

802-16

3-28-2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Rebecca M Horton, Agent for
Central Garden & Pet dba Lilly Miller Brands
Registration by Design, Inc
118 1/2 East Main Street, Suite 1
Salem, VA 24153—3805

MAR 28 2008

Subject: Notification(s) for Label Revisions under PRN 98-10 and PRN 2007-4
(Storage & Disposal and Warranty Statement)

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notices (PRN) 98-10 and 2007-4 dated March 11, 2008 for:

- EPA Registration 802-597 "Lilly/Miller 5M Weed & Feed"**
- EPA Registration 802-588 "Lilly/Miller Ultrageen Weed & Feed"**
- EPA Registration 802-12 "Lilly/Miller Microcop Fungicide"**
- EPA Registration 802-92 "Cooke Kop-R-Spray Concentrate"**
- ✓EPA Registration 802-16 "Miller's Garden Sulphur"**

The Registration Division (RD) has conducted a review of the request(s) for applicability under PRN 98-10 and PRN 2007-4 and finds that the label changes requested fall within the scope of PRN-98-10 and PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

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.

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If you have any questions, please contact 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

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Registrations by Design, Inc.™

118½ East Main Street
Suite 1
Salem, VA 24153-3805
phone 540.375.8826
fax 540.375.8827

CERTIFIED MAIL #7007 3020 0001 8201 7893

March 11, 2008

Document Processing Desk (NOTIF)
Office of Pesticide Programs/Reg. Div. (7505P)
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: NOTIFICATION FOR COMPLIANCE WITH PR NOTICE 2007-4 & revised warranty statement
EPA Reg. No. 802-16, Miller's Garden Sulphur

Attn: Linda Arrington
Notifications & Minor Formulations Team Leader

On behalf of Lilly Miller Brands of Walnut Creek, California, enclosed is notification of administrative label revisions, including revision to the Storage & Disposal text for compliance with PR Notice 2007-4, revised warranty statement & updated company address.

The following documents are enclosed:

- 1) EPA Form #8570-1, Application for Pesticide – Notification (2 copies)
- 2) Copy of the proposed label with revisions highlighted in red.

If further action or information is required on Lilly Miller Brands' behalf, please advise.

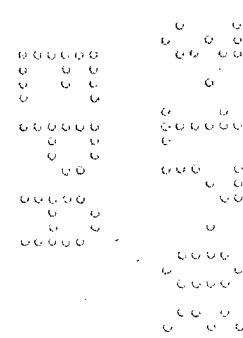
Best regards,



Rebecca M. Horton
Consultant/Agent for
LILLY MILLER BRANDS
e-mail: hortonb@ntelos.net

BMH/sjh

Enclosures



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	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 802-16	2. EPA Product Manager Waller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Miller's Garden Sulphur	PM# 21	
5. Name and Address of Applicant (Include ZIP Code) Central Garden & Pet dba Lilly Miller Brands 1340 Treat Blvd., Suite 650 Walnut Creek, CA 95497 <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____

Section - II

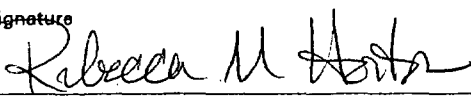
<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below.
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Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 NOTIFICATION of: (1) Label Change per PR Notice 2007-4, revised warranty statement & updated company address. This notification is consistent with the provisions of PR Notice 2007-4 and the requirements of EPA regulations at 40 CFR 156.10, 156.140, 156.144, 156.146 and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. Lilly Miller Brands understands that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA, and further understands that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146 and 156.156, this product may be in violation of FIFRA and Lilly Miller Brands may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.


Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 lb	5. Location of Label Directions <input checked="" type="checkbox"/> on label
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Stenciled <input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Rebecca M. Horton	Title Consultant/Agent for Lilly Miller Brands	Telephone No. (Include Area Code) 540-375-8826
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 	3. Title Consultant/Agent for Lilly Miller Brands	
4. Typed Name Rebecca M. Horton	5. Date MAR 11 2008	

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 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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5. Name and Address of Applicant (Include ZIP Code) Central Garden & Pet dba Lilly Miller Brands 1340 Treat Blvd., Suite 650 Walnut Creek, CA 95497 <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 _____

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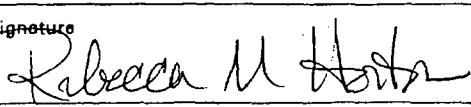
<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

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Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
* 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 lb		5. Location of Label Directions <input checked="" type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input checked="" type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

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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 			3. Title Consultant/Agent for Lilly Miller Brands		
4. Typed Name Rebecca M. Horton			5. Date MAR 11 2008		

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MILLER'S GARDEN SULPHUR

[Additional Brand Name: Lilly Miller Sulfur Dust]

Optional Marketing Statements:

Fungicide - Insecticide Dust or Spray

Controls fruit diseases on peaches, cherries, plums and prunes; powdery mildew on strawberries, roses, chrysanthemums; rust on beans, hollyhocks and snapdragons; and controls certain mites on citrus fruits.

For use on roses, grapes, citrus, fruits, berries, nuts, vegetables, flowers, shrubs, trees.

Controls powdery mildew, rust, scab, mites.

ACTIVE INGREDIENT:

Sulfur 90%

INERT INGREDIENTS ... 10%

Keep out of reach of children

CAUTION

See side panel for additional precautionary statements and First Aid.

NET WT. _____

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Harmful if inhaled, absorbed through skin, or swallowed. Avoid breathing dust. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

Have product container or label with you when calling a poison control center or doctor, or going for treatment. If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person. If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice. If on skin or on 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. If in eyes: 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.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water when disposing of rinsate or equipment washwater.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For household use only.

USE PRECAUTIONS

Do not apply GARDEN SULPHUR dusts or sprays when shade temperatures during the day are likely to exceed 85 - 90 degrees F. Injury to foliage and fruit may result. Do not use GARDEN SULPHUR within 30 days of an oil spray (60 days on citrus). Do not combine with an oil spray.

HOW TO USE

Please read the entire label. Use only as directed, noting all use precautions.

AS A DUST: Before dusting, shake duster vigorously to mix air with the sulfur. Dust lightly. Frequent light dustings are more effective than single heavy dustings.

AS A SPRAY: Mix the required amount of GARDEN SULPHUR with sufficient water to make a thin, creamy paste before diluting with the balance of the required amount of water.

FRUITS AND NUTS

ALMONDS: Brown Rot, Scab. Dust or spray (3 tablespoons per gallon of water) before blossoms open, during bloom, and after bloom. Apply when disease threatens during rainy periods and repeat at 7 to 10 day intervals.

APPLES, PEARS: Scab, Powdery Mildew. Spray (3 tablespoons per gallon of water) when buds begin to swell and thereafter every 10 days until 2 weeks after the petals fall. Treat Delicious Apples and Anjou Pears only before bloom or injury may occur.

BERRIES (BLACKBERRIES, BOYSENBERRIES, GOOSEBERRIES, LOGANBERRIES, RASPBERRIES, STRAWBERRIES): Powdery Mildew. Dust or spray (1 tablespoon per gallon of water) when disease first appears and repeat at 7 to 10 day intervals or as necessary to maintain control.

CHERRIES, NECTARINES, PEACHES, PLUMS, PRUNES: Powdery Mildew, Silver Mite, Brown Rot, Cherry Leaf Spot, Rust. Dust or spray (3 tablespoons per gallon of water) before blossoms open, during bloom, and after bloom. Apply when disease threatens during rainy periods and repeat at 7 to 10 day intervals. The first three applications will also provide control of Brown Rot Blossom Blight on Cherries and Peaches. Weekly applications from 5 weeks before and continuing up to the day of harvest will provide control of Brown Rot of Fruit.

CITRUS: Citrus Thrips, Citrus Flat Mite, Yuma Spider Mite, Sixspotted Mite, Citrus Rust Mite. Dust or spray (2 tablespoons per gallon of water) when pests first appear and repeat as necessary. Avoid application during or preceding high temperatures. Do not apply within two months of an oil application.

GRAPES: Powdery Mildew. Dust or spray (1 tablespoon per gallon of water) during the growing season when new shoot growth is 6 to 10 inches long and repeat at 7 to 10 day intervals. Concord and other Labrusca type grapes may be injured by GARDEN SULPHUR.

PISTACHIOS: Citrus Flat Mite. Dust or spray (3 tablespoons per gallon of water) when mites first appear and repeat as necessary.

VEGETABLES

BEANS: Powdery Mildew, Rust, Thrips, Spider Mites. Dust or spray (3 tablespoons per gallon of water) when pests are first noticed, repeat as necessary. For Rust control, start applications in early spring before any rust is noticed. Repeat applications at 7 day intervals until bloom.

CARROTS, ONIONS: Petrobia Mite. Dust when mites first appear. Repeat as necessary.

PEAS, TURNIPS, RUTABAGAS: Powdery Mildew. Dust when disease first appears and repeat at 7 to 14 day intervals.

TOMATOES: Tomato Russet Mite. Dust or spray (3 tablespoons per gallon of water) when pests first appear.

ORNAMENTAL FLOWERS, SHRUBS, TREES: Rust, Powdery Mildew. Dust or spray (3 tablespoons per gallon of water) to completely cover foliage. Repeat at 5 to 10 day intervals as needed. Follow directions given for specific plants.

CHRYSANTHEMUMS, CLEMATIS, RHODODENDRONS: Powdery Mildew. Dust or spray (3 tablespoons per gallon of water) at the first sign of mildew. Repeat at 4 to 5 day intervals until mildew is under control. Do not apply to open Chrysanthemum flowers as bleaching may result.

HOLLYHOCKS, SNAPDRAGONS: Rust. Dust or spray (1 tablespoon per gallon of water) in early spring. Repeat as needed until disease is under control - applications twice a week may be necessary.

ROSES: Powdery Mildew. Dust or spray (8 tablespoons per gallon of water) in spring when young growth first appears. Repeat at 4 to 5 day intervals until mildew is under control. See USE PRECAUTIONS.

STORAGE AND DISPOSAL

PESTICIDE STORAGE: Store this product in its original container and keep out of reach of children and domestic animals. PESTICIDE DISPOSAL: If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain. CONTAINER DISPOSAL: If empty: Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.

Filled by weight not by volume. Product may settle after packaging.

NOTICE: To the extent consistent with applicable law, seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. To the extent consistent with applicable law, buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

[Lot no. to be added at production]

LILLY MILLER BRANDS
1340 Treat Blvd., Suite 650
Walnut Creek, CA 94597
Printed in U.S.A.
Product of Canada
www.lillymiller.com