

Major Pesticide Enforcement Action

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Federal court documents in Columbus, Ohio reveal that The Scotts Miracle-Gro Company, a lawn and garden chemicals company, has agreed to plead guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), pay a \$4 million criminal fine, and donate \$500,000 to help support wildlife study and habitat preservation. The fine is believed to be the largest fine ever levied on a pesticide company. The proposed Plea Agreement, which was filed in U.S. District Court for the Southern District of Ohio on January 25, 2012, must be approved by a federal judge.

Scotts reportedly used a toxic pesticide on birdfeed for two years, including several months after employees warned against it. The government also alleges that a Scotts employee created bogus correspondence between the company and the government to hide the lack of a valid EPA registration and used forged documents to obtain state pesticide registrations for several products.

Scotts also faces potential civil liability in connection with products that allegedly bore invalid EPA registration numbers. In 2008, EPA Region 5 issued a “stop sale, use, or removal” order against Scotts and several of its affiliates for illegal, unregistered, and misbranded pesticides. On or about June 30, 2011, EPA issued to Scotts a Notice of Intent to File Administrative Complaint with respect to the alleged FIFRA civil violations. The Notice does not set forth a proposed penalty amount. Discussions between EPA and Scotts are reportedly continuing.

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