

08/25/2009



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Ms. Kellie Dixon, Chemist  
Enforcer Products  
A Division of Acuity Specialty Products Group  
1310 Seaboard Industrial Blvd.  
Atlanta, GA 30318

AUG 25 2009

Subject: Label Notifications for Pesticide Registration Notice 2007-4

Dear Ms. Dixon,

The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated February 3, 2009 and your label corrections submitted June 30, 2009 for the following products:

<b>Enforcer<sup>®</sup> Next Day<sup>®</sup> Grass &amp; Weed Killer Concentrate</b>	<b>EPA Registration Number 40849-59</b>
<b>Scorcher<sup>®</sup> Total Vegetation Killer</b>	<b>EPA Registration Number 40849-69</b>

The Registration Division (RD) has conducted its review of these requests for their applicability under PRN 2007-4 and finds that the label changes requested falls within the scope of PRN 2007-4. The labels submitted with the applications have been stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please call me directly at 703-305-6249 or Steve Schaible of my staff at 703-308-9362.

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

<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 Enforcer Products / 40849-59	2. EPA Product Manager Jim Tompkins	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Enforcer Next Day Grass & Weed Killer Concentrate	PM# 25	
5. Name and Address of Applicant (Include ZIP Code) Enforcer Products A Division of Acuity Specialty Products Group, Inc. 1310 Seaboard Industrial Blvd. Atlanta, GA 30318 <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. <b>NOTIFICATION</b> Product Name <b>AUG 25 2009</b>	

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 label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulation at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C Sec. 1001 to willfully make any false statement to the EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I 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 type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
					<input type="checkbox"/> Glass
					<input type="checkbox"/> Paper
					<input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 32, 64, 128 oz		5. Location of Label Directions <input checked="" type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input checked="" type="checkbox"/> Other silkscreen		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Kellie Dixon	Title Chemist / Compliance Services	Telephone No. (Include Area Code) 404-352-1680 x6421 5644	
<b>Certification</b> 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>Kellie Dixon</i>	3. Title Chemist / Compliance Services		
4. Typed Name Kellie Dixon	5. Date 2/3/09		

**NOTIFICATION**

**AUG 25 2009**

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**ENFORCER® NEXT DAY®  
GRASS & WEED KILLER CONCENTRATE**

**A Contact, Non-Selective, Non-Systemic Vegetation Killer for the Control of Broadleaf Weeds and Grasses**

**This product is inactivated on contact with the soil.**

**Kills Most Grasses and Weeds on Contact!**

**Makes 2.6 to 64 Gallons**

**Re-Seed or Re-Plant in 48 Hours**

**Rainfast in 30 Minutes**

**Covers up to \_\_\_\_ Sq. Ft.**

**ACTIVE INGREDIENT:**

Diquat Dibromide

..... 2.38%

**OTHER INGREDIENTS** ..... 97.62%

Total ..... 100.00%

Contains 0.14 lbs. Diquat cation per gallon as 0.25 lbs. salt per gallon.

**Keep Out of Reach of Children  
WARNING**  
  
**See back [side] panel for additional precautionary statements.**

**Net Contents: 32 Fl. Oz. (946 mL)**

*{Back Panel}*

**DIRECTIONS FOR USE**

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

**Entry Restrictions:** Do not allow people or pets to contact treated plants until the spray has dried.

**Application Restrictions:** Do not apply this product in a way that will contact any person or pet, either directly or through drift. Only persons applying this product may be in the area during application.

**User Safety Recommendations:**

- Wash clothing and protective equipment exposed to this product in detergent and hot water. Keep and wash such items separately from other laundry.
- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside; then thoroughly wash and put on clean clothing.

**Partial Listing of Weeds**

Annual Blue Grass, Chickweed, Crabgrass, Florida Pusley, Foxtail, Garden Spurge, Goosegrass, Henbit, Knotweed, Lambsquarter, Mayweed, Oxalis, Pigweed, Prickly Lettuce, Purslane, Puncture Vine, Redroot Pigweed, Sandspur, Shepards Purse, Sowthistle, Smartweed, St. Augustinegrass, Velvetweed, Wild Geranium and grasses that creep over, under or around lawn edging and that have grown-up through paved patios, walkways and driveways, such as Bahia Grass, Bermudagrass, Centipedegrass, St. Augustinegrass and Zyosiagrass.

1. Shake well before each use.
2. Choose the correct dilution rate according to the types of grasses or weeds to be controlled.
3. Select a method of application: sprinkler can, tank sprayer, trigger sprayer. Mix the product with water to the specified dilution rate.
4. Thoroughly wet the grasses or weeds to be controlled.
5. Undesirable weeds and grasses will begin to wilt and brown within hours.

TYPES OF WEEDS CONTROLLED	DILUTION RATE
<b>*Above-Ground Weeds:</b> Around buildings, walkways, patios, fence lines and driveways	½ ounce per gallon of water
<b>Easy to Control Weeds:</b> Such as ajuga, black medic, dandelion, morningglory, oxalis and plantain (broadleaf or lanceleaf)	3 - 5 ounces per gallon of water
<b>Hard to Control Weeds:</b> Such as barnyard grass, green foxtail, ground ivy, knotweed, portulace and spotted spurge	6 - 8 ounces per gallon of water
<b>Hardest to Control Weeds:</b> Such as crabgrass (smooth/large), goosegrass and quackgrass	9 - 12 ounces per gallon of water

Some hard-to-control weeds may require additional treatments.

\*See complete instructions on side panel under **Non-Crop/Non-Planted Areas**.

**General Weed Control in Non-Crop Areas:** Controls broadleaf weeds, brush and grasses by top kill of perennials and annuals. Kills most types of grass and weed on contact. This product kills only through the leaves .

**General Weed Control in Shrub Areas:** This product will not injure desirable plants provided the spray mist does not come in contact with the leaves of these plants. The concentrate becomes inactive on contact with soil.

**General Vegetation:** Controls weeds around buildings and other installations, walkways, patios, storage areas, greenhouse benches, fence lines, driveways, drainage ditches and sand traps.

**Non-Crop/Non-Planted Areas:** To kill above-ground weed growth around buildings, walkways, patios, beneath greenhouse benches, fence lines and driveways. For control of undesirable broadleaf and grass-type weeds, use ½ ounce of concentrate per gallon of water. Apply for complete coverage and thorough weed contact. Apply preferably to young growth and up to seedling of weeds. Repeat applications may be necessary to maintain control, particularly on grasses and established weeds. Do not contact with foliage, food crops or ornamental plants. Re-seed in 48 hours. Do not water treated areas for 24-36 hours after application. Do not allow anyone on treated areas within 24 hours of application unless protective clothing is worn.

**Helpful Hints:**

1. To achieve best results, apply on a sunny day when temperature is above 60°F in early morning after dew has evaporated. Do not apply if rain is expected within 12 hours of treatment. Do not water treated areas 24-36 hours after application.
2. Do not spray this product on desirable plants or grasses, as injury may result. To avoid drift to desirable plants, do not apply on windy days . If contact occurs, rinse the plants with water.
3. Use a higher dilution rate (up to 12 ounces per gallon of water) for hard-to-kill grasses and weeds, such as Bermudagrass.
4. Thoroughly wash application equipment after each use.

**PRECAUTIONARY STATEMENTS**

**Hazards to Humans and Domestic Animals**

**WARNING:** Causes skin irritation and moderate eye irritation. Avoid contact with eyes. Do not get on skin or on clothing. Thoroughly wash with soap and water after use.

**First Aid**

<b>If on Skin or Clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Immediately rinse skin with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in Eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. [You may also contact 1-800-xxx-xxxx for emergency medical treatment information.]  <b>Note to Physician:</b> Vomiting may cause aspiration pneumonia.</p>	

{Note: The First Aid statements' grid format will be used if market label space permits; otherwise a paragraph format will be used.}

**Environmental Hazards**

This product is toxic to aquatic invertebrates. Do not apply directly to water.

**Storage and Disposal**

**Storage:** Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. **Disposal:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Never place unused product down any indoor or outdoor drain.

*(Note to reviewer. If container sizes is equal to or less than 5 gallons, the following statement will be used.)*  
Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank and store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

*(Note to reviewer. If container sizes is greater than 5 gallons, the following statement will be used.)*  
Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank and store rinsate for later use or disposal. Repeat this procedure two more times.

Products must bear a batch code. This is a lot number or other code used by the registrant or producer to identify the batch of the pesticide product distributed and sold.

Next Day® is a registered trademark of Enforcer Products.

Copy \_\_\_\_\_  
Product Code \_\_\_\_\_

**EPA Reg. No. 40849-59**  
**EPA Est. \_\_\_\_\_**  
**[Postscript is first letter of code number on bottom of can.]**

Manufactured [Distributed] By  
**ENFORCER® PRODUCTS**  
A division of Acuity Products Group, Inc.  
P.O. Box 1060  
Cartersville, GA 30120-1060  
Questions? Call (xxx) xxx-xxxx, Monday – Friday, 9am-5pm EST  
[www.[url].com]

**NOTIFICATION**  
**AUG 25 2009**