

802-493

2/26/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Attn: Becky Horton
Central Garden & Pet dba Lilly Miller Brands
1340 Treat Blvd, Ste. 650
Walnut Creek, CA 94597

FEB 26 2010

Subject: Notification to Add Optional Language (California/Proposition 65)
Lilly Miller^R Grasshopper & Earwig Bait
EPA Reg. 802-493
Your Application Dated February 4, 2010

Dear Ms. Horton,

The Agency is in receipt of your filing of a revised Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 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 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 703-305-6736 or electronically at Edwards.joanne@epa.gov.

Sincerely yours,

Joanne S. Edwards
Insecticide-Rodenticide Branch
Registration Division (7504P)

17



United States
Environmental Protection Agency
 Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 802-493	2. EPA Product Manager Eagle	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) LILLY MILLER® Grasshopper & Earwig Bait	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Lilly Miller Brands 1340 Treat Blvd., Ste. 650, Walnut Creek, CA 94597 <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

Amendment - Explain below.
 Resubmission in response to Agency letter dated _____
 Notification - Explain below.

Final printed labels in response to Agency letter dated _____
 "Me Too" Application.
 Other - Explain below.

NOTIFICATION

FEB 26 2010

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

NOTIFICATION to add optional state specific (California - Prop 65) text required for distribution in the State of California (highlighted on page 4 of label). This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the Confidential Statement of Formula of 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 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 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 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
 Label Container

4. Size(s) Retail Container
2 LB

5. Location of Label Directions
 on label

6. Manner in Which Label is Affixed to Product
 Lithograph
 Paper glued
 Stenciled 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	Telephone No. (Include Area Code) 540-375-8826
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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.

2. Signature
Rebecca M Horton

3. Title
Consultant/Agent

4. Typed Name
Rebecca M. Horton

5. Date
February 4, 2010

6. Date Application Received (Stamped)

Registrations by Design, Inc.SM

110 1/2 East Main Street
Suite 1
Salem, VA 24153-3805
phone 540.375.8826
fax 540.375.8827

CERTIFIED MAIL #7009 2250 0003 3976 2317
February 4, 2010

NOTIFICATION
FEB 26 2010

Document Processing Desk (NOTIF)
Office of Pesticide Programs/Registration Division (7504P)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Notification: EPA Reg. No. 802-493, Lilly Miller® Grasshopper & Earwig Bait

Attn: Linda Arrington, Team Leader
Notifications & Minor Formulations

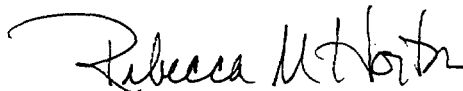
On behalf of Lilly Miller Brands of Walnut Creek, CA, enclosed is notification of the following label change for the above pesticide product:

- 1) addition of optional, state specific (California) text required for compliance with California Prop 65.

The following documents are enclosed:

- 1) EPA Form 8570-1, Application for Pesticide – Notification (2 copies)
- 2) Copy of the revised label with areas of revision highlighted in blue (page 4).

Best regards,



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

/bmh

Enclosures

Mailing address:
P.O. Box 1019, Salem, VA 24153



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NOTIFICATION

FEB 26 2010

**LILLY MILLER®
GRASSHOPPER & EARWIG BAIT**

[Additional Brand Names: Lilly Miller® Grasshopper, Earwig, Cutworm & Sowbug Bait; Lilly Miller® Earwig & Sowbug Bait; Lilly Miller® Cutworm, Earwig & Sowbug Bait; Lilly Miller® Grasshopper, Earwig & Sowbug Bait]

Ready-to-dispense container

Intended for homeowner use in Vegetable & Flower Gardens.

Intended for homeowner use in and around ornamentals and vegetable gardens

Also kills ants*, cutworms, armyworms, crickets, darkling ground beetles, centipedes, Mormon crickets, mole crickets, millipedes and sowbugs

*(except fire ants, harvester ants, carpenter ants and pharaoh ants)

Not affected by rain

Covers up to 4,000 square [sq] feet [ft]

ACTIVE INGREDIENT:

Carbaryl (1-naphthyl N-methylcarbamate) 5%

OTHER INGREDIENTS 95%

Keep out of reach of children

CAUTION

See side panel for additional precautionary statements and First Aid.

NET WEIGHT 2 LB (908 g)

FIRST AID

Have product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact [1-800-265-0761] [the National Pesticide Information Center at 1-800-858-7378] for emergency medical treatment information.

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 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.

NOTE TO PHYSICIAN: Contains N-methyl carbamate insecticide which is a cholinesterase inhibitor. Specific antidote consists of atropine. Narcotics and other sedatives should not be used. Drugs like 2-PAM (pyridine-2-aldoxime methiodide) are NOT recommended.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Wear long sleeved shirt and long pants, shoes, socks and chemical resistant gloves (such as or made out of any waterproof material, selection Category A).

USER SAFETY RECOMMENDATIONS:

User should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing immediately if pesticide gets inside; then wash thoroughly and put on clean clothing. Remove clothing immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to aquatic invertebrates. Do not apply directly to water or allow to drift to water. 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 runoff to water bodies or drainage systems.

GRASSHOPPER & EARWIG BAIT may be applied in vegetable gardens, on lawns, and in ornamental plantings. It kills grasshoppers, earwigs, ants, cutworms, armyworms, crickets, darkling ground beetles, centipedes, Mormon crickets, mole crickets, millipedes and sowbugs.

DIRECTIONS FOR USE

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

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 the area during application. Do not enter or allow others to enter the treated area until dusts have settled. Watering-in is required after application to lawns. Do not enter or allow others to enter treated lawns or turf (except those persons involved in the application and watering) until the watering in is complete and until surface is dry after the watering-in. Only apply this product from the ready-to-dispense container by sprinkling directly on soil in the area to be treated. Do not apply by hand, spoon or belly grinder.

LISTED VEGETABLES AND FRUIT

To kill grasshoppers, earwigs, ants*, cutworms, armyworms, crickets, darkling ground beetles, centipedes*, Mormon crickets, mole crickets, millipedes and sowbugs. Sprinkle lightly on soil surface around plants. Do not exceed ¼ pound per 250 sq. ft. Reapply as often as every 7 days, up to 4 applications per year. Do not allow bait to contact foliage or edible part of crops. Observe the number of days before harvest from last application as noted in parentheses following each crop group.

- Asparagus (1)**
- Beets (roots), Carrots, Radish, Parsnips, Rutabaga, Turnips (roots) (7)**
- Broccoli, Brussels Sprouts, Cabbage, Cauliflower, Kohlrabi (3)**
- Chinese Cabbage, Kale, Collards (14)**
- Cucumber, Melon, Squash (3)**
- Potatoes (7)**
- Tomatoes, Peppers, Eggplant (3)**

LAWNS, FLOWERS, SHRUBS AND OTHER ORNAMENTALS

To kill grasshoppers, earwigs, ants*, cutworms, armyworms, crickets, darkling ground beetles, centipedes*, Mormon crickets, mole crickets, millipedes and sowbugs. Cutworms and earwigs are active at night and spend the daytime just below the soil surface, in cracks and crevices or underneath leaf litter and rocks. Sowbugs prefer damp areas.

*Must be directly contacted at the time of application to be effective.

For ornamental plants: Apply GRASSHOPPER & EARWIG BAIT around ornamentals in shady, protected areas, at the base of walls and fences, and in 2 to 4 inch wide bands along the edge of walkways and patios. Spread lightly on soil surface around plants. Do not exceed ¼ pound per 250 sq. ft. For best results be sure that area to be treated is damp.

For use on lawns: Mow lawn, remove clippings and thoroughly water. Apply GRASSHOPPER & EARWIG BAIT at the rate of 2 to 4 oz. per 250 sq. ft. [¼ to ½ pound per 500 sq. ft.][½ to 1 pound per 1000 sq. ft.]. Water in immediately after application.

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

2/7
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: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

[For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents) call 1-800-265-0761. All other inquiries: info@excelmktg.com]

[Lot no. to be added at production]

LILLY MILLER BRANDS
1340 Treat Blvd., Suite 650
Walnut Creek, CA 94597
www.lillymiller.com

Lilly Miller Brands is a registered trademark of Central Garden & Pet.



[Optional – required when distributed in California:

NOTICE – This product contains Carbaryl, a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.]