

70299-25

11/7/2013

V/11



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 7, 2013

BioSafe Systems, LLC
22 Meadow Street,
East Hartford, CT 06108
Attn: Donna Bishel

Subject: Notification to add new EPA Establishment Numbers to Master Label per PR Notice 98-10.

Changes include the following:

Page 1 of the Master Label – Add EPA Est. No. 72038-DE-001, 089402-OK-003, 067441-IL-001, 70299-CT-001. **Delete** EPA Est. No. 064784-OK- 001.

Product Brand Name: **AXXE Home and Garden Herbicide.**

EPA Reg. No: 70299-25.

Your Submission dated September 9, 2013.

Dear Ms. Bishel:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration Notice (PRN) 98-10 dated above. A screen of this request has been conducted for its applicability under PRN 98-10, and it has been determined that the action requested falls within the scope of this Notice. Our records have been duly noted, and the label submitted with this application has been stamped "Notification Accepted" and will be placed accordingly in our records.

Three (3) copies of final printed labeling must be submitted to the Agency before your product as modified, may be sold or distributed [PR Notice 82-2 and 40 CFR 156.10(a) (6)].

2/11

If you have any questions regarding this action, you may contact Mr. Sylvester George at (703) 603-0688 or via e-mail at george.sylvester@epa.gov.

Sincerely,

Linda A. Hollis

Linda A. Hollis, Chief
Biochemical Pesticide Branch
Biopesticides and Pollution
Prevention Division (7511P)



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 70299-25	2. EPA Product Manager Linda Hollis	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) AXXE Home and Garden Herbicide	PM# 91/Biochemical Pesticides Br/BPPD	
5. Name and Address of Applicant (Include ZIP Code) BioSafe Systems, LLC 22 Meadow Street East Hartford, CT 06108 <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 _____
<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 add new EPA Est. No. to the 70299-25 label per PR Notice 98-10. Refer to attached cover letter for details. 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 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 EPA. I further understand that if this notification is not consistent with the terms of PRN Notice 98-10, and 40 CFR 152.46, this product may be in violation of FIFRA and 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
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted				Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 32. fl. oz., 1 gallon, 2.5 gallon	5. Location of Label Directions <input checked="" type="checkbox"/> on container label			
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued 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 Donna Bishel / dbishel@biosafesystems.com		Title Technical Director		Telephone No. (Include Area Code) (410) 878-7700	
<p align="center">Certification</p> <p>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.</p>					6. Date Application Received (Stamped)
2. Signature 		3. Title Technical Director			
4. Typed Name Donna Bishel / dbishel@biosafesystems.com		5. Date September 9, 2013			



22 Meadow Street
East Hartford, CT 06108
Phone: 860.290.8890
Fax: 860.290.8802
E-mail: info@biosafesystems.com
Web: biosafesystems.com

4/11

Linda Hollis
Chief, Biochemical Pesticide Branch
Biopesticides and Pollution Prevention Division (7511P)
Office of Pesticide Programs, EPA
One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

September 9, 2013

**RE: AXXE Home and Garden Herbicide
EPA Registration No. 70299-25**

Notification to add new EPA Est. Numbers to Master Label

Dear Ms. Hollis:

Enclosed with this letter you will find the following in support of a notification to add to the Master Label for the above referenced product:

- 1) EPA application form;
- 2) One (1) copy of the proposed Master label with the changes marked in redline.

The submission of new Master Label dated September 9, 2013, will include:

- Page 1 of the Master Label: Add EPA Est. No. 72038-DE-001, 089402-OK-003, 067441-IL-001, 70299-CT-001; Delete EPA Est. No. 064784-OK-001.

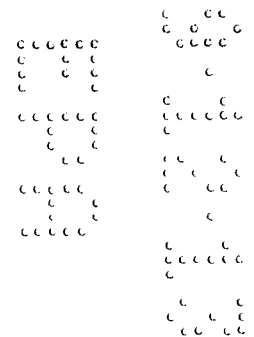
All of these changes are:

- a. Consistent with PR Notice 98-10 and 40 CFR Part 156; and
- b. Involve no change in the ingredients statement, signal word, use classification, precautionary statements, First Aid, physical/ chemical/ biological properties, storage and disposal, or directions for use advisory and mandatory language.

Please do not hesitate to contact me directly with any questions and/ or concerns at (410) 878-7700 or at dbishel@biosafesystems.com.

Sincerely,

Donna Bishel
Technical Director for BioSafe Systems, LLC



5/11

AXXE Home and Garden Herbicide

(Alternate Brand Names: AXXE Weed Killer, BioSafe Weed Control)

FOR ORGANIC GARDENING Non-selective Herbicide

FOR RESIDENTIAL USE

For contact spray control or burndown of weeds and grasses for ornamentals, turf, landscapes, interiorscapes, greenhouses, non-crop areas on residential sites.

NOT FOR FOOD USE

ACTIVE INGREDIENT: Ammonium Nonanoate..40.00%

OTHER INGREDIENTS:..... 60.00%

TOTAL:..... 100.00%

AXXE Home and Garden Herbicide contains 3.3 lbs. of ammonium nonanoate per US gallon.

KEEP OUT OF REACH OF CHILDREN WARNING "AVISO"

FIRST AID	
If in eyes	<ul style="list-style-type: none"> • 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 inhaled	<ul style="list-style-type: none"> • 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 clothing	<ul style="list-style-type: none"> • 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.
HOT LINE NUMBER	
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency information on AXXE Home and Garden Herbicide, call the National Pesticides Information Center at 1-800-858-7378, 6:30AM to 4:30PM Pacific Time (PT), seven days a week. During other times, call the Poison Control Center at 1-800-222-1222.</p>	

See (back) (side) (inside) (panel) (label) for first aid, additional precautionary statements and directions for use.

EPA Registration No. 70299-25

Batch Code _____

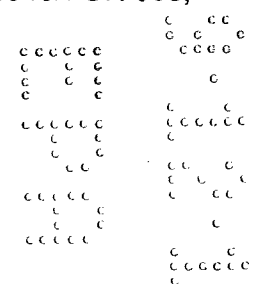
EPA Establishment No. 067441-IL-001, ~~064784-OK-001~~, 72038-DE-001, 089402-OK-003, 70299-CT-001

Produced for:

BioSafe Systems, LLC, 22 Meadow St., East Hartford, CT 06108

(888) 273-3088

Net Contents: 1 pint, 1 quart, 1 gal & 2.5 gal



AXXE Home and Garden Herbicide; EPA Reg. No. 70299-25

Notification

Redline Copy Label version (5) dated August 9, 2013

Page 1 of 7

6/11

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Warning: Causes substantial, but temporary eye irritation. Do not get in eyes or on clothing. Wear goggles. Harmful if inhaled. Avoid breathing spray mist. Causes moderate skin irritation. Avoid contact with skin or on 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

For terrestrial uses only: This pesticide is toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems. This product is toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product if bees are visiting the treatment area.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the State/Tribal agency responsible for pesticide regulation.

METHODS OF USE AND GENERAL APPLICATION INSTRUCTIONS

General Instructions:

AXXE Home and Garden Herbicide is a contact non-selective herbicide for spray application only to undesirable plant growth. Do not allow spray to contact any green plant parts of desirable plants. AXXE Home and Garden Herbicide provides control and burndown suppression of annual and perennial broadleaf and grass weeds. Spore producing plants such as mosses and liverworts are also controlled. The amount of burndown and the duration of weed suppression may be reduced when weed growth conditions are unfavorable or when plants are mature.

AXXE Home and Garden Herbicide is non-volatile and water soluble for foliar application in manual pump sprayers. Complete and uniform coverage of weeds by the spray solution is required for the best weed control. Plant foliage will change from a green color to brown/black necrotic tissue within one to two hours after spray application of AXXE Home and Garden Herbicide diluted with water. AXXE Home and Garden Herbicide effect on plant tissue may be more rapid in warm weather than in cold conditions. However, weed control is normally unaffected by temperature.

AXXE Home and Garden Herbicide herbicide is a soap product which penetrates the cell walls of plants to disrupt the cellular organization of physiological functions which are compartmentalized by membranes within the cell walls. Plant growth ceases when cellular contents are mixed which causes brown necrotic plant tissue.

7/11

AXXE Home and Garden Herbicide does not migrate through the soil and is not translocated in plants. Plant leaves must be thoroughly and uniformly covered with the spray solution to ensure satisfactory control. AXXE Home and Garden Herbicide does not provide any residual weed control in soil to affect germinating weed seeds.

Mixing and Application Instructions:

For use, AXXE Home and Garden Herbicide is diluted with water to the specified concentration for effective control of the undesirable vegetation. Dilution must be in accordance with label instructions. Do not apply this product through any type of irrigation system. Spray equipment options include hand-held and hose-end sprayers. Spray nozzles that produce a uniform spray will give maximum coverage of the leaves and improved weed control. AXXE Home and Garden Herbicide is completely soluble in water and when uniformly mixed, no additional mixing or agitation is required.

A 10 -13% volume to volume (V/V) dilution (13 -16 fl. oz. per gallon of water) is recommended for most weed control situations and based on the results, applicators may increase or decrease spray concentrations as discussed in the following text and tables to obtain better control or to reduce herbicide use. See required concentration for variously sized weeds and grasses in Application Rates Section. Larger weeds, perennial weeds and some grasses may require several applications for complete control.

Application Precautions:

- Do not apply to weeds when wet from dew, rain or water.
- Do not water within 2 hours after application.
- Do not apply if rainfall is expected within 2 hours.

During application, some foaming may occur; however, weed control is unaffected if the foam is deposited on the plant surface and is not blown away as drift. Foaming can be reduced by using the minimum spray pressure required for a uniform application to the target weeds. Use low spray pressure to reduce foaming and avoid contact with desirable plants. Most spray nozzles are designed to operate at 10 to 15 psi and provide uniform spray coverage of weeds.

Mixing:

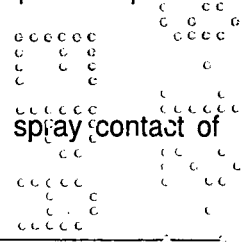
Fill sprayer tank with half the required amount of water, add the full amount of AXXE Home and Garden Herbicide to be used (see Dilution Factors below), then fill the sprayer tank with the remainder of the water required for the desired final concentration. Since AXXE Home and Garden Herbicide is completely soluble in water and when uniformly dispersed in water, continuous mixing or agitation is not required.

Hand-Held Equipment

Thorough saturation of the foliage and stems is required for control. Stop sprays when run-off from weed leaves occurs. Use low spray pressure to reduce foaming and avoid contact with desirable plants. Most spray nozzles are designed to operate at 10 to 15 psi and provide uniform spray coverage of weeds.

Directed Spray Equipment

Use a shielded sprayer to prevent spray contact on desirable plants. Avoid spray contact of green plant stems or green bark of young trees and shrubs.



Hose End Sprayer

Follow use directions on manufacturers hose end sprayer. Attach AXXE Home and Garden Herbicide hose end sprayer to the end of a garden hose and turn on water. Set hose-end sprayer to "Mix" setting. Spray weeds until spray runs off leaves. Turn water off and detach hose-end sprayer when not in use.

NOTE: In areas of hard water, the final mixture may appear milky. This condition does not change the effectiveness of the treatment. Some visible foam may appear on the leaves as the plants are sprayed. Repeat applications as often as necessary to obtain desired control.

Application Rates:

For general weed and grass control, rates are based on the size of the plants and/or the desired speed of kill. The larger the plants, the higher the application rates needed to ensure maximum herbicidal activity. Also, the higher the concentration, the quicker the plants wilt and turn brown. Apply AXXE Home and Garden Herbicide spray solutions only when weed surfaces are dry.

The rate table presents the suggested percent volume/volume (V/V) solutions of AXXE Home and Garden Herbicide to use for application as follows:

- Use a 6 to 8 % V/V AXXE Home and Garden Herbicide spray solution for control of annual weeds of 1 inch height or less and for control of liverworts and mosses.
- Use an 8 to 10% V/V AXXE Home and Garden Herbicide spray solution for control of annual weeds over 1 inch height and up to 4 inch height.
- Use a 10 to 13% V/V AXXE Home and Garden Herbicide spray solution for weeds over 4 inch height and for hard to control weeds.
- A 15% V/V AXXE Home and Garden Herbicide spray solution is the maximum labeled rate. Use this rate for hard to control perennial weeds or extremely dense weed growth.

Repeat spray applications as necessary to obtain the desired control or suppression of weeds from newly germinated weed seeds and regrowth from roots or stems.

RATE TABLE

Final Spray Volume (gallons)	Amount of AXXE Home and Garden Herbicide for Percent V/V (Volume/Volume) Solution				
	6%	8%	10%	13%	15%
1	8 fl oz	10 fl oz	13 fl oz	1 pt	1.2 pt
2	1 pt	1.3 pt	1.3 pt	2 pt	2.4 pt
5	2.5 pt	3.3 pt	4 pt	5 pt	6 pt
10	5 pt	6.5 pt	1 gal	1.3 gal	1.5 gal
20	1.3 gal	1.6 gal	2 gal	2.6 gal	3.0 gal

Height of Plants to be Controlled
 1 inch or less
 1 to 3 inches

Spray Solution (% V/V)
 6 to 8%
 8 to 10%

Above 3 inches

10 to 13%

NOTE: Do not use spray concentrations higher than 15% in a pressure sprayer since unacceptable foaming and bubble formation may occur at the nozzle heads.

Use Methods

Determine the weed control situation and select the use method required as follows:

A. Vegetative Burndown: Broadcast spray for weed control for no-till planting or seedbed preparation to control weeds prior to seeding or transplanting. Spot sprays may be used in ornamentals and turf.

B. Directed and shielded sprays: Spray nozzle type or configuration for directed spray or a shield placed around the nozzle to prevent spray contact on the foliage or green stems or bark. Directed/shielded spray applications to area between plastic mulch strips and staked crops for weed control.

PESTS

I. Weeds controlled or suppressed by AXXE Home and Garden Herbicide:

COMMON NAME	TAXONOMIC NAME
Broadleaf Weeds:	
Algae	<i>Gloeocapsa magma</i>
Bittercress, hairy	<i>Cardamine hirsuta</i>
Chickweed, common	<i>Stellaria media</i>
Chickweed, mouse-ear	<i>Cerastium vulgatum</i>
Cocklebur, common	<i>Xanthium strumarium</i>
Corn spurry	<i>Spergula arvensis</i>
Cudweed, purple	<i>Gnaphalium purpureum</i>
Groundsel	<i>Senecio spp.</i>
Lambsquarters, common	<i>Chenopodium album</i>
Liverwort	<i>Machantia spp.</i>
Marestail or Horseweed rosettes	<i>Conyza canadensis</i>
Morning glory, annual	<i>Ipomoea spp.</i>
Moss	<i>Bryophyta</i>
Mustards	<i>Brassica spp.</i>
Oxalis or Woodsorrel	<i>Oxalis stricta</i>
Pansy, wild	<i>Viola tricolor</i>
Plantain	<i>Plantago spp.</i>
Pigweed, smooth and redroot	<i>Amaranthus spp.</i>
Mallow, roundleaved	<i>Malva spp.</i>
Moneywort	<i>Lysimachia nummularia</i>
Shepherdspurse	<i>Capsella bursa-pastoris</i>
Sorrel, sheep	<i>Rumex acetosella</i>
Spurge, spotted	<i>Euphorbia maculata</i>
Field pennycress	<i>Thlaspi arvense</i>
Velvetleaf	<i>Abutilon theophrasti</i>

Grass and Other Weeds:

Bentgrass, colonial	<i>Agrostis tenuis</i>
Bluegrass, annual	<i>Poa annua</i>
Crabgrass, large	<i>Digitaria sanguinalis</i>
Fescue, creeping red	<i>Festuca rubra</i>
Fescue, hard	<i>Festuca ovina</i>
Nimblewill	<i>Muhlenbergia scheberi</i>
Onion, wild	<i>Allium canadense</i>
Ryegrass, perennial	<i>Lolium perenne</i>
Star-of-Bethlehem	<i>Ornithogalum nutans</i>

II. Weeds Moderately Difficult to Control¹

Bermudagrass (Wireweed)	<i>Cynodon dactylon</i>
Bindweed, field	<i>Convolvulus arvensis</i>
Dandelion	<i>Taraxacum officinale</i>
Nutsedge, yellow	<i>Cyperus esculentus</i>
Ragweed, common	<i>Ambrosia artemisiifolia</i>

¹Use 13 to 15% V/V AXXE Home and Garden Herbicide for control or suppression.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

Pesticide storage:

Store in original containers in a cool, well-vented area, away from direct sunlight. Do not allow product to become overheated in storage. This may cause increased degradation of the product, which will decrease product effectiveness. In case of spill, flood area with large quantities of water. Do not store in a manner where cross-contamination with other pesticides or fertilizers could occur.

Pesticide 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 for disposal instructions. Never place unused product down any indoor or outdoor drain.

Container Disposal:

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

For non-medical emergencies or spills, see AXXE Home and Garden Herbicide MSDS or call CHEMTREC at 800-424-9300.

11/11

WARRANTY

This material conforms to the description on the label and is reasonably fit for the purposes referred to in the directions for use. To the fullest extent permitted by law, the seller shall not be liable for timing, unfavorable temperatures, water conditions, presence of other materials, method of application, weather, watering practices, nature of soil, disease problem, condition of crop, incompatibility with other chemicals, pre-existing conditions and other conditions influencing the use of this product. To the fullest extent permitted by law, buyer assumes all risks associated with the use, storage, or handling of this material not in strict accordance with directions given herewith. To the fullest extent permitted by law, NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY IS MADE.

This product is protected by U. S. Patent No. 6,323,156.

Optional Label Claims:

- Non-residual herbicide
- For control or burn down of a broad spectrum of weeds, mosses on contact
- For control of unwanted vegetation
- Easy to use
- Fast acting
- Weed and grass killer
- Acts on contact
- Broad spectrum
- Visible results within 24 hours
- Inactivated on contact with soil
- Will not leach through the soil to harm desirable plants
- Leaves no harmful residues
- Non - selective herbicide
- Effective weed and grass control
- Grass and weed knockdown
- Eliminates vegetation and leaves area weed free
- Ideal for spot weed control around ornamental trees, bushes and flowers
- Ideal for trimming and edging along walkways, driveways, trees and landscaping beds
- For control or burndown of a broad spectrum of weeds on contact
- For non-selective control of herbaceous broadleaf weeds, and grasses
- For control or burndown of weeds and grasses
- Controls annual and perennial weeds
- Controls grasses and broadleaf weeds
- For weed control in and around the home and gardens
- For organic gardening

CCCCC
C C C
C C C
CCCCC
C C C
CCCCC
C C C
CCCCC