

3/23/2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

March 23, 2010

Jessica McLaughlin
The Scotts Company
14111 Scottslawn Road
Marysville, Ohio 43041

Subject: Amendment – Response to November 12, 2009 NOR
Filament
EPA Reg. No. 538-312
Your submission dated January 7, 2010

Dear Ms. McLaughlin:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable subject to the comments listed below. Two (2) copies of the finished labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

1. Replace "One application controls/kills [mole crickets/fleas/ticks/cut worms/ants] for [up to] e months" with "One application controls/kills [mole crickets/fleas/ticks/cut worms/ants] for [up to] 3 months" under *Pesticidal Claims*.

If you have any questions regarding this action, please contact BeWanda Alexander at Alexander.bewanda@epa.gov or (703) 305-7460.

Sincerely,

A handwritten signature in cursive that reads "BeWanda Alexander for".

Richard Gebken
Product Manager
Insecticide Branch
Registration Division (7505P)

Enclosure

NOTE:

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

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ACCEPTED
with COMMENTS
In EPA Letter Dated
MAR 23 2010
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
538-312

FILAMENT

Active Ingredient		
Bifenthrin*	0.115%
Other Ingredients	99.885%
Total	100.000%

*Cis isomers 97% minimum, trans isomers 3% maximum.

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back/side/top/bottom [panel/label] for additional precautionary statements.

For residential lawn use only

Coverage denoted by "X" will be added to FPL. Coverage will not exceed regulatory limits for the individual active ingredient.

- [Covers/treats XXXX sq ft/XX ft x XXX ft]
- [Covers/treats XXXX cu. ft.]
- [Covers/treats XX acres] [(1/8 acre = 5,445 sq ft)]
- [Covers/approximately the area of X tennis courts/football fields per pound of product]
- [This package applies X lbs of product per 1,000 sq ft.]

NET WEIGHT/WT. XX.XX LBS (X.XX kg)

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Optional Company Identifier:

Alternate Brand Names:

Optional Product Descriptors

[Granular] Insect Killer/ for Lawns
for [use [only] with] [the] ***insert name*** cartridge/spreader/applicator/system

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EPA Est. No. 538-OH-1, XXX-XX-X (***insert additional EPA Registered Establishments***)
[Superscript used is first letter of run code on end of container]

The Scotts Company, 14111 Scottslawn Rd., Marysville, OH 43041

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-Begin Directions for Use-

DIRECTIONS FOR USE

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

[WHEN TO APPLY]

- Apply early in the Spring or Summer to control infestation. Otherwise, apply at the first sign of insect activity or damage.
- [In New York State, do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.]

[WHERE TO APPLY]

- Apply [only] to grass/lawn
- Sweep product from hard surfaces onto the lawn to keep product on the grass ~~or~~ Sweep any product that lands in the driveway, sidewalk or street back onto your lawn.
- In New York State, this product may NOT be applied to any grass or turf area (lawns) within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

[HOW TO APPLY]

- [Apply/use [only] with] **insert name** cartridge/spreader/applicator/system
- Each pass should be within 5 feet of another pass to ensure proper overlap
- [Optional placement of re-entry statement: People and pets may re-enter yard / lawn / area after area / it is watered and allowed to dry.] [People and Pets icon] [For best results,] treated areas should be thoroughly watered immediately after application.
- To Kill and Control Insects: one cartridge/Snap Pac covers up to 4,000 sq ft [Icon]
- For 3 month control: one cartridge/Snap Pac covers 2,000 sq ft (which requires a second pass over the application area) [Icon]

There are no spreader settings for this product as the cartridge design specifications are for a coverage of 4,000 sq. ft.. Product will be sold for use only with the cartridge/spreader/applicator/system therefore calibrating to the correct amount of product automatically.

-End Directions for Use-

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PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if absorbed through the skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

[Optional placement of re-entry statement: People and pets may re-enter yard / lawn / area after area / it is watered and allowed to dry.] [People and Pets icon]

First Aid:

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.

Have the product container or label with you when calling poison control center or doctor, or going for treatment.

Call: 1-XXX-XXX-XXXX

Note to Physician:

This product is a pyrethroid. If large amounts have been ingested, then milk, cream or other digestible fats and oils may increase absorption and so should be avoided.

ENVIRONMENTAL HAZARDS:

This pesticide is extremely toxic to fish and aquatic invertebrates. 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 of the lawn or garden will help to prevent run off to water bodies or drainage systems.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store product in clean, dry place for your next application. Product can be used until empty.

PESTICIDE CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container.

If empty: 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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APPLICATOR SET UP [AND INFORMATION]

[insert name]

[Just pop it on, flip the lever and go!]

[Icon]: Connect/Snap [Place Into Spreader]

[Icon]: Lock [Flip Lever to Lock in Place]

[Icon]: Apply/Go/Roll [You're Ready to Go]

[Icon]: [EdgeGuard/Feature/Control]

[Icon]: [[Finish] [&] [Store]]

- [See back panel for setup guide]
- **[Lock/Snap & Go] [Snap, Lock, Go] [Cartridge/Snap Pac connects directly to the [insert name] spreader/applicator]** [There's no cutting/no pouring/no spilling] [from heavy bags] [Simply place the Snap Pac/cartridge into the spreader/applicator]
- **[Flip the lever to lock cartridge/Snap Pac into place]** [Cartridge/Snap Pac automatically sets the proper application rate]
- **[Easy to apply]** [Follow Directions for Use below / above]
- **[Easy to control]** [The new & improved/exclusive EdgeGuard feature directs product only where you want it]
- **[Easy to finish & store]** [Just flip the lever back to remove the Snap Pac/cartridge.] [It self-seals for no mess/no touch/no-waste/easy clean-up & storage.]

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OPTIONAL MARKETING CLAIMS

The following claims may appear on any label panel

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PRODUCT EFFICACY CLAIMS (any or all insects may be listed on FPL)

The following claims may be listed on the FPL followed by any or all insects that may be listed below

- [insect controlled/killed [include/including]]
- [Controls/kills [the following] [these] [X (*insert number corresponding to insects listed on FPL*) [of]]]:
- [Controls/kills insects including:]

To Kill and Control Insects: one cartridge/Snap Pac covers up to 4,000 sq ft [Icon]

- Ants (including Carpenter, Red Harvester, Odorous, Pyramid, Argentine, Pharaoh, White-footed Ant, Crazy Ant, Little Black Ant, Small Honey Ant, Black Turf Ant, Lawn Ant, Cornfield Ant, Ghost Ant, Thief Ant, Acrobat Ant, Citronella Ant, Big-headed Ant, Allegheny Mound Ant), American Dog Ticks, Armyworms (including Lawn Armyworm, Fall Armyworm), Billbugs (including Bluegrass Billbug, Hunting Billbug), Black Turfgrass *Ataenius* adults, Bristletail, Chiggers, Chinch Bugs, Crickets (including House Cricket, Common Short-tailed Cricket, Indies Short-tailed Cricket, Arizona Cricket, Tropical Cricket, Variable Field Cricket, Fall Field Cricket, Southeastern Field Cricket, Texas Field Cricket, Spring Field Cricket, Northern Wood Cricket, Western Striped Cricket, Eastern Striped Cricket, Sand Field Cricket, Vocal Field Cricket, Southern Wood Cricket), Cutworms (including Black Cutworm, Bronzed Cutworm, Granulate Cutworm, Variegated Cutworm), Dichondra Flea Beetle, Earwigs, European Crane Fly Larvae, Fiery Skipper, Fire Ants (excluding mound treatments), Firebrat, Frit Fly, Grasshoppers, Greenbug, Ground Beetle, Ground Pearl, Ladybeetles (including Convergent Ladybeetle, Seven-spotted Ladybeetle, Two-spotted Ladybeetle, Thirteen-spotted Ladybeetle, Twice-stabbed Ladybeetle, Asian Ladybeetle, Mealybug Ladybird), Leafhoppers, Lucerne Moth, Mealybugs, Pillbugs, Arizona Stripetail Scorpion, Southern Unstriped Scorpion, Lesser Stripetail Scorpion, Yellow Ground Scorpion, California Common Scorpion, Northern Scorpion, Eastern Sand Scorpion, Seed Maggots, Sowbugs, Spiders (including Marbled Cellar Spider, Longbodied Cellar Spider, Shortbodied Cellar Spider, Thinlegged Wolf Spider, Burrowing Wolf Spider, Pirate Wolf Spider), Springtails, Striped Grassworm, Ticks (including American Dog Tick, Brown Dog Tick and ticks that may transmit Lyme Disease), Two-lined Spittle Bugs, Webworms (including Sod Webworm, Grass Webworm, Tropical Sod Webworm), Weevils (including Hyperodes and Bluegrass) and Wireworms.

For 3 Month Control one cartridge/Snap Pac covers 2,000 sq ft (which requires 2 passes over the same application area) [Icon]

- Kills insects/bugs listed above plus Pavement Ants, Centipedes, Fleas, Millipedes, and Mole Crickets (including Tawny Mole Cricket, Southern Mole Cricket, Short-Winged Mole Cricket) and Ticks.

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GENERAL CLAIMS

- Apply at first signs of insect damage or activity
- Easy to apply
- Easy-to-use granules
- For Residential Lawn Use Only (Insert photo/illustration)
- Guaranteed kill or your money back
- Insect Control /killer with Bifenthrin
- Insect Control/killer with Talstar
- Long-lasting
- Low odor formula
- Multi-Insect Killer* (*as listed)
- Not harmful to lawn grasses
- Ortho's patented technology
- Ready-to-spread granules
- Specially formulated for lawns
- Insect Control/Killer [for Lawns]

PESTICIDAL CLAIMS

- Kills Insects, Fleas & Ticks
- Controls listed damaging insects
- Fast Acting against listed insects, spiders and ticks
- Fire Ant Killer
- Kills fire ants fast
- Kills mole crickets
- Kills many outdoor pests in lawns and around homes
- Kills pests by contact
- Kills insects that cause your lawn to thin and turn brown
- Kills lawn-damaging insects that cause your lawn to thin and turn brown
- Kills fleas and ticks
- Kills ticks that may transmit Lyme Disease
- Corrects many lawn insect problems (for grub control, use Scotts® GrubEx®)
- Controls many lawn insect problems
- Corrects many lawn insect problems
- Controls chinch bugs, sod webworms (lawn moth), fleas, ticks (including ticks that may transmit Lyme Disease), and other lawn pests listed on the back
- Kills above and/& below the [lawn] surface
- Kills insects in/and under the lawn
- Kills/Controls XXX [number of] insects (*Number of insects claimed will be the exact number listed on FPL*)
- One application keeps killing lawn bugs for [up to] 3 months
- One application controls/kills insects for [up to] 3 months
- One application controls/kills [mole crickets/fleas/ticks/cut worms/ants] for [up to] e months
- Kills listed lawn invading insects
- Starts killing/to kill lawn bugs/insects immediately after watering in or irrigating
- Starts working/to work immediately after watering in or irrigating
- Kills (controls) European Crane Fly Larvae
- One application for [up to] 3 month Control of [mole crickets/ fleas/ ticks/cut worms/ants]
- Kills on contact
- Kills above and below the surface

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

CARTRIDGE CLAIMS

- A snap/easy to start/apply/finish/store
- [All you have to do is] [just] pop it on, flip the lever and go!
- Available in your choice of [x] formulas/cartridges/Snap Pac[s]
- Cartridge/product/Snap Pac can be used until empty
- Cartridge/Snap Pac locks into place [and automatically sets the proper application rate]
- Compact size fits easily in storage areas
- Easy/simple to use
- [Flip the lever to lock cartridge/Snap Pac into place] [ICON]
- For many, lawn care is a [big] chore.
- If additional cartridges/Snap Pac [s] are needed to complete/finish your lawn application, simply flip/slide lever back [to release/unlock/re-seal/seal/close cartridge/Snap Pac] [from spreader/applicator/system] [ICON]
- Insert/connect new cartridge/Snap Pac[s] [lock into place] [and go] [and continue applying] [ICON]
- **[Insert name]**/Self-contained/Lock/Snap & Go [cartridge/lawn care/system] [connects directly to the spreader/applicator] [locks into place] [and] automatically sets the proper application rate.
- It's easy to get started
- [It's **insert name** is] the revolutionary/patented/specially designed/exclusive/lightweight/self-contained/no mess/touch/guess/guess proof/mess proof/lock/snap & go [lawn care] [application/applicator/spreader/system].
- [It] Take[s] the mess/guesswork out of lawn care [so you get [the] right application rate/great results]
- [It's] Ready to go when you are
- It's easy/easier [than ever before] [to get [the right application rate]/[great results]]
- Lock/Snap & Go/Roll
- Snap, Lock, [and] Go
- No burn application
- No guess/mess application
- No manual spreader/applicator settings [to adjust]
- No mess/guess/hassle
- No mess start/finish
- No touch/spill/waste storage [with the [unique/self-sealing] cartridge/**insert name**/lawn care/system].
- [Now] [there's a/the] revolutionary [new] way to take care of your lawn
- Once empty, cartridges/Snap Pac[s] cannot be reused
- Proper application rate is set automatically [with the [**insert name**/self-contained/Lock/Snap & Go] [cartridge/lawn care/system]
- Reduces the mess/inconvenience/effort/hassle of lawn care
- Snap Pac/Cartridge
- [Self contained] [lock/snap & go] [cartridge/ Snap Pac connects directly to **insert name** spreader/applicator [so/means/there's] [no cutting/pouring/spilling/opening] [from heavy bags]]/[no need to cut open or pour from heavy bags]
- Self-sealing cartridge/Snap Pac [makes clean-up and storage a snap]/[means [a] no waste/spill/touch clean up/storage]
- Store cartridges/ Snap Pac[s]/product in a clean, dry place [for your next application]
- [The] [exclusive/patented/specially designed/revolutionary/lock/snap & go] [**insert name**/cartridge/lawn care/applicator/system] automatically sets the proper application rate [so] [there are no manual spreader/applicator settings [required/to adjust]].
- [There's] no cutting/ pouring/ spilling/ opening [from heavy bags] [with the [unique/self-contained] cartridge/refill]
- [The] [cartridge/Snap Pac] [automatically] self-seals [upon removal] [making clean up and storage a snap/easy/easier]/[for no touch/waste/mess/easy [clean-up/storage]]
- The [no mess/guess/touch/pour] lawn care-application system
- [There's] no cutting/ pouring/ spilling/ opening [from heavy bags] [with the [unique/self-contained] cartridge/Snap Pac]
- [The] [**Insert name**] cartridge/spreader/applicator/system improves/reinvents the lawn application/lawn care experience
- [Use] [the] [lock/snap & go] Cartridge/Snap Pac [works] exclusively with the [**insert name**] spreader/applicator/system [ICON]

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CARTRIDGE CLAIMS (cont.)

- The [lock/snap & go] cartridge/Snap Pac is designed to be used only in the [exclusive/specially designed/patented/revolutionary] [*insert name*]/spreader/applicator/system [ICON]
- [lock/snap & go] Cartridge/Snap Pac is designed specifically/exclusively for the [*insert name*]/spreader/applicator/system [ICON]
- [The] cartridge/Snap Pac snaps/locks easily into place [ICON]
- The [guess/mess proof] [self-contained] [lock/snap & go] [lawn care] [cartridge/applicator/spreader/system] [that] [takes the guesswork out of lawn care]
- The [no guess/mess] [self-contained] [lock/snap & go] [lawn care] [cartridge/applicator/spreader/system] [that] [takes the guesswork out of lawn care]
- The [guess proof/mess proof/no guess/no mess] [self-contained] [lock/snap & go] [cartridge/spreader/applicator/lawn care/system] [that] [makes great results easy/easier/a snap]
- The [guess proof/mess proof/no guess/no mess] [self-contained] [lock/snap & go] [cartridge/spreader/applicator/lawn care/system] [that] [[gives you [the right application rate/great results]] [from start to finish]
- The EdgeGuard feature on the [*insert name*] spreader/applicator [allows for one-sided spreading]/[lets you close off application on one side of spreader] so product is not wasted/released on [unwanted] [areas like] driveways/sidewalks/flowerbeds [ICON]
- Use [this/the] [lock/snap & go] [cartridge/Snap Pac] only with the [new] [specially designed/exclusive/patented/revolutionary] [*insert name*] [spreader/ applicator/system] [ICON]
- You're ready to go
- Your hands don't have to touch the product
- [The] Easier to use Lawn Care System
- Makes Lawn Care Easier/Easy
- Makes lawn application easier
- The easier way to apply insect control / fire ant killer

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Edit Date: 20100105
538-312

1-XXX-XXX-XXXX
[Open 8:00 a.m. to 5:00 p.m. Eastern time]

[icon – computer mouse]

[Visit [our website]]
insert website address

Contact the experts at scotts.com

SCOTTS...the lawn people

This container is made with a minimum of X% recycled material.

Made in U.S.A./Product of: _____ (with US and imported parts/products)

WARRANTY / GUARANTEE INFORMATION

SCOTTS [NO-QUIBBLE/CONSUMER] GUARANTEE[®]

If for any reason you [the customer/consumer] are not satisfied [with the results] after using this product, you are entitled to get your money back. Simply send us proof of purchase and we will mail you a refund promptly.

-OR-

The Ortho Guarantee

If for any reason you are not satisfied with this product, mail us proof of purchase to obtain a full refund of your purchase price.

-OR-

[NOTICE: To the extent consistent with applicable law, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.]

TRADEMARK/PATENT/COPYRIGHT INFORMATION

U.S. Patent No. X,XXX,XXX (*patent information will be added to FPL*)

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