

802-596

6/26/2009

1/8



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

JUN 26 2009

Ms. Rebecca M. Horton  
Consultant/Agent for Lilly Miller Brands  
Registrations by Design, Inc.  
118 1/2 East Main Street  
Suite 1  
Salem, VA 2415-3805

Re: Notification of Minor Label Changes  
EPA Registration Number: 802-596  
Date of Submission: February 9, 2009

Dear Ms. Horton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated February 9, 2009, for the product Lilly Miller® Ready-to-Use Blackberry & Brush Killer. 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 Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to be "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<br>802-596  | 2. EPA Product Manager<br>Tompkins   | 3. Proposed Classification<br><input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name)<br>Lilly Miller® Ready-to-Use Blackberry & Brush Killer   | PM#<br>25  |  |
| 5. Name and Address of Applicant (Include ZIP Code)<br>Central Garden & Pet dba Lilly Miller Brands<br>1340 Treat Blvd., Suite 650<br>Walnut Creek, CA 94597<br><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:<br><b>NOTIFICATION</b><br>EPA Reg. No. _____<br>JUN 26 2009<br>Product Name _____ |  |

**Section - II**

|  |  |
|--|--|
| <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.  |

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

Notification of administrative label changes: Add optional marketing statements "From Lilly Miller", and addition of sprayer head assembly instructions for applicable packaging.

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<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                     | Unit Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | Water Soluble Packaging<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                                       |                   | 2. Type of Container<br><input type="checkbox"/> Metal<br><input checked="" type="checkbox"/> Plastic<br><input type="checkbox"/> Glass<br><input type="checkbox"/> Paper<br><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<br><input checked="" type="checkbox"/> Label <input type="checkbox"/> Container |  | 4. Size(s) Retail Container<br>1 GAL  |                   | 5. Location of Label Directions<br><input checked="" type="checkbox"/> on label/attached booklet  |                   |
| 6. Manner in Which Label is Affixed to Product  |  | <input checked="" type="checkbox"/> Lithograph<br><input checked="" type="checkbox"/> Paper glued<br><input 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<br>Rebecca M. Horton  | Title<br>Consultant/Agent for Lilly Miller Brands    | Telephone No. (include Area Code)<br>540-375-8826 |
| <b>Certification</b><br>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. |  | E. Date Application Received<br>(Stamped)         |
| 2. Signature<br>   | 3. Title<br>Consultant/Agent for Lilly Miller Brands |   |
| 4. Typed Name<br>Rebecca M. Horton   | 5. Date<br>Feb. 9, 2009                              |   |

# Registrations by Design, Inc.<sup>sm</sup>

February 9, 2009

118 1/2 East Main Street  
Suite 1  
Salem, VA 24153-3805  
phone 540.375.8826  
fax 540.375.8827

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

Re: Notification of Minor Label Changes  
EPA Reg. No. 802-596, Lilly Miller® Ready-to-Use Blackberry & Brush Killer

Attn: Linda Arrington, Team Leader  
Minor Formulations & Notifications

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

- 1) addition of optional marketing statement "From Lilly Miller"
- 2) repeat currently approved claim "Area can be planted again just a few weeks after spraying" on front label panel.
- 3) addition of assembly instructions for sprayer-head for use with applicable packaging (sprayer head in bag attached to product container)

All areas of revision are highlighted on the enclosed label for your convenience in review.

Best regards,

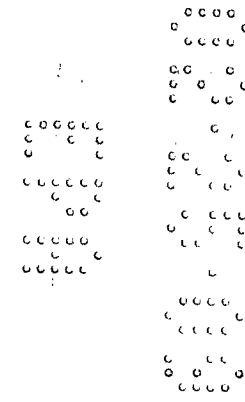


Rebecca M. Horton  
Consultant/Agent for  
LILLY MILLER BRANDS

e-mail: hortonb@ntelos.net

/bmh

Enclosure



JUN 26 2009

LILLY MILLER®  
READY-TO-USE BLACKBERRY & BRUSH KILLER

[Additional Brand Name: Lilly Miller® Ready-to-Use Brush, Blackberry & Vine Killer]

Optional Marketing Statements

For use on woody plants in outdoor areas around the home  
No Mixing Required  
Kills roots and (& all – No Regrowth  
Kills (even the toughest) (tough) brush & vines  
Kills blackberry, poison oak, poison ivy, horsetail rush, kudzu, scotch broom, mesquite, sumac and many other woody plants  
From Lilly Miller  
Area can be planted again just a few weeks after spraying [Note to EPA: currently approved label claim from Directions for Use moved to front panel]

[Note to EPA: Front label panel may include graphic representation of product use; e.g., listed weeds such as blackberry, poison oak, poison ivy, etc.]

**ACTIVE INGREDIENT:**

Triclopyr (3,5,6-trichloro-2-pyridinyloxyacetic acid),  
triethylamine salt\* . . . . . 0.75%  
INERT INGREDIENTS . . . . . 99.25%

\*Equivalent to 0.53% acid.

Keep out of reach of children

**CAUTION**

See back/side/other panel(s) for additional Precautionary Statements and First Aid

NET CONTENTS 1 GALLON (3.7 l)



## 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 area during application. Do not allow people or pets onto treated areas until sprays have dried.

### 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.

### WHAT IS THIS PRODUCT? AND WHAT WILL IT DO?

Ready-to-Use Blackberry & Brush Killer is the no-mix way to kill tough, woody plants and brush, such as blackberry vines, poison oak, Scotch broom, plus many others. 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.

Use Ready-to-Use Blackberry & Brush Killer to kill all these plants:

- |                        |              |           |
|------------------------|--------------|-----------|
| Blackberry             | Poison Ivy   | Willow    |
| Horsetail Rush (Field) | Poison Oak   | Wild Rose |
| Kudzu                  | Sumac        |           |
| Mesquite               | Scotch Broom |           |

Kill these plants, too:

- |                  |             |                 |
|------------------|-------------|-----------------|
| Arrowwood        | Cottonwood  | Raspberry       |
| Blackgum         | Douglas Fir | Salmonberry     |
| California Rose  | Dogwood     | Sassafras       |
| Chinquapin       | Elderberry  | Sweetbay        |
| Hornbeam         | Elm         | Magnolia        |
| Tanoak           | Hawthorn    | Sweetgum        |
| Virginia Creeper | Hazel       | Sycamore        |
| Alder            | Honeysuckle | Thimbleberry    |
| Ash              | Locust      | Trumpet Creeper |
| Aspen            | Madrone     | Tulip Poplar    |
| Beech            | Maples      | Vine Maple      |
| Birch            | Mimosa      | Western Hemlock |
| Box Elder        | Mulberry    | Wild Grape      |
| Cascara          | Oaks        | Winged Elm      |
| Ceanothus        | Persimmon   |                 |
| Cherry           | Pine        |                 |
| Choke Cherry     | Poplar      |                 |

### HOW DO I USE THIS PRODUCT?

**When To Use:** Spray the brush or vines in Spring, after leaves are fully open, or in Fall, before the leaves begin to change color. During dry Summer weather, Ready-to-Use Blackberry & Brush Killer may work very slowly. For best results, spray brush a few days after a good rain, or after the area has been watered.

**What To Do:** It's so easy! There is no mixing with Ready-to-Use Blackberry & Brush Killer. Just shake, then spray.

Adjust the spray nozzle to give small droplets without a fine mist. Spray when the air is calm and there is no wind. Hold the sprayer about two feet from the plant and aim the nozzle at leaves and stems. 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 allow children or pets to go into the treated area until the spray has dried. 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.

#### WHAT WILL I SEE?

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

#### 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.

[Optional sprayer head assembly instructions to print on bag containing sprayer head and attached to bottle:

1. Remove sprayer from bottle and remove from bag.
2. Slide the sprayer cap down the hose to the stop position.
3. Remove child resistant cap from the bottle and discard cap.
4. Place sprayer hose into bottle and screw sprayer cap on securely.
5. Turn sprayer nozzle to selected pattern and follow Directions for Use. Turn sprayer to OFF position after use.]

**NOTICE:** 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.

8  
8  
NOTIFICATION

JUN 26 2009

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. All other inquiries: [info@excelmktg.com](mailto:info@excelmktg.com).

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

[Lot no. to be added at production]

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

[www.lillymiller.com](http://www.lillymiller.com)  
Printed in U.S.A.  
Product of Canada