19/14/2002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

December 14, 2005

Ms. Anne Marie C. Zielinski, Registration Specialist McLaughlin Gormley King Company 8810 Tenth Avenue North Minneapolis, MN 55427-4319

Subject: Revise Advisory Statements Per PR Notice 2000-5 Evercide[®] Vegetable and Garden Insecticide Killer 28063 EPA Reg. No. 1021-1777 Your submission dated August 09, 2005

Dear Ms. Zielinski:

We have reviewed the above referenced submission, in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. The labeling is acceptable with the following comments:

- As stated on the Notice of Registration dated September 10,2002, the marketing claims "New from Ortho", "New look", "New Formula", "New Improved Formula", etc. are allowed on product label for a period of not more than 6 months from the date of initial registration.
- Under Environmental Hazards, do not remove the second sentence "Do not apply directly to water". This statement is required for outdoor consumer use products.

Please make the above stated changes to the product's labeling and submit two copies of the revised final printed label to the Agency. Enclosed, please find a copy of the stamped label for your records. If you have any questions concerning this action, contact Dr. B. A. Akinlosotu at (703) 605-0653.

Sincerely, orge T. LaRocca,

Product Manager 13 Insecticide Branch Registration Division (7505C)

enclosure:

	CONCURRENCES	
SYMBOL · 7505C		
SURNAME · ALINIOSVIN		
DATE 121405		
		OFFICIAL FILE COPY

28063-805 Scotts

MGK®

McLAUGHLIN GORMLEY KING COMPANY

EVERCIDE® Vegetable and Garden Insect Killer 28063

8810 Tenth Avenue N. / Minneapolis, Minnesota 55427-4372 U.S.A. - Telephone (763) 544-0341

Ready-To-Use Spray to Control Ornamental and Outdoor House and Garden Pests around Residential Structures

ACTIVE INGREDIENT:

(S)-cyano (3-phenoxyphenyl)methyl-(S)-4-chloro-alpha-(1-	0.0033%
methylethyl)benzeneacetate	•
OTHER INGREDIENTS	99.9967%
	100.0000%

EVERCIDE® - Registered trademark of McLaughlin Gormley King Company

KEEP OUT OF REACH OF CHILDREN

FIRST AID Call a poison control center or do

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.
	label with you when calling a poison control center or doctor or nation regarding medical emergencies or pesticide incidents, call r at 1-888-740-8712.

Net Contents _____ Manufactured by: Mc LAUGHLIN GORMLEY KING COMPANY 8810 Tenth Avenue North Minneapolis, MN 55427 -1777 EPA Est. No. 1021-MN-2

EPA Reg. No. 1021-1777

ACCEPTED with COMMENTS In EPA Letter Dated:

DEC 1 4 2005

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. (021-1771

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to fish and other wildlife. Do not apply directly to water. Do not contaminate water when disposing of equipment wash waters or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

DIRECTIONS FOR USE

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

SHAKE WELL BEFORE EACH USE. HOLD CONTAINER UPRIGHT.

APPLY IN SHORT BURSTS.

Avoid contamination of food and feedstuffs. Avoid contamination of food or food handling surfaces.

To control listed insects, apply the spray to provide thorough coverage of upper and lower leaf surfaces. Repeat treatment weekly throughout the growing season up to days of harvest given for each crop.

FOR USE ON THE FOLLOWING GARDEN VEGETABLES

CROP	DAYS TO HARVEST	CROP	DAYS TO HARVEST
Artichoke	7	Green Peas	3
Broccoli	3	Melons	3
Cabbage	3	Peppers	7
Carrots	7	Potatoes	7
Cauliflower	3	Pumpkin	3
Collards	7	Radishes	7
Cucumbers	3	Snap Beans	3
Dry Beans	21	Squash	3
Dry Peas	21	Sweet Com	1
Eggplant	7	Tomatoes	1

TO CONTROL THE FOLLOWING INSECTS: Alfalfa Caterpillar, Alfalfa Looper, Aphid, Armyworm, Artichoke Plume Moth, Beet Armyworm, Buckhom Aphid, Cabbage Looper, Carrot

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Weevil, Celery Looper, Chinch Bug, Colorado Potato Beetle, Corn Earworn, Com Rootworm (adults), Cowpea Curculio, Cucumber Beetle (adults) - spotted and striped, Cutworn, Diamondback Moth, European Corn Borer, Flea Beetle, Grasshopper, Green Cloverworm, Imported Cabbageworn, Leafhopper, Looper, Lygus Bug, Mexican Bean Beetle, Painted Lady Caterpillar, Pea Aphid, Pea Weevil, Pepper Weevil, Pickleworn, Potato Leafhopper, Potato Psyllid, Potato Tuberworm, Rindworm, Saltmarsh Caterpillar, Sap Beetle, Southwestern Corn Borer, Squash Bug, Squash Vine Borer, Stalk Borer, Stink Bug, Tarnished Plant Bug, Tobacco Hornworm, Tomato Fruitworm, Tomato Hornworm, Tomato Pinworm, Vegetable Leafminer, Velvetbean Caterpillar, Western Bean Cutworm, and Whitefly.

<u>FOR GARDEN TREE FRUITS, NUTS, AND BERRIES</u>: Apply as a full coverage spray to upper and lower leaf surfaces. Apply to the point of drip but not to runoff. As pests are observed, repeat treatment to maintain control up to the number of days listed before the harvest for each crop.

TO CONTROL THE FOLLOWING INSECTS: Apple Aphid, Black Cherry Aphid, Blueberry Spanworm, Cherry Fruitworm, Cranberry Fruitworm, Cranberry Weevil, Grasshopper, Leafhopper, Red Striped Fireworm, Codling Moth, Leafroller, Leafhopper, Green Fruit Worm, Plant Bug, Oblique Banded Leafroller, Variegated Leafroller, Tentiform Leaf Miner, San Jose Scale (on fruit only), Tufted Apple Budmoth, Plum Curculio, Oriental Fruit Moth, Apple Maggot, Red-Banded Leafroller, Lesser Appleworm, Rosey Apple Aphid, Periodical Cicada, Pear Psyllid, Pear Slug, Naval Orangeworm, Peach Twig Borer, Filbert Worm, Peach Tree Borer, Lesser Peach Tree Borer, Cherry Fruit Fly, American Plum Borer, Pecan Weevil, Hickory Shuckworm, Pecan Nut Casebearer, Pecan Aphid, Pecan Spittlebug, Pecan Stem Phylloxera, Pecan Leaf Phylloxera, Walnut Aphid, and Walnut Husk Fly.

CROP	DAYS TO	CROP	DAYS TO
	<u>HARVEST</u>		<u>HARVEST</u>
Apple	21	Pecans	21
Almond	21	Pears	28
Blueberry	14	Stone Fruits	
Caneberries		Apricot	14
Blackberries	21	Cherries	14
Loganberries	21	Nectarines	14
Red Raspberries	21	Peaches	14
Black Raspberries	21	Plums	14
Elderberries	21	Prunes	14
Gooseberries	21	Walnuts	21
Filberts	21		

FOR USE ON ORNAMENTAL PLANTS (Annuals and Perennials), SHRUBS, ROSES, AND <u>SHADE TREES</u>: Apply to cover upper and lower leaf surfaces. Apply to the point of drip but not to runoff. Repeat weekly as pests are observed.

<u>TO CONTROL THE FOLLOWING INSECTS</u>: Alfalfa Caterpillar, Alfalfa Looper, Aphid, Armyworm, Artichoke Plume Moth, Beet Armyworm, Buckhom Aphid, Cabbage Looper, Carrot Weevil, Celery Looper, Chinch Bug, Colorado Potato Beetle, Corn Earworm, Com Rootworm (adults), Cowpea Curculio, Cucumber Beetle (adults) - spotted and striped, Cutworm, Diamondback Moth, European Corn Borer, Flea Beetle, Grasshopper, Green Cloverworm, Imported Cabbageworm, Leathopper, Looper, Lygus Bug, Mexican Bean Beetle, Painted Lady Caterpillar, Pea Aphid, Pea Weevil, Pepper Weevil, Pickleworm, Potato Leafhopper, Potato Psyllid, Potato Tuberworm, Rindworm, Saltmarsh Caterpillar, Sap Beetle, Southwestern Corn Borer, Squash Bug, Squash Vine Borer, Stalk Borer, Stink Bug, Tamished Plant Bug, Tobacco Hornworm, Tomato Fruitworm, Tomato Hornworm, Tomato Pinworm, Vegetable Leafminer, Velvetbean Caterpillar, Western Bean Cutworm, Whitefly, Japanese Beetle, Spittlebugs, Redheaded Pine Sawfly, Balsam Woolly Adelgid, Pine Chafer, Red Pine Sawfly, Pine Coreid Bug, European Pine Sawfly, and Northern Pine Weevil.

FOR OUTDOOR PESTS: To control on contact ants, cockroaches (including German and Asian cockroaches), crickets, palmetto bugs, pillbugs, sowbugs, spiders, and ticks. Use at the rate of 1 gallon per 1,000 square feet on outside surfaces of buildings, porches, patios, garages and other areas where these pests are seen or found. Do not spray in or near fish ponds or other bodies of water.

<u>Building Perimeter Treatment</u>: To help prevent infestations of buildings by ants, centipedes, crickets, sowbugs, pillbugs, and spiders, treat a 12 - 18 inch band of soil or other substrate adjacent to building and the building foundation to a height of 2 to 3 feet where these pests are active and may find entrance. Apply as a coarse wet spray at the rate of 1 gallon per 1,000 square feet.

Not for use on plants being grown for sale or other commercial use, for commercial seed production, or for research purposes.

STORAGE AND DISPOSAL

STORAGE: Store in a cool, dry place. Keep container closed.

DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available. If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain. 28063-805

EVERCIDE® Vegetable and Garden Insect Killer 28063

[indicates optional text]

READY-TO-USE [lcon] WATER BASED

[Icon] OUTDOOR USE ONLY Contains Esfenvalerate, a Synthetic Pyrethroid Contains a Pyrethroid Insect Killer Multi-Purpose Insect Killer Low Odor New From Ortho New Look New Formula

ACCEPTED with COMMENTS In EPA Letter Dated:

DEC 1 4 2005

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 1021-177

Kills Beetles (including Japanese Beetle), Caterpillars (including Tomato Hornworm), Ants, Ticks (including ticks carrying Lyme disease) and [&] other garden and [&] nuisance pests [insects] [bugs]
Kills Beetles, Caterpillars, Ants, Ticks and [&] More
On [For] [For use on] Roses, Flowers, Small Trees, Shrubs, Fruits, Vegetables and [&] Other Outdoor Surfaces [Areas]
Kills [Controls over] [more than] 100 insects [bugs] [pests] on vegetables, flowers, small trees and [&] shrubs
Kills [Controls over] [more than] 100 garden and nuisance pests without harming roses, flower or shrubs

Can be used on [most popular] fruits and [&] vegetables (see back panel for details) Use in [on] Vegetable Gardens

Kills on Contact

Fast Acting Formula

Kills over 100 insects [bugs] [pests] on contact

New Improved Formula

Active Ingredient	
Esfenvalerate	00.0033%
Other Ingredients	99.9967%
-	100.0000%

KEEP OUT OF REACH OF CHILDREN CAUTION

See back panel [booklet] for additional precautionary statements.

NET 24 FL OZ (1 PT 8 FL OZ) 709 mL 30 FL OZ (1 PT 14 FL OZ) 886 mL 1/2 GAL / 1.89 L 1 GAL / 3.78 L 1.33 GAL/5 L/170 FL OZ

Applicator directions for nested sprayers

QUICK CONNECT SPRAYER [illustrations]

- 1. Remove sprayer. Pull cord ALL THE WAY OUT.
- 2. Insert red plug into spout (on cap) until it clicks.
- 3. Flip up spout. Open nozzle at end of sprayer.

Applicator directions for Pull 'N Spray

[Wand sticker]

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IMPORTANT! Follow directions and illustrations on back to assemble and use Pull 'N Spray correctly.

[Shoulder sticker] [Illustration]

- [Illustration] 1. Detach yellow wand and pull plug and tubing from bottom of wand. Insert plug firmly into "T-handle" until it clicks. ONCE CONNECTED, PLUG CANNOT BE REMOVED WITHOUT DAMAGING "T-HANDLE."
- [Illustration] 2. Slide white strip on cap, then grab "t-handle" and pull all the way up. JUST PULL UP NO NEED TO PUMP.
- [Illustration] 3. Point wand at area to be treated and push button to begin spraying. Twist nozzle at end of wand to adjust spray pattern.
- [Illustration] 4. Pull "T-handle" again as needed to continue spraying. JUST PULL UP – NO NEED TO PUMP. When finished, push "T-handle" gently down to cap and follow storage instructions.

Text for booklet labels:

Open Reseatable Label for Directions & Precautions PRESS TO RESEAL

[Product name] controls more than one hundred garden and nuisance pests. This easy to use one-step bug killer quickly kills insects without harming your roses, flowers or shrubs. Reapply [product name] as directed for a more beautiful garden.

Thank you for choosing Ortho. You'll like the results and so will your [yard] garden.

PRODUCT FAC	TS
KILLS BUGS [INSECT: [PESTS]	 Garden Pests: Aphids, beetles, caterpillars, whiteflies and [&] other garden pests [more] Nuisance Pests (outdoors): Ants, cockroaches, spiders, ticks (including ticks which [that] transmit Lyme disease) and [&] other nuisance pests [more]
[Option to list oth	er pests here that are listed elsewhere on this label.]
WHERE	 On roses, flowers, shrubs, vegetables and [&] fruits
TO USE	 Outdoor surfaces of buildings, porches and [&] patios
[Option to list oth	er sites here that are listed elsewhere on this label.]
	uestions, Comments or Medical Information call 1-800-225-2883 <u>www.ortho.com</u>

Specially formulated for residential use.

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DIRECTIONS FOR USE

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

FOR BEST RESULT	S
FOR BEST RESULTS HOW TO APPLY [optional illustration]	 Text for trigger sprayer: Adjust spray nozzle to give a fine spray. When done close nozzle. Text for nested sprayer: Adjust spray nozzle to give a fine spray. When done, flip down spout to close. NO NEED TO DISCONNECT TRIGGER SPRAYER. Close nozzle on trigger sprayer. Snap sprayer back in place. Text for Pull 'N Spray: Adjust nozzle on wand to deliver a narrow or wide spray. Pull up on handle – DO NOT PUMP. Follow illustrations and instructions above. Point wand at area to be treated and push button to begin spraying. Twist nozzle at end of wand to adjust spray pattern. Pull "T-handle" again as needed to continue spraying. JUST PULL UP – NO NEED TO PUMP. Hold wand 12 inches from the insect or surface being sprayed. Use only for spot treatment. Do not spray into the air. Spray until slightly wet without soaking. Garden Pests: Hold sprayer [wand] about 12 inches from plant. Thoroughly cover all plant surfaces until slightly wet, but not to the point of runoff. Alternative text: Spray plant to wet the upper and lower leaf surfaces until wet but not to the point of runoff. Nuisance Pests: Apply directly to the listed pests in outdoor areas. Also, spray outdoor surfaces of buildings, porches, patios, garages and [&] other areas where these bugs [insects] [pests] have been seen or are found. Do not spray in or near fishponds or other bodies of water.
WHEN TO APPLY [optional illustration]	Apply as necessary to maintain control waiting at least 7 days between each application.

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GARDEN PESTS [BUGS] [INSECTS] CONTROLLED [KILLED]

On Ornamental Plants including: Roses, Flowers, Shrubs and [&] Small [Shade] Trees

Aphid, Armyworm, Balsam Woolly Adelgid, Buckhorn Aphid, Cabbage Looper, Cucumber Beetle (adults) - spotted and [&] striped, Cutworm, European Pine Sawfly, Fall Webworm, Flea Beetle, Grasshopper, Gypsy Moth, Imported Cabbageworm, Japanese Beetle, Leafhopper, Looper, Northern Pine Weevil, Pine Chafer, Pine Coreid Bug, Red Pine Sawfly, Redheaded Pine Sawfly, Saltmarsh Caterpillar, Spittlebugs, Tent Caterpillar and [&] Whitefly

On Listed Vegetables and [&] Melons

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Alfalfa Caterpillar, Alfalfa Looper, Aphid, Armyworm, Artichoke Plume Moth, Beet Armyworm, Buckhorn Aphid, Cabbage Looper, Carrot Weevil, Celery Looper, Chinch Bug, Colorado Potato Beetle, Corn Earworm, Corn Rootworm (adults), Cowpea Curculio, Cucumber Beetle (adults) - spotted and [&] striped, Cutworm, Diamondback Moth, European Corn Borer, Flea Beetle, Grasshopper, Green Cloverworm, Imported Cabbageworm, Leafhopper, Looper, Lygus Bug, Mexican Bean Beetle, Painted Lady Caterpillar, Pea Aphid, Pea Weevil, Pepper Weevil, Pickleworm, Potato Leafhopper, Potato Psyllid, Potato Tuberworm, Rindworm, Saltmarsh Caterpillar, Sap Beetle, Southwestern Corn Borer, Squash Bug, Squash Vine Borer, Stalk Borer, Stink Bug, Tarnished Plant Bug, Tobacco Hornworm, Tomato Fruitworm, Tomato Hornworm, Tomato Pinworm, Vegetable Leafminer, Velvetbean Caterpillar, Western Bean Cutworm and [&] Whitefly

On Berries, Fruit and [&] Nut Trees

Apple Aphid, Black Cherry Aphid, Blueberry Spanworm, Cherry Fruitworm, Cranberry Fruitworm, Cranberry Weevil, Grasshopper, Leafhopper, Red Striped Fireworm, Codling Moth, Leafroller, Leafhopper, Green Fruit Worm, Plant Bug, Oblique Banded Leafroller, Variegated Leafroller, Tentiform Leaf Miner, San Jose Scale (on fruit only), Tufted Apple Budmoth, Plum Curculio, Oriental Fruit Moth, Apple Maggot, Red-Banded Leafroller, Lesser Appleworm, Rosey Apple Aphid, Periodical Cicada, Pear Psylla, Pear Slug, Naval Orangeworm, Peach Twig Borer, Filbert Worm, Peach Tree Borer, Lesser Peach Tree Borer, Cherry Fruit Fly, American Plum Borer, Pecan Weevil, Hickory Shuckworm, Pecan Nut Casebearer, Pecan Aphids, Pecan Spittlebug, Pecan Stem Phylloxera, Pecan Leaf Phylloxera, Walnut Aphid and [&] Walnut Husk Fly

Vegetables	Days to Wait to Harvest	Vegetables	Days to Wait₊to Harvest	Vegetables	Days to Wait to Harvest
Artichoke	7	Dry Beans	21	Radishes	7
Broccoli	3	Dry Peas	21	Snap Beans	3
Cabbage	3	Eggplant	7	Squash	3
Carrots	7	Green Peas	3	Sweet Corn	1
Cauliflower	3	Peppers	7	Tomatoes	1
Collards	7	Potatoes	7		
Cucumbers	3	Pumpkin	3		

Berries and [&] Melons	Days to Wait to Harvest	Small Fruit and [&] Nut Trees (such as container grown, dwarf or young trees)	Days to Wait to Harvest
Blueberry	14	Almond	21
Caneberries	21	Apple	21
(Blackberries,		Apricot	14
Loganberries, Red		Cherries	14
Raspberries and [&]		Filberts	21
Black Raspberries)		Nectarines	14
Elderberries	21	Peaches	14
Gooseberries	21	Pecans	21
Melons	3	Pears	28
		Plums	14
	[Prunes	14
		Walnuts	21

NUISANCE BUGS [INSECTS] [PESTS] CONTROLLED [KILLED]

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Ants, cockroaches (including German and Asian cockroaches), crickets, palmetto bugs, sowbugs, pillbugs, spiders, and [&] ticks which [that] transmit Lyme disease).

[reentry icon] People and pets may enter treated area after spray has dried.

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Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.

Avoid contamination of food or feedstuffs. Avoid contamination of food or food handling surfaces.

STORAGE AND DISPOSAL [optional icon]

[optional storage illustration]

STORAGE: Store in a cool, dry place. Keep container closed.

DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

STORAGE AND DISPOSAL FOR PULL 'N SPRAY [optional icon]

[optional storage illustration]

STORAGE: To store, push "T-handle" gently down to cap. Slide white strip on cap back to closed position. **LEAVE WAND PLUG CONNECTED TO "T-HANDLE."** Snap wand back into place on side of container. Store this product in its original container, in a secure area. Protect container from freezing.

DISPOSAL:

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If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS [optional icon] HAZARDS TO HUMANS & DOMESTIC ANIMALS CAUTION:

Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

FIRST AID:

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.

Have the product container or label with you when calling a Poison Control Center or doctor or going for treatment. Emergency Information: call 1-800-225-2883.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to fish and other wildlife. Do not apply directly to water. Do not contaminate water when disposing of equipment wash water or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.

Questions, Comments or Medical Information ? call 1-800-225-2883 www.ortho.com

Ortho® - Registered trademark of Monsanto Company EVERCIDE® - Registered trademark of McLaughlin Gormley King Company

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EPA Reg. No. 1021-1777 EPA Est. Superscript is first letter of lot number Made in USA

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