

Scotts Miracle-Gro to Pay \$10 Million in Criminal Fines and Civil Penalties, and Spend \$2.5 Million on Environmental Projects, for Violations of Federal Pesticide Laws

SEPTEMBER 10, 2012

In our March 5, 2012 [blog entry](#), we reported that The Scotts Miracle-Gro Company, the world's largest marketer of residential use pesticides, pleaded guilty to illegally applying to its wild bird food products insecticides that are toxic to birds, falsifying pesticide registration documents, distributing pesticides with misleading and unapproved labels, and distributing unregistered pesticides. That plea was subject to court approval. On September 7, 2012, Scotts was sentenced in federal district court in Columbus, Ohio to pay a \$4 million criminal fine and contribute \$500,000 to organizations (including \$100,000 each to the Ohio Audubon's Important Bird Area Program, the Ohio Department of Natural Resources' Urban Forestry Program, the Columbus Metro-Parks Bird Habitat Enhancement Program, the Cornell University Ornithology Laboratory, and The Nature Conservancy of Ohio), to support the protection of bird populations and habitats through conservation, research, and education. This is the largest criminal fine ever imposed under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

In the plea agreement, Scotts admitted that it had applied two pesticides to its bird food products even though the U.S. Environmental Protection Agency ("EPA") had prohibited this use. Scotts reportedly sold this treated bird food for two years after it began marketing the product line and for six months after employees had warned Scotts management of the dangers posed by the pesticides.

Scotts also pleaded guilty to submitting false documents to the EPA and state regulatory agencies in an effort to deceive them into believing that numerous pesticides were registered with the EPA when in fact they were not. The company also pleaded guilty to having illegally sold the unregistered pesticides and to marketing pesticides bearing labels that contained false and misleading claims not approved by EPA. The falsified documents submitted to EPA and state agencies were attributed to a product manager at Scotts.

In a separate administrative settlement with EPA on September 7, 2012, Scotts resolved additional pesticide violations, including the alleged distribution or sale of unregistered, canceled, or misbranded pesticides, such as products with inadequate warnings or cautions. Scotts agreed to pay more than \$6 million in civil penalties and fund environmental projects, valued at \$2 million, to acquire, restore, and protect 300 acres of land to prevent runoff of agricultural chemicals into nearby waterways. This is the largest civil settlement under FIFRA to date.

More information about the civil settlement and recalled products can be found [here](#).

2 Min Read

Related Topics

Species

Related Capabilities

Environmental

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.