

802-509

06-16-2010

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Ms. Rebecca M. Horton  
Registration by Design, Inc.  
Product Registration Agent  
For Lilly Miller Brands  
P.O. Box 1019  
Salem, VA 24153—3805

JUN 16 2010

SUBJECT: Application for Pesticide Notification (PRN 98-10)  
Request General Label Change /trademark credit & alternate sprayer instructions  
and Warranty Statement Changes  
EPA Reg. No. 802-509  
Application Dated April 29, 2010

Dear Ms. Horton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 04/20/10 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(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,

A handwritten signature in black ink, appearing to read "Linda Arrington".

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



United States  
**Environmental Protection Agency**  
 Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 802-509	2. EPA Product Manager K. Montague	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) LILLY MILLER® Moss-Out	PM# 23	
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.  Final printed labels in response to Agency letter dated \_\_\_\_\_

Resubmission in response to Agency letter dated \_\_\_\_\_  "Me Too" Application.

Notification - Explain below.  Other - Explain below.

**NOTIFICATION**  
JUN 16 2010

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

NOTIFICATION of alternate sprayer use directions appropriate to applicable packaging; optional warranty and trademark credits for brand names. 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 checked="" type="checkbox"/> Yes <input 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 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  
27FL OZ/QT/GAL

5. Location of Label Directions  
 on label

6. Manner in Which Label is Affixed to Product  
 Lithograph  Other \_\_\_\_\_  
 Paper glued  Stenciled

**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
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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 	3. Title Consultant/Agent for LILLY MILLER BRANDS	6. Date Application Received (Stamped)
4. Typed Name Rebecca M. Horton	5. Date April 20, 2010	

Registrations  
by Design, Inc.™

CERTIFIED MAIL #7009 2250 0003 3977 6277  
April 20, 2010

██████████  
██████████  
phone 540.375.8826  
fax 540.375.8827

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. 802-509 LILLY MILLER® Moss-Out

Attn: Linda Arrington, Team Leader  
Notifications & Minor Formulations

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

- 1) alternate hose-end sprayer use instructions for applicable sprayer packaging;
- 2) optional warranty statement
- 3) addition of trademark credit for labeled brand name(s)

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.

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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Established  
1996

# LILLY MILLER® MOSS-OUT

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[Additional Brand Names: Lilly Miller Moss Out! for Lawns; Lilly Miller Hose 'n Go! Moss Out! for Lawns]

Economical Concentrate  
Kills Lawn Moss Quickly!  
Works In Hours  
Liquid Iron Gives Superior Results  
Covers 500 square feet  
Apply with a sprinkling can or hose-end sprayer

**NOTIFICATION**

**JUN 16 2010**

## ACTIVE INGREDIENT:

\*Ferric Sulfate, anhydrous . . . . . 35.0%

INERT INGREDIENTS . . . . . 65.0%

\*Equivalent to 9.75% Iron as Metallic

Keep out of reach of children

## DANGER

See back for additional precautionary statements and First Aid.

NET CONTENTS \_\_\_\_\_

## PRECAUTIONARY STATEMENTS

### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**DANGER:** Corrosive. Causes irreversible eye damage. Do not get in eyes, on skin, or on clothing. Wear safety glasses. Harmful if swallowed, inhaled or absorbed through skin. Avoid breathing spray mist. Remove contaminated clothing and wash clothing before reuse. Wash thoroughly with soap and water after handling. Do not allow persons or pets in treated areas until sprays have dried.

### FIRST AID

Have product container or label with you when calling a poison control center or doctor, or going for treatment. 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. 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.

**ENVIRONMENTAL HAZARDS:** This product is toxic to fish. Do not apply directly to water. Do not apply where runoff is likely to occur. Do not apply when weather conditions favor drift from areas treated. Do not contaminate water by cleaning of equipment or disposal of wastes.

MOSS-OUT kills moss in lawns so grass can grow into thick lush turf.

Moss grows on the soil surface in lawns where it competes with the turf, causing the grass to thin-out and creating an excessive build-up of thatch. Shaded or poorly-drained acidic areas encourage moss growth especially if the turf is undernourished. Apply MOSS-OUT to these areas when the moss is actively growing. Make applications as needed, beginning with the first fall rains, during warm, rainy, winter periods, or in early spring. Encourage strong turf development by applying a Lilly Miller Ultragreen®, Super Rich®, or Rapid Green™ fertilizer as directed. This will help prevent further moss growth.

**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.

**SHAKE WELL BEFORE USING.** Please read entire label. Use only as directed. Observe all precautions.

**USE PRECAUTIONS:** MOSS-OUT is for use on lawn or turf only. Contact with concrete, brick, tile, wood or painted surfaces can cause severe staining. Since MOSS-OUT can cause corrosion to galvanized metal, apply only with plastic sprinkling can or hose-end sprayer. Use MOSS-KIL to control moss on roofs, patios and other surfaces. See label for directions.

**MOSS IN LAWNS AND TURF**

1. Mix at the rate of 1/2 pint MOSS-OUT in 3 gallons of water for each 125 sq. ft. to be treated.
2. Apply with plastic sprinkling can or hose-end sprayer. MOSS-OUT can corrode galvanized metal.
3. When sprinkling or spraying mossy area, be sure to soak the moss growth thoroughly. Treated moss should turn a dark, or black color. Action is most rapid in warm, dry weather.
4. Rinse equipment with water after use.
5. To improve appearance of lawn or turf, rake out dead moss a few days after treatment.

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Alternate use direction for container with hose-end sprayer attached:

**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.

What is this product? And what will it do?

MOSS-OUT is the fast, easy way to kill moss in lawns. Once moss is gone, the grass is free to grow and thrive. This easy-to-use container attaches right to your garden hose, so there's no mixing.

MOSS-OUT is for lawns only. Use MOSS-KIL (in the economical concentrate or convenient Hose 'n Go® or ready-to-use containers) for moss on roofs, sidewalks, or other surfaces.

How do I use this product?

When to use: Use MOSS-OUT anytime moss becomes a problem in your lawn. Moss grows most vigorously during the warm, rainy periods in spring and fall, but will grow all year round in some shady areas.

Spray as often as needed to keep moss from crowding out lawn grasses.

What to do: Mow the grass a bit shorter than usual to expose more of the moss. To get the most complete kill of the moss or when the moss is very thick, rake out as much as you can using a thatching rake or lawn rake. Spray MOSS-OUT evenly over the mossy areas.

To use this sprayer:  
Sprays up to 20 feet!

1. Shake container well.
2. Remove the child-resistant closure and save it for resealing the container when you are finished.
3. Insert the dip tube of the hose-end applicator into the bottle and seal the applicator head tightly to the bottle.
4. Connect spray nozzle to garden hose.
5. Turn on the water from the faucet.
6. When you are ready to spray, turn the knob on top so that it points to the MIX position on the spray head. (Fig. 1)
7. The spray deflector on the front of the hose-end applicator can be rotated to give a stream or fan spray. (Fig. 2)

To stop spraying:

1. When you are finished spraying or if you have to stop spraying at any time, turn the knob back to the OFF position. (Fig. 3)
2. Turn off the water from the faucet.
3. Turn the knob to H2O then OFF, to drain the water from the hose. (Fig. 4)
4. Unscrew spray nozzle from hose. Remove hose-end from container.
5. Reseal the container with the child-resistant closure. Rinse the hose-end applicator.

[Alternate Sprayer Use Instructions for applicable sprayer packaging:

To use this sprayer:

1. Shake container well before using.
2. Connect spray nozzle to garden hose.
3. Turn on water from the faucet.
4. Extend the hose to the farthest point in the lawn or garden away from the water faucet. This will minimize walking on the treated area.
5. To begin spraying, point nozzle in the direction you want to spray. Bend small plastic tab back and turn knob clockwise to ON position. Spray as directed on label for specific area of use.

To stop spraying:

1. When you are finished spraying or if you have to stop spraying at any time, turn knob counter-clockwise to OFF position.
2. Turn off the water from the faucet.
3. Discharge residual water pressure by bending plastic tab back and turning knob to ON position until water slows to a drip.
4. Turn knob counter-clockwise to OFF position.
5. Unscrew spray nozzle from hose.]

This bottle will cover 500 sq. ft. (20'x 25'). Spray slowly and allow the Moss Out to penetrate the moss. The moss will turn black within hours. After a few days, rake out the dead moss using a thatching rake or lawn rake.

What not to do: MOSS-OUT is for lawns only. Do not let this product contact any other surfaces. It will stain them. Do not allow MOSS-OUT to contact galvanized metal. Do not try to cover more lawn area than 500 sq. ft. with this container; it will not be effective. Do not allow adults, children or pets back onto the sprayed area until it has dried.

What will I see?

The moss in your lawn will turn black and die within hours. The grass will gradually fill in thin and bare spots. You can help it along by adding Lilly Miller Ultragreen®, Super Rich®, or Rapid Green™ lawn food, Lilly Miller® Super Sweet™ or Soil Sweet™ lime, and a Lilly Miller® grass seed blend that's right for your yard.

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#### STORAGE AND DISPOSAL

**PESTICIDE STORAGE:** Store this product in its original container and keep in a locked storage area out of reach of children and domestic animals. Close cap tightly after each use. Keep from freezing.

**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.

**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.

For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center at 1-800-858-7378. Other inquiries: [info@excelmktg.com](mailto:info@excelmktg.com).

[Optional Warranty:

**OUR COMMITMENT TO YOUR SATISFACTION:** If you are not happy with the way this product works, please let us know. We will be happy to replace the product, refund your money, or substitute another Lilly Miller product. Simply send your name, address and proof of purchase to the address below.]

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

Lilly Miller and Hose 'n Go are registered trademarks and Moss Out! is a trademark of Central Garden & Pet.



[Lot no. to be added at production]

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