

73327-3

7/10/2009

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Claudia S. Herring, Esq.
Product Registration
The Scotts Company
14111 Scottslawn Road
Maysville, OH 43041

JUL 10 2009

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request Environmental Hazards Statement Change (Comply with Agency
Request & Guidance)
EPA Reg. No. 73327-3
Application Dated June 10, 2009

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 06/10/09 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,

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

<h1 style="margin:0;">EPA</h1> <p style="text-align:center; margin:0;">United States Environmental Protection Agency Washington, DC 20460</p>	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number 733273LBL20090610
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Application for Pesticide - Section I

1. Company/Product Number 73327-3	2. EPA Product Manager Jim Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Swiss Farms Products, Inc./Swiss Farms St. Augustine Weed & Feed	PM# PM- 25	
5. Name and Address of Applicant (Include ZIP Code) Swiss Farms Products, Inc. 3993 Howard Hughes Pky, Suite 250 Las Vegas, NV 89169-6754 <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: <div style="text-align: center;"> NOTIFICATION <hr/> EPA Reg. No. _____ Product Name <u> JUL 10 2009 </u> </div>	

Section II

<input type="checkbox"/> Amendment - Explain below. <input checked="" type="checkbox"/> Resubmission in response to Agency letter dated 05-11-2009 <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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Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Submission of a revised label per EPA Comments May 11, 2009, and Notification of non-pesticidal fertilizer claims per PR Notice 98-10.

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
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 Swiss Farms Products, Inc. BY: <i>Claudia S. Herrington</i>	3. Title Director, Federal Registrations	
4. Typed Name Claudia S. Herrington	5. Date June 10, 2009	



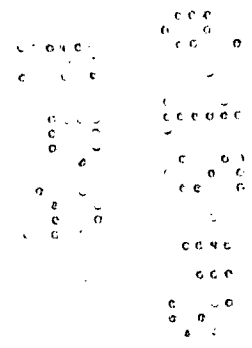
The Scotts Company LLC

and Subsidiaries

June 10, 2009

VIA FEDEX

Jim Tompkins (PM-25)
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202



Subject: Revised label per EPA comments dated May 11, 2009
Notification of General Label Revisions per PR Notice 98-10
EPA Registration No. 73327-3
OPP Identifier Number: 733273LBL20090610

Dear Mr. Tompkins:

Swiss Farms Products, Inc. (Swiss Farms, EPA Company Number 73327) is submitting a revised label per the EPA stamped approved label with comments dated May 11, 2009 for Swiss Farms St. Augustine Weed & Feed (EPA Registration No. 73327-3). The label has been updated to comply with the Agency comments letter with the exception of those agreed upon via phone conversations with Mindy Ondish on May 27, 2009. The exceptions are as follows:

- Fertilizer claims with specific time periods for “length of feeding” have been revised to “Feeds up to X months (or weeks)”. The appropriate number will appear on the Final Printed Label and accurately reflect the release profile of the fertilizer. (Page 5 of 7)
- Claims for the number of weed types killed has been changed to accurately reflect the number of weeds listed on the label. (page 5 of 7)

Swiss Farms also wishes to add the following claims by Notification:

- Combination of two pesticidal claims to provide clarity to end-users. “Kills over 40 weed types” and “Kills Dollarweed and 35 other major lawn weeds” have been combined to: “Kills Dollarweed and over (X) other weed types [as listed]. (Page 5 of 7) This is consistent with PR Notice 98-10 IV(A).
- The fertilizer claims are informational in nature regarding fertilizer selection and use and found under the headings of “3 simple steps to a lush, green lawn” and the fertilizer note for use with phosphorus-free products. (Page 5 of 7)

14111 Scottslawn Road
Marysville, Ohio 43041
Direct line: 937-578-5973
Facsimile: 937-644-7075
Email: Claudia.Herrington@Scotts.com

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Underline text is new, ~~Strike through text is being deleted.~~

EPA Reg. No. 73327-3

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[FRONT]
[For Outdoor Residential Use Only]

Swiss Farms St. Augustine Weed & Feed

EPA Reg. No. 73327- 3
TREATS/COVERS 5,000/10,000 Sq. Ft.

ACTIVE INGREDIENT:

Atrazine.....	1.380%
Related Compounds.....	0.028%
OTHER INGREDIENTS	<u>98.592%</u>
TOTAL	100.000%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See back / side / top / bottom [panel / label] for additional Precautionary Statements.

NET WT. 16 lbs. [7.26 kg] / 32 lbs. [14.51 kg] / XX lbs. [XX kg]

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with 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.

Do not apply granular lawn products by hand. Avoid contact with hands and skin. Broadcast applications must NOT be made using hand-held devices, such as a belly grinder or handheld rotary applicator. Such equipment may only be used for spot treatments.

FIRST AID	
If in Eyes	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15-20 minutes.• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.• Call a Poison Control Center or doctor for treatment advice.
NOTE: Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment.	

ENVIRONMENTAL HAZARDS

Atrazine can travel (seep or leach) through soil and enter ground water which may be used as drinking water. Atrazine has been found in ground water. Users are advised not to apply Atrazine to well drained soils where the water table (groundwater) is close to the surface and where these soils are very permeable. Your local agricultural agencies can provide further information on the type of soil in your area and the location of ground water. This product is toxic to aquatic invertebrates. Runoff and drift from treated areas may be hazardous to aquatic organisms in neighboring areas.

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.

DIRECTIONS FOR USE

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

Where To Use

Use on St Augustinegrass (including 'Floratam'), zoysia, centipede and carpetgrass lawns ONLY. Do not use on Bluegrass, Fescue, Bentgrass, Bahiagrass, Rye, Bermudagrass, or Dichondra lawns.

Application Restrictions

- DO NOT APPLY THIS PRODUCT IN A WAY THAT WILL CONTACT ANY PERSON OR PET, EITHER DIRECTLY OR THROUGH DRIFT.
- KEEP PEOPLE AND PETS OUT OF AREA DURING APPLICATION.
- DO NOT ENTER OR ALLOW OTHERS (INCLUDING CHILDREN AND PETS) TO ENTER THE TREATMENT AREAS (EXCEPT THOSE INVOLVED IN THE WATERING) UNTIL WATERING IS COMPLETE AND THE SURFACE IS DRY.
- This product must be WATERED IN IMMEDIATELY after application.
- Do not apply by hand or hand-held device such as hand-held rotary applicator.
- Do not apply more than 3.2 lbs. of product per 1,000 sq. ft. (139 lbs. of product per acre), which is equivalent to 2 pounds of active ingredient per acre, per application.
- Do not make more than 2 applications per year.

Use Precautions

- Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production, or for research purposes.
- Not for use on or under trees, shrubs, bedding plants, flowers or garden plants. Do not apply under the branches (root zone area) of shrubs, trees, flowers, etc.
- Do not apply to newly seeded zoysia, centipede, or carpetgrass lawns. Wait until they have required at least 2 mowings.
- Do not apply to flowers, bedding plants, ornamental trees or shrubs.

[Before You Apply]

Read and follow these guidelines when you use this product:

- Apply with a fertilizer spreader — **Never apply by hand**
- Do not use on or under trees, shrubs, bedding plants, flowers or garden plants.
- Do not apply to newly seeded zoysia, centipede, or carpetgrass lawns- Wait until they have required at least 2 mowings.

When To Apply

- For post emergence control apply anytime broadleaf weeds are [actively] growing. If complete control is not obtained, a second application may be necessary 2 months after the first.
- To prevent germination of crabgrass, spurge, lespedeza, oxalis and sedges (from seed) apply in January, February or early March.
- Apply in the fall to control henbit, chickweed, annual bluegrass (Poa), cudweed, parsley piert, rescuegrass and other listed winter weeds.
- Apply to newly sprigged St. Augustine and zoysia lawns to help prevent competition from newly emerging weeds. Water the new sprigs, allow the grass blades to dry, then make the application of Swiss Farms St. Augustine Weed & Feed.
- Do not apply to centipede or carpetgrass lawns during the period of winter dormancy — approximately October 15- to March 15 (okay to apply in Florida however). Do not apply to newly seeded centipede or carpetgrass lawns until after the new grass has been mowed at least twice.

[General Use Directions] [How to Apply]

1. Determine size of area to be treated — measure length and width in feet, then multiply to determine coverage area in sq. ft. (length x width). **Next, subtract non-lawn areas.**
2. Use the spreader setting chart to determine the appropriate setting.
3. Apply evenly over dry grass, avoiding streaking, skips and overlaps — thorough coverage is important. On hot days (above 80° F) water the lawn to rinse particles off the grass.

SPREADER SETTINGS

ROTARY SPREADERS		DROP SPREADERS	
Republic EZ	X	Republic EZ	X
Earthway EV-N SPRED	X	Ortho	X
Quaker	X	Precision	X
Scotts Easy Green	X	Scotts (PF)	X
Scotts Deluxe Edgeguard	X	Scotts AccuGreen	X
Scotts Speedy Green	X	Scotts Even Green	X

Calibrate your spreader with each application. Adjust to apply at the rate of 3.2 lbs. of product per 1000 sq. ft. (2 lb. active ingredient per acre). This [16 lb.] [32 lb.] bag covers [5,000] [10,000] sq. ft. of lawn area. Do not make more than 2 applications per year.

Note: The spreader settings listed [above] [below] [at right] [at left] are approximate. It is important to check calibration of spreader frequently to ensure spreader is functioning properly and applying product

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evenly. To check calibration accurately weigh a few pounds into your spreader and apply to a measured area. Then adjust spreader setting if necessary, in order to ensure correct rate of application.

[Iron and Fertilization Program Statement]

[This product contains iron that aids in the greening process but WILL stain sidewalks and driveways. Sweep off any product that may have drifted onto these areas.]

[Typically, a lawn will utilize 1 to 4 lbs. of nitrogen per 1,000 sq. ft. per growing season. When used as directed, this product will supplement your regular fertilizer program by providing xx lbs. of nitrogen per 1,000 sq. ft. Consult your local County Extension office for questions regarding a fertilizer program suitable for your geographic region.]

STORAGE AND DISPOSAL

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

PESTICIDE AND 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.

What It Does

Controls Weeds

- Contains an active ingredient that works fast and kills unsightly and [nutrient stealing] [harmful] weeds [and provides the essential nutrients your lawn needs to grow thick and green.]
- Also, prevents germination of many common spring and fall germinating annual weeds. It will provide post emergence control of many winter and summer weeds.

Fertilizes and Replenishes

- Dual feeding formula provides both quick greening and extended feeding, resulting in a thicker, stronger, greener lawn.

This product controls [or suppresses] the following list of growing weeds.

Annual Bluegrass (<i>Poa annua</i>)	Dichondra	Ragweed
Annual Sowthistle	Dollarweed	Red Sorrel
Black Medic	Florida Betony	Rescuegrass
Blue Toadflax	Florida Pusley	Shepherd's-purse
Buckhorn Plantain	Fragrant Cudweed (Rabbit Tobacco)	Spotted Spurge
Burclover		Spurweed (lawn burweed)
Carolina Geranium	Henbit	Stinging Nettle
Chickweed, Common	Knotweed	Venus Looking Glass
Chickweed, Mouseear	Lambsquarters	Wild Mustard
Clover/hopclover	Lespedeza	
Common Dandelion	Lippia (matchweed)	
Crabgrass	Narrowleaf Vetch	
Cudweed	Oxalis (woodsorrel)	
Cutleaf Evening Primrose	Parsley-Piert	
Corn Speedwell	Pigweed	
Carpetweed	Pepperweed	
Chamber-bitter (<i>niruri</i>)	Purslane	

OPTIONAL CLAIMS - claims may appear on any or all label panel(s)

[Pesticidal Claims]

- Apply anytime weeds are actively growing
- Controls Many More Weeds Listed in the table on this bag
- Controls Weeds as Listed while Feeding Your Lawn with a Quick Greening Long Lasting Fertilizer
- Enjoy a Beautiful Weed-Free Lawn
- Greens in 72 hours and contains time-released nitrogen for extended feeding.
- Kills over 40 weed types [types of weeds]
- Kills over 40 weeds [types of weeds] [While Feeding Your Lawn]
- Kills Dollarweed & 35 other major lawn weeds
- Kills dollarweed and over [X] other weed types [as listed]
- Promotes Thick Green Growth and Controls over [X] weed types including Dollarweed, Dandelion, Henbit and Other Listed Weeds [(see table for a complete list of weeds)]

[Fertilizer Claims]

- Formulated for St. Augustine Lawns
- Contains a timed-release fertilizer.
- Contains 5% iron for deep greening
- Contains (X) % Fertilizer Nutrient for Extra Greening
- Contains (X) % Fertilizer Nutrient to Improve deficient St. Augustine Lawns
- Delivers a Long Lasting Feeding without Burning for a Stronger Greener Lawn
- Feeds 2x longer than [product name] [brand name]

[Note to reviewer- Complete registered Swiss Farms product name will be inserted]

- Greens quickly and Feeds Up to (X) months
- Greens in 72 hours
- Improves deficient St. Augustine Lawns
- Quick Greening & Extended Feeding for up to 8 weeks
- Timed-release Feeding for up to 8 Weeks
- Timed-Release Nitrogen for Extended Feeding
- Timed-release is your Guarantee that a QUICK and LONG LASTING FEEDING will be systematically delivered to your lawn.

[3[Three] Simple Steps to a Lush, Green Lawn]

1. Select the right fertilizer – [Brand Name] products are formulated to provide both a quick and long-lasting feeding. One application provides the lawn [with] nutrients needed to grow thick and green. They're formulated with X% Iron [or appropriate nutrient] for deep greening and coated [slow-release] nitrogen for an extended, even feeding up to X months.
2. Use a quality spreader – Spreaders can be calibrated to accurately apply all granular lawn care products.
3. Sweep off hard surfaces – [Brand name] products are formulated with extra iron [or appropriate nutrient] for deep greening. They may stain concrete surfaces, so it is important to sweep off any product spilled on hard surfaces before watering in.

Join the [name] Garden Club – For more great tips and offers. [insert Internet site address]

[artwork/icon]

[Fertilizer note for use with phosphorus-free fertilizer products]

- [Product name] is formulated to compliment the phosphorus already present in the soil and give your turf the additional primary nutrients needed for a good turf feeding. A soil test can help you determine if your soil has an adequate supply of phosphorus and if this is the best product for your soil type. Proper watering and mowing practices along with regular feedings will help promote a beautiful green lawn.

[Turf Note]

• CENTIPEDE GRASS IS DIFFERENT FROM OTHER TURFGRASSES. It requires very little fertilizer. In fact, turf experts say that too much fertilizer can hurt centipede. With this in mind, we have formulated Swiss Farms St. Augustine Weed & Feed to give your Centipede grass the light feeding it needs to grow thick, lush and sturdy. Our timed-release nitrogen provides a slow, gradual feeding that keeps your grass greener longer and helps build a stronger, hardier root system. Extra iron helps keep the grass green without too much nitrogen.

• Swiss Farms St. Augustine Weed & Feed products with timed-release nitrogen works differently than other slow-release products. Timed-release nitrogen releases in response to soil temperature rather than moisture level. Other slow release products release according to the amount of moisture present in the soil... the more moisture the quicker the nutrients release, putting your grass at risk from burning. Because Swiss Farms St. Augustine Weed & Feed products contain timed-release nitrogen, your grass is fed for up to 2 months.

• Swiss Farms St. Augustine Weed & Feed timed-release nitrogen is formulated to give your grass the primary nutrients it needs to grow thick, lush and sturdy GREEN grass. Our timed-release nitrogen provides a slow, gradual feeding that keeps your grass greener longer and helps build a stronger, hardier root system.

• Why does your lawn need Swiss Farms St. Augustine Weed & Feed? Swiss Farms St. Augustine Weed & Feed is formulated to kill lawn weeds and give your grass the nutrients it needs for thick growth. Our timed-release formula keeps your grass greener longer and helps build strong, hardy root systems.

• Swiss Farms St. Augustine Weed & Feed products with timed release nitrogen feed as the ground temperature warms in the Spring and Summer, and slows down as the soil cools in the Fall, thus supplying nitrogen according to the requirements of your grass.

Seasonal product application options

Plan your feeding schedule. Choose the right product for your lawn.

[Annual Feeding Program]

Any Season - Apply any season if weeds or bugs are not a problem: *[insert product name]* [brand name] [Fertilizer] **[Note to reviewer- Complete Swiss Farms registered product name will be inserted]**

Early Spring - February-April – To Prevent Crabgrass: *[insert product name]* [brand name] [Fertilizer plus Weed Preventer] **[Note to reviewer- Complete Swiss Farms registered product name will be inserted]**

Late Spring - April-June – If you have weeds / To kill weeds: *[insert product name]* [brand name] [Fertilizer plus Weed & Feed] **[Note to reviewer- Complete Swiss Farms registered product name will be inserted]**

Summer - June/July-August – If you have bugs / To kill bugs: *[insert product name]* [brand name] [Fertilizer] **[Note to reviewer- Complete Swiss Farms registered product name will be inserted]**

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Fall - September – November –If you have fall weeds [*insert product name*]
[Fall/Winter/Winterizer/Fertilizer] / Fertilizer plus Weed & Feed [**Note to reviewer- Complete
Swiss Farms registered product name will be inserted**]

[Use Tip Boxes]

"To Do" List

- Measure lawn
- Subtract Non-Lawn Areas
- Apply at directed rate
- Water in immediately after application

"Product Fast Facts"

- What it Does: Kills unsightly and [nutrient stealing] [harmful] weeds while feeding your lawn
- When to Use: Anytime weeds are actively growing

GUARANTEED ANALYSIS

Total Nitrogen (N).....XX.X%
 X.X% Ammoniacal Nitrogen
 X.X% Urea Nitrogen*
Available Phosphate (P₂O₅)XX.X%
Soluble Potash (K₂O).....XX.X%
Iron (Fe).....XX.X%
 X.X% Water Soluble Iron (Fe)

* Contains XXX% Slowly available Urea Nitrogen from (no source cited in EPA label)

Derived From: Polymer-coated Urea, Urea, Diammonium Phosphate, and Muriate of Potash and Ferrous Sulfate and Ferric Oxide

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

Notice: To the extent consistent with applicable law, buyer assumes all responsibility for safety and use not in accordance with directions.

Swiss Farms Products, Inc. No-Quibble Guarantee®

If for any reason you, the consumer, are not satisfied 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 check promptly.

Swiss Farms Products, Inc.
3993 Howard Hughes Pky, Suite 250
Las Vegas, NV 89169-6754

Questions / Information

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

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EPA Reg. No. 73327-3
EPA Est. No. XXX-XX-X
[Superscript used is first letter of run code on end of container]

NOTIFICATION

JUL 10 2009