

802-594

01/08/2010

1/10



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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

JAN 8 2010

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change /Directions for Use per EPA Guidance
EPA Reg. No. 802-594
Application Dated December 4, 2009

Dear Ms. Horton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 12/04/09 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 802-594	2. EPA Product Manager Miller	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Lilly Miller® Blackberry & Brush Killer	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Lilly Miller Brands 1340 Treat Blvd., Suite 340 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

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION JAN - 8 2010
<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.	

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

NOTIFICATION to repeat/clarify use sites under Alternate Use Directions for hose-end sprayer application, per SLITS correspondence/direction between US EPA (Tompkins) and NY DEC (Whitbeck).

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:				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	<input checked="" 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 <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 PT / 1 QT		5. Location of Label Directions <input checked="" type="checkbox"/> on label/attached booklet	
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	Telephone No. (Include Area Code) 540-375-8826	
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 <i>Rebecca M. Horton</i>	3. Title Consultant/Agent		
4. Typed Name Rebecca M. Horton	5. Date December 4, 2009		

Registrations by Design, Inc.sm

110 1/2 East Main Street
Suite T
Salem, VA 24153-0005
phone 540.375.8826
fax 540.375.8827

December 4, 2009

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. 802-594 Lilly Miller® Blackberry & Brush Killer

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) repeat/clarify use sites under Alternate Use Directions for hose-end sprayer application

This label revision is made per direction of EPA (Jim Tompkins) and NY DEC (Luanne Whitbeck) correspondence under SLITS response dated December 2, 2009. (*enclosed*)

The following documents are enclosed:

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

Best regards,



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

/bmh

Enclosures

Established
1996

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

4/10

**LILLY MILLER®
BLACKBERRY & BRUSH KILLER**

NOTIFICATION

JAN - 8 2010

[Additional brand name(s): Lilly Miller® Hose 'N Go!® Blackberry & Brush Killer]

For use on woody plants in outdoor areas

Kills woody plants and deep-rooted weeds including blackberries, poison oak and Scotch broom

Kills blackberry(ies), kudzu, poison oak, poison ivy, mesquite, sumac, scotch broom, horsetail rush, and most other woody plants (many kinds of woody plants)

Kills completely-stumps and roots won't grow

Provides a complete kill; No regrowth from the roots

You may replant in treated area in just 1 month (Treated area may be replanted one month after use)

With Crossbow

Connect & Spray Applicator

Also kills Blackberries, Poison Oak, Poison Ivy, and other listed plants

Kills Kudzu, Blackberries, Poison Oak, Poison Ivy, Sumac, and other listed plants

Kills tough brush [and vines] – roots and all

Covers 4,000 square feet

From Lilly Miller

ACTIVE INGREDIENT:

Triclopyr (3,5,6-trichloro-2-pyridinyloxyacetic acid),
triethylamine salt* 8.0%

OTHER INGREDIENTS..... 92.0%

*Equivalent to 5.7% acid.

Keep out of reach of children

CAUTION

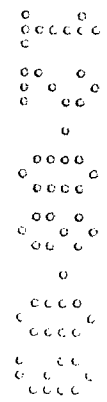
See back/side/other panel(s) [attached booklet] for additional Precautionary Statements & First Aid

NET CONTENTS 1 QUART (946 ml)

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes eye irritation. Harmful if swallowed, inhaled, or absorbed through the skin. Avoid contact with eyes, skin or clothing during and after application. Avoid breathing spray mist. When applying this product, wear a long-sleeved shirt, long pants, shoes and socks, and waterproof gloves. Wash thoroughly with soap and water after handling. 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 treated area during application. Do not allow people or pets onto treated areas until sprays have dried.



EPA Reg. No. 802-594

EPA Est. No. 33518-CN-1A, 44616-MO-1B, 19713-MS-1C,
11715-TN-1D, 5905-AR-1E, 5905-GA-1F

Dec. 4, 2009 – notification

Subscript is first letter of run code on container.

Page 1 of 7 Pages

USER SAFETY RECOMMENDATIONS

- Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should remove protective clothing and equipment immediately after handling this product. Wash the outside of gloves before removing. Keep and wash protective clothing and equipment separately from other laundry.

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 equipment washwaters and rinsate. This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

DIRECTIONS FOR USE

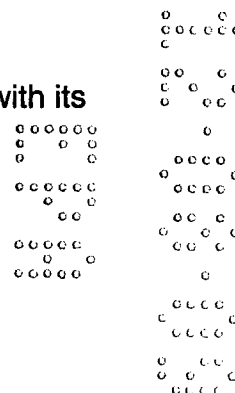
It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For household use only. Not for use indoors.

Controls horsetail rush

Makes up to 8 gallons of spray

Easy to apply with a pump-up or hose-end sprayer

Won't harm the soil-replant in just 1 month



What is this product? And what will it do?

Blackberry & Brush Killer kills blackberry vines, plus many kinds of brush and unwanted woody plants. This product can be used in many places around your yard, such as along fences and driveways, under decks, around patios and buildings, or in driveways and parking areas. The area can be planted again just a few weeks after spraying.

Blackberry & Brush Killer will also prevent woody plants from sending up sprouts from the roots, once they are cut down.

Use Blackberry & Brush Killer to kill these plants:

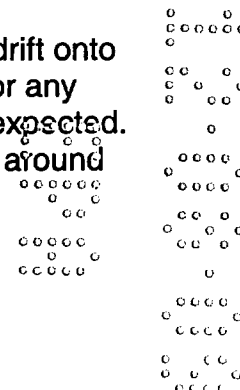
Alder, Arkansas Rose, Arrowwood, Ash, Aspen, Beech, Birch, Blackberry, Blackgum, Box Elder, California Rose, Cascara, Ceanothus, Cherry, Chinquapin, Choke Cherry, Cottonwood, Douglas Fir, Dogwood, Elderberry, Elm, Hawthorn, Hazel, Honeysuckle, Hornbeam, Horsetail Rush (Field), Kudzu, Locust, Madrone, Maples, Mesquite, Mimosa, Mulberry, Oaks, Persimmon, Pine, Poison Ivy, Poison Oak, Poplar, Raspberry, Salmonberry, Sassafras, Scotch Broom, Sumac, Sweetbay Magnolia, Sweetgum, Sycamore, Tanoak, Thimbleberry, Trumpet Creeper, Tulip Poplar, Vine Maple, Virginia Creeper, Western Hemlock, Wild Grape, Wild Rose, Willow, Winged Elm.

How do I use this product?

When to use: Spray brush anytime it is actively growing - in Spring, after leaves are fully open, in Summer, when there is sufficient water, or in the Fall, before the leaves begin to change color.

What to do: Spray Blackberry & Brush Killer using a pump sprayer or a hose-end sprayer. Use a spray pattern which gives small droplets without a fine mist. Over-pumping the sprayer will make a fine mist. Spray when the air is calm and there is no wind. Wet the brush completely with the spray. This product works through the leaves and bark; there's no need to wet the soil. After leaves have dropped off (4 - 6 weeks after spraying), cut down the brush and dispose of it. Once the brush is gone, the area may be replanted.

What not to do: Do not spray when it is windy. Do not allow spray mist to drift onto vegetables, flowers, ornamental shrubs and trees, small fruits, fruit trees, or any other desirable plants. They will be damaged. Do not spray when rain is expected. Do not water the area for 24 hours after spraying. Do not use this product around vegetables, fruits or other plants you eat. Do not use this product when temperatures are above 85 degrees F.



Mixing and Measuring - Shake well before using.

It's a good idea to have a separate sprayer just for weed and brush killers, to avoid mix-ups.

Use this amount of Blackberry & Brush Killer	in this amount of water	to cover this area
1/2 - 1 cup (4 - 8 fl. oz.)	1 gallon	500 sq. ft.
1 - 2 cups (8 - 16 fl. oz.)	2 gallons	1000 sq. ft.
1-1/2 - 3 cups (12 - 24 fl. oz.)	3 gallons	1500 sq. ft.

Use the higher amounts when conditions are especially dry and on mature or hard to kill brush (such as ash, blackgum, chokecherry, elm, maple, oak, pine or winged elm), to prevent resprouting. Coverage will vary somewhat depending on the amount of brush to be sprayed.

What will I see?

In one to six weeks the leaves will begin to wilt, turn brown and drop off.

Stump Treatment:

Blackberry & Brush Killer can also be used to prevent woody plants and trees from sending up sprouts from the roots. Right after the tree or bush has been cut down, apply Blackberry & Brush Killer to the stump. Use the product straight from the bottle, do not add water. Use a paint brush or small sprayer to completely cover the freshly cut surface. Do not reuse the paint brush; wrap it in several layers of newspaper and discard it in the trash. Blackberry & Brush Killer will be absorbed into the roots and reduce the number of sprouts coming up in the lawn and surrounding areas.

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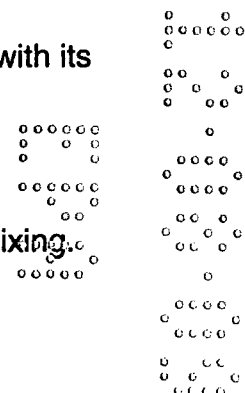
Alternate Directions For Use for container sold with hose-end sprayer attached:

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. Not for use indoors.

No mix, no measure—just attach to a garden hose and spray

The easy-to-use sprayer attaches right to your garden hose. There's no mixing. Use only what you need, then put it away for next time.



WHAT IS THIS PRODUCT? AND WHAT WILL IT DO?

BLACKBERRY & BRUSH KILLER kills blackberry vines plus many woody plants and deep-rooted perennial weeds. It kills completely -- above and below the ground -- so stumps and roots won't regrow.

This product can be used in many places around your yard, such as along fences and driveways, under decks, around patios and buildings, or in driveways and parking areas. The easy-to-use sprayer attaches right to your garden hose. There's no mixing. Use only what you need, then put it away for next time.

Use **BLACKBERRY & BRUSH KILLER** to kill these plants:

Alder, Ash, Aspen, Beech, Birch, Blackberry, Box Elder, Cascara (Buckthorn), Cherry, Chinquapin, Choke Cherry, Cottonwood, Dogwood, Elderberry, Elm, Hawthorn, Honeysuckle, Horsetail Rush (Field), Kudzu, Locust, Madrone, Maples (except Bigleaf and Vine), Mesquite, Mimosa, Mulberry, Oaks, Poison Ivy, Poison Oak, Poplar, Raspberry, Scotch Broom, Sumac, Sweetgum, Tanoak, Thimbleberry, Wild Grape, Wild Rose, Willow.

HOW DO I USE THIS PRODUCT?

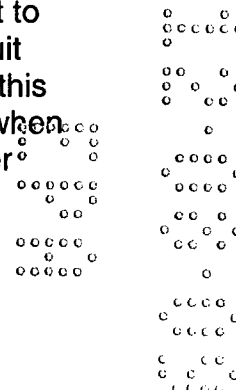
When to use: Spray brush anytime it is actively growing: In spring, after leaves are fully open; in summer, when there is sufficient water; or in the fall before leaves begin to change color.

What to do: There is no mixing or measuring with **BLACKBERRY & BRUSH KILLER**. See the section "TO USE THIS SPRAYER" for operating instructions.

Spray when the air is calm and there is no wind. Wet the brush completely with the spray. This product works through the leaves and bark -- excess spray that runs off onto the soil will not improve control. After leaves have dropped off (4 - 6 weeks after spraying), cut down the brush and dispose of it. Once the brush is gone, the area may be replanted.

What not to do: DO NOT spray when it is windy. DO NOT allow spray mist to drift onto vegetables, flowers, ornamental shrubs and trees, small fruits, fruit trees, or any other desirable plants. They will be damaged. DO NOT use this product around vegetables, fruits or other plants you eat. DO NOT spray when rain is expected within 24 hours. DO NOT water the area for 24 hours after spraying or effectiveness may be reduced.

TO USE THIS SPRAYER:
Sprays up to 20 feet!



1. Shake container well.
2. Connect spray nozzle to garden hose.
3. Turn on the water from the faucet.
4. 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)
5. 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.

OR

Apply at the rate of 1 quart of this product to cover 4,000 sq. ft.

1. Make sure knob control lever is in the OFF position. Shake well and attach to hose.
2. Turn water on at faucet, aim nozzle toward brush and turn control lever to ON to begin spraying. The product will automatically siphon and mix with water.
3. When finished turn control lever to OFF position. Turn faucet off. Discharge residual water pressure by turning control lever ON and OFF again.

WHAT WILL I SEE?

In one to six weeks the leaves will begin to wilt, turn brown and drop off.

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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 -- Non-refillable 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, express 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.

To the extent consistent with applicable law, the registrant guarantees this product to the extent of the purchase price, only when used according to label directions.

IN CASE OF EMERGENCY CALL: xxx-xxx-xxxx

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

www.lillymiller.com
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[Lot No. to be added at production]

