

538-313

11-12-2009

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U.S. ENVIRONMENTAL PROTECTION AGENCY  
Office of Pesticide Programs  
Registration Division (H7505C)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

EPA Reg. Number:  
538-313

Date of Issuance:  
NOV 12 2009

Term of Issuance:  
Conditional

Name of Pesticide Product:  
Bulb

NOTICE OF PESTICIDE:

- Registration
- Reregistration

(Under FIFRA as amended)

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 sec. 3(c)(7)(A), provided that:

1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. You will make the following label changes before you release the product for shipment:
  - a) Revise the EPA Registration Number to read "EPA Reg. No. 538-313."
  - b) Add "For residential lawn use only" to the front panel.
  - c) On the front panel delete "feeds/fertilizes" from the following Coverage statements:
    - [Covers/treats/feeds/fertilizers XXXX sq ft/XX ft x XXX ft]
    - [Covers/treats/feed/fertilizes XXXX cu. ft.]
    - [Covers/treats/feeds/fertilizes XX acres] [(1/8 acre = 5,445 sq ft)]
  - d) The Optional Marketing Claims "New" and "Now" isn't approved for use, because this is a me-too product and the formulation hasn't changed.

Signature of Approving Official:

*Richard Gebken*  
Richard Gebken Interim Product Manager 13  
Insecticide Branch/Registration Division (7505P)

Date:

*November 12, 2009*

Enclosure

- e) Delete all references to a cartridge/applicator system and all cartridge claims. This new device is being packaged and sold as a part of the product. The device will need to be submitted to the Agency for review.
- f) Add spreader use directions and spreader setting directions to the Directions for Use section.
- g) On page 10 delete the first three paragraphs title: "The [Insert Company Name] Advantage", "Dedicated To A Beautiful World™" and [Insert name here] & Your Environment". The fertilizer use is not cited on the me-too product. Also, the other marketing claims give a false or misleading impression to the purchaser.
- h) Delete the following claims:
  - a. Keeps New Mounds from forming
  - b. Prevents [protects against] fire ants for an entire season
  - c. One application provides season long control
  - d. Season long control [protection]
  - e. Prevents fire ants for [1,2,3,4] months
  - f. Prevents fire ants for an entire season
  - g. Apply twice for year long control [protection]
  - h. Apply in spring and fall for year round [long] control
  - i. Protects [your lawn] for entire season/up to 4 months
  - j. Lasts all season/up to 4 months
  - k. 1 application controls fire ants for the entire season
  - l. Prevents fire ant mound formation

Revise the following claims:

- m. "Kills Fire Ants and other Listed Insects" with "Kills Fire Ants and other Listed Ants"
- n. "[Controls/Kills ants such as/including:]" with "[Controls/Kills ants including:]"
- o. "Treat the entire lawn to prevent reinfestation of fire ants from neighboring areas" with "Treat the entire lawn to control reinfestation of fire ants from neighboring areas"
- i) Replace "[NOTICE: To the extent permissible by law/To the extent consistent with applicable law, buyer assumes all risk ... etc]" with "[NOTICE: To the extent consistent with applicable law, buyer assumes all risk ... etc]" in the Warranty statement.
- j) Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section

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12(a)(1)(E). 40CFR 156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

3. Please submit three (3) copies of your final printed labeling before releasing 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 bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact BeWanda Alexander at [www.alexander.bewanda@epa.gov](http://www.alexander.bewanda@epa.gov) or (703) 305-7460.

NOTE:

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

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# BULB

ACCEPTED  
with COMMENTS  
In EPA Letter Dated  
NOV 12 2009

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

538-313

for [use [only] with] *insert brand name* cartridge/applicator system

Active Ingredient		
Bifenthrin*	.....	0.20%
Other Ingredients	.....	99.80%
Total	.....	100.00%

\*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.

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

- [Covers/treats/feeds/fertilizes XXXX sq ft/XX ft x XXX ft]
- [Covers/treats/feeds/fertilizes XXXX cu. ft.]
- [Covers/treats/feeds/fertilizes 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:***

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***Alternate Brand Names:***

***Optional Product Descriptors*** [Granular] Fire Ant Killer [for Lawns]

EPA Reg. No. 538-NEW

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

**- Begin Directions for Use-**

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**DIRECTIONS FOR USE**

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

**[GENERAL PRECAUTIONS]**

- People and pets may re-enter treated areas after granules have been watered in and treated area has dried.

**[WHEN TO APPLY]**

- [For best results], apply during the morning or late evening when it is cool and the ants are most active.
- [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/use [only] with] *insert brand name* cartridge/applicator system]
- Apply uniformly to [residential] [the] lawn (s)/grass, water lawn after application to wash granules from the lawn foliage.
- 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).]

**-End Directions for Use-**

**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.

**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, milk, cream and 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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**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.***



**APPLICATOR SET UP [AND INFORMATION]**

[insert product name]

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

[Icon]: Connect

[Icon]: Lock

[Icon]: Apply

[Icon]: [EdgeGuard/Feature/Control]

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

- **[Lock/Snap & Go]** [Cartridge connects directly to the [insert product name] spreader/applicator] [There's no cutting/no pouring/no spilling] [from heavy bags] [Simply place refill/cartridge into the spreader/applicator]
- **[Flip the lever to lock cartridge into place]** [Cartridge 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 refill/cartridge.] [It self-seals for no mess/no touch/no-waste/easy clean-up & storage.]

**GENERAL CLAIMS**

- Quick/Immediate release granules and deep penetrating formula
- Don't treat just the infested areas of the lawn where mounds are visible. Treat the entire lawn to prevent reinfestation of fire ants from neighboring areas.
- Control will be optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound treatments that will kill existing colonies.

**PESTICIDAL CLAIMS**

- Four (4) month Fire Ant Control
- Keeps New Mounds from forming
- Kills foraging Fire Ants
- Prevents new Fire Ant mounds from forming for up to 4 months
- Kills Fly-in Queens
- Kills Fire Ants and other Listed Insects
- Prevents [protects against] fire ants for an entire season
- One application provides season long control
- One application provides 4 month control
- Season long control [protection]
- Prevents fire ants for [1,2,3,4] months
- Prevents fire ants for an entire season
- [1,2,3,4] month [fire ant] control
- Apply twice for year long control [protection]
- Apply in spring and fall for year round [long] control
- Protects [your lawn] for entire season/up to 4 months
- Lasts all season/up to 4 months
- 1 application controls fire ants for the entire season
- Protects the entire lawn for up to 4 months
- Prevents fire ant mound formation

**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 ants that may be listed below**

- [Ants controlled/killed [include/including:]]
- [Controls/kills [the following] [these] [X (insert number corresponding to ants listed on FPL) [of]]]:
- [Controls/kills ants such as/including:]

To Kill and Control:

- Ants [(including)]:
  - Argentine
  - Fire ants
  - Odorous
  - Pyramid
  - Pavement
  - Red Harvester

## 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/refills -- **[insert product name(s)]**
- ~~Cartridge/product can be used until empty~~
- Cartridge/refill locks into place [and automatically sets the proper fire ant killer/application rate]
- Compact size fits easily in storage areas
- Easy/simple to use
- [Flip the lever to lock cartridge into place] [ICON]
- For many, lawn care/killing fire ants is a [big] chore.
- If additional cartridges/refills are needed to complete/finish your lawn application, simply flip/slide lever back [to release/unlock/re-seal/seal/close cartridge] [from spreader/applicator] [ICON]
- Insert/connect new cartridge/refill(s) [lock into place] [and go] [and continue applying] [ICON]
- **[Insert product name]**/Self-contained/Lock/Snap & Go cartridge/system [connects directly to the spreader/applicator] [locks into place] [and] automatically sets the proper fire ant killer/ prevention/application rate.
- It's easy to get started
- [It's/**insert product name** is] the revolutionary/patented/specially designed/exclusive/lightweight/self-contained/no-mess/no touch/no guess/guess-proof/mess-proof/lock/snap & go [fire ant/killer/preventer/lawn care] [cartridge/refill/application/applicator/spreader] system.
- [It] transform[s] the way you kill fire ants/take care of your lawn [making it easy/easier] [than ever before] [to protect [your lawn] the entire season]
- [It] Take[s] the mess/guesswork out of lawn care/killing fire ants [in/on your lawn] [[so you get [the]] right application rate/great results]]
- [It's] Ready to go when you are
- [It's] The easy/easier way to kill fire ants [in/on your lawn]
- [It] Makes it easier to kill fire ants
- It's easy/easier [than ever before] [to get the (the right application rate)/(great results)]
- Kill fire ants with [far] less effort
- Leave the old way of fire ant control/prevention/lawn care behind
- Lock/Snap & Go
- 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/refill/system].
- Now, killing/preventing fire ants [an entire season] is easy/easier [than ever before]
- [Now] [there's] [a/the] quick/fast/ way to kill/prevent fire ants
- [Now] [there's a/the] revolutionary [new] way to take care of/prevent/kill fire ants/your lawn
- Once empty, **[insert product name]** cartridges/refills cannot be reused
- Proper fire ant killer/application rate is set automatically [with the **[insert product name]**/self-contained/Lock/Snap & Go] [cartridge/system]
- Reduces the mess/inconvenience/effort/hassle of killing/preventing fire ants/lawn care
- Refill/Cartridge
- [Self contained] [insect control] [lock/snap & go] **[insert product name]** cartridge/refill connects directly to [insert product name] spreader/applicator [so/means/there's] [no cutting/no pouring/no spilling/no opening] [from heavy bags]]/[no need to cut open or pour from heavy bags]
- Self-sealing cartridge/refill [makes clean-up and storage a snap]/[means [a] no waste/no spill/no touch] [clean up/storage]
- Store cartridges/product in a clean, dry place [for your next application]
- [The] [exclusive/patented/specially designed/revolutionary/lock/snap & go] [cartridge/applicator/system] automatically sets the proper fire ant control/killer/application rate [to effectively kill / prevent fire ants][so] [there are no manual spreader/applicator settings [required/to adjust.]].
- [The] **[insert product name]** [cartridge/refill/system] [automatically] self-seals [upon removal] (making clean up and storage a snap/easy/easier)/ ((for no touch/no waste/no mess/easy (clean-up/storage))
- The [no-mess/guess/touch/pour] lawn care/fire ant control/killer/application system
- [There's] no cutting/ pouring/ spilling/opening [from heavy bags] [with the [unique/self-contained] cartridge/refill]
- [The] **[insert product name]** cartridge/spreader/applicator/system improves/reinvents the lawn/fire ant killer/control application experience

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**CARTRIDGE CLAIMS (cont.)**

- [The] ***[insert product name]*** [lock/snap & go] Cartridge/Refill works exclusively with the ***[insert product name]*** [Cartridge/refill] spreader/applicator/system [ICON]
- The ***[insert product name]*** [lock/snap & go] cartridge is designed to be used only in the [exclusive/specially designed/patented/revolutionary] ***[insert product name]*** cartridge/spreader/applicator/system [ICON]
- ***[insert product name]*** [lock/snap & go] Cartridge is designed specifically/exclusively for the ***[insert product name]*** [ICON]
- [The] ***[insert product name]*** cartridge/refill snaps/locks easily into place [ICON]
- The [guess/mess proof] [self-contained] [lock/snap & go] [lawn care/fire ant killer] [cartridge/application] system [that] [takes the guesswork out lawn care/killing/preventing fire ants]
- The [no guess/mess] [self-contained] [lock/snap & go] [lawn care/ fire ant/killer/preventer] [cartridge/application] system [that] [takes the guesswork out of lawn care/killing/preventing fire ants]
- The [guess-proof/mess proof/no guess/no mess] [self-contained] [lock/snap & go] [lawn care/fire ant killer/preventer] [cartridge/application] system [that][makes great results easy/easier/a snap]
- The [guess-proof/mess proof/no guess/no mess] [self-contained] [lock/snap & go] [lawn care/fire ant killer/preventer] [cartridge/application] system [that] / [[gives you [the right application rate/great results]] [from start to finish]
- [The EdgeGuard feature on the ***[insert product name]*** cartridge/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] ***[insert product name]*** [lock/snap & go] [cartridge/refill] only with the [new] [specially designed/exclusive/patented/revolutionary] ***[insert product name]*** [Cartridge/spreader/applicator] system [ICON]
- You're ready to go
- Your hands don't have to touch the product/fire ant killer

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### The [Insert Company Name] Advantage

[Insert Company Name] has been the leader in helping homeowners enjoy their lawns for more than 140 years. [Insert Company Name] is guaranteed to provide even feeding and greening with the right balance of essential nutrients in every particle. When you fertilize, your lawn will become thicker, with deeper roots to better absorb water and nutrients.

### Dedicated To A Beautiful World™

Trusted by generations of homeowners, [Insert Company Name] is dedicated to helping enhance and protect the natural beauty of your home environment. – [Insert Company Name]

### [Insert name here] & Your Environment

We Care – [insert name here] 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.

### [Questions/Comments/[Medical] Information]

[icon] [Distributed by/for -or- Manufactured by/for]: *insert company name and address*

[icon - phone] Call -or- consumer helpline -or- phone toll-free -or- Scott's [toll-free] consumer hotline -or- contact us  
 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 permissible by law/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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