

S38-313

09-05-2010

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

SEP 05 2010

Subject: Label Notification(s) for Pesticide Registration 98-10

Dear Ms. Mann:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated for June 3, 2010 for:

Alternate Brand Name Snap Pac Fire Ant Killer

The Registration Division (RD) has conducted a review of this request for applicability Under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

EPA Registration Number 538-313 BULB

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 (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Gebken".

Richard Gebken
Product Manager
Insecticide Branch
Registration Division (7504P)

Please read instructions on reverse before completing form.

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

EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 538-313	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Scotts Company / Bulb	PM# 10	
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"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below.
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NOTIFICATION

SEP 05 2010

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

Notification of Alternate Brand Name: Snap Pac Fire Ant Killer per PR Notice 98-10. See attached cover for certification statement.

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 If "Yes" Unit Packaging wgt. No. per Container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt. No. per Container	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)
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 Jessica McLaughlin	Title Scientist, Regulatory Affairs	Telephone No. (Include Area Code) 937-578-5703

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:	3. Title Scientist, Regulatory Affairs	
4. Typed Name Jessica McLaughlin	5. Date June 3, 2010	



The Scotts Company LLC
and Subsidiaries

June 3, 2010

Richard Gebken, PM10
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
Document Processing Desk (NOTIF)
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Subject: Notification of Alternate Brand Name per PR Notice 98-10
EPA File Symbol 538-313 – Bulb

Dear Mr. Gebken,

Please accept the enclosed Notification of the following Alternate Brand Name (ABN) for EPA Reg. No. 538-313:

- Snap Pac Fire Ant Killer

Please find enclosed the following documentation in support of this submission:

- Application of Pesticide Registration/Amendment (8570-1)
- Two (2) copies of the updated Master Label: one (1) with the ABN highlighted in yellow and one (1) clean copy

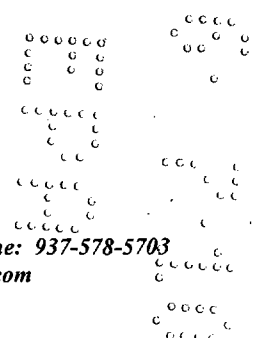
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR §152.46. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C Sec. 1001 to willfully make any false 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 section 12 and 14 of FIFRA.

If you have any questions regarding this submission, please contact me at 937-578-5703.

Best Regards,

Jessica McLaughlin
Scientist, Regulatory Affairs

Enclosures



NOTE:

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

4
13

BULB

NOTIFICATION

SEP 05 2010

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

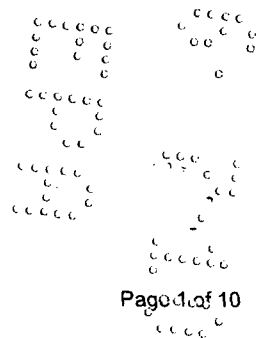
See back/side/top/bottom [panel/label] for additional precautionary statements.

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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5
3

Optional Company Identifier:

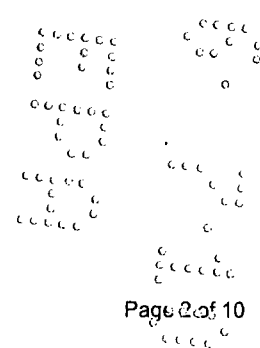
Alternate Brand Names: Snap Pac Fire Ant Killer

Optional Product Descriptors [Granular] Fire Ant Killer [for Lawns]
for [use [only] with] **insert name** cartridge/spreader/applicator/system

EPA Reg. No. 538-313

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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6
[3]

- 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.

[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]

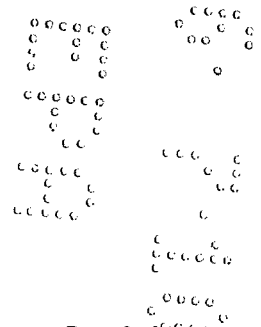
- [Apply/use [only] with] **insert name** cartridge/spreader/applicator/system
- Apply uniformly to [residential] [the] lawn (s)/grass, and water lawn after application to wash granules from the lawn foliage.
- Sweep product from hard surfaces onto the lawn to keep product on the grass **-or-** Sweep 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).]

HOW TO APPLY

- Each pass should be within 5 feet of another pass to ensure proper overlap

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/snap/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.

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

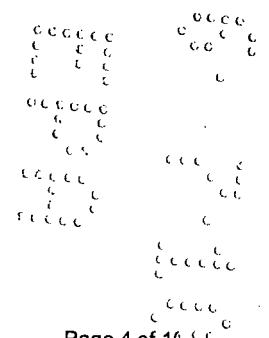
Do not contaminate water, food, or feed by storage or disposal

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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EPA Reg. No. 538-313

8
13

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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EPA Reg. No. 538-313

9
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3

OPTIONAL MARKETING CLAIMS

The following claims may appear on any label panel

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10
13

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 control 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

- 4 month Fire Ant Control
- Kills foraging Fire Ants
- Controls/Keeps new Fire Ant mounds from forming for [up to] 4 months
- Kills Fly-in Queens
- Kills Fire Ants and other Listed Ants
- Kills/Controls fire ants for [up to] 4 months
- One application provides 4 month control
- 4 month [fire ant] control/killer/kill
- Lasts [up to] 4 months
- 1 application controls fire ants for 4 months
- Controls fire ant mound formation for [up to] 4 months

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 including:]

To Kill and Control:

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

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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.

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] [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] transform[s] the way you take care of your lawn [making it easy/easier] [than ever before]
- [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
- Snap, Lock, Go/Roll
- 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/product/Snap Pac [s] in a clean, dry place [for your next application]
- [The] [exclusive/patented/specially designed/revolutionary/lock/snap & go] [cartridge/**insert name** /lawn care/applicator/system] automatically sets the proper application rate [so] [there are no manual spreader/applicator settings [required/to adjust.]].
- [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 application/lawn care experience
- [Use] [the] [lock/snap & go] Cartridge/ Snap Pac [works] exclusively with the [**insert name**] spreader/applicator/system [ICON]
- [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 application/lawn care experience

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CARTRIDGE CLAIMS (cont.)

- [Use] [the] [lock/snap & go] Cartridge/ Snap Pac [works] exclusively with the [*insert name*] spreader/applicator/system [ICON]
- 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/spreader/applicator/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 way to apply fire ant killer/insect control
- Makes lawn application easier
- Makes lawn care faster/easier
- [The] Easier to use Lawn Care System

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13
13

[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 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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