dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

14/15

NOTE:

EP Reg. No. 538-308

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Turf Fertilizer Plus Preemergent Weed Control 0.75% XX-XX-XX

GUARANTEED ANALYSIS

Total nitrogen (N).....	XX%
0.6% ammoniacal nitrogen	
22.9% urea, methylene ureas nitrogen	
6.5% water insoluble nitrogen	
Available phosphate (P ₂ O ₅).....	X%
Soluble potash (K ₂ O).....	X%

Derived from: urea, methylene ureas, monoammonium phosphate and potassium sulfate

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-sc.com>

~~[Recommended for use by Professional Turf Managers]~~

BACK

Prevents sprouting of the following grassy and dicot weeds and provides [a feeding of potassium -OR- a controlled-release nitrogen feeding]:

Grassy Weeds

- crabgrass
- foxtail
- goosegrass
- Poa annua*
- barnyardgrass
- fall panicum

Dicot Weeds

- chickweed
- oxalis
- knotweed
- prostrate spurge
- purslane
- cudweed
- hop clover
- henbit
- eveningprimrose

15/15

NOTE:

EPA Reg. No. 538-308

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LIMITATION OF LIABILITY

It must be understood that this product has not been evaluated on all bentgrass varieties ~~and Poa annua~~ under all possible growing conditions. The user should exercise judgment and caution when using this product on a given variety until familiar with the performance under his growing conditions. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NO WARRANTY OR REPRESENTATION IS MADE, EXPRESS OR IMPLIED, CONCERNING THE RESULTS OBTAINED FROM THE USE OF THIS PRODUCT ON BENTGRASS ~~AND POA ANNUA~~ IF NOT USED IN ACCORDANCE WITH DIRECTIONS AND ESTABLISHED SAFE PRACTICES. To the extent consistent with applicable law, the exclusive remedy of the user or Buyer, and the limit of liability of The Scotts Company or its affiliates, for any and all losses, injuries or damages resulting from the use or handling of this product shall be the purchase price paid by the user or Buyer for the quantity of this product involved. The Buyer and all users are deemed to have accepted the terms of this Notice, which may be varied only by agreement in writing signed by a duly authorized representative of The Scotts Company.

The Scotts Company
14111 Scottslawn Rd.
Marysville, OH 43041

Questions / Information

Consumer Helpline
1-800-543-TURF (8873)

Visit our website
www.scotts.com

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Product of USA
U.S. Patent No's 3,705,794; 3,989,470
*Licensed under one or more of the following U.S. Patents: 3,920,742; 4,066,441

EPA Reg. No. 538-308

EPA Est. No. 538-OH-1
[Superscript used is first letter of run code on end of container]