

8119-8

5-21-2007

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

NOTIFICATION

MAY 21 2007

Ms. Rebecca M. Horton
Consultant/Agent for Matson, LLC
Matson, LLC
P.O. Box 1820
North Bend, WA 98045

RE: Notification of Revised Warranty Statement
EPA Reg No.: 8119-8
Date of Submission: April 26, 2007

Dear Ms. Horton:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated April 26, 2007, for the product Ready-to-Use Hinder Deer & Rabbit Repellent. 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 cursive script that reads "Linda Arrington for".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

Registrations by Design, Inc.™

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

CERTIFIED MAIL #7007 0220 0002 4345 2370
April 26, 2007

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


NOTIFICATION
MAY 21 2007

Re: Matson, LLC – Notification of revised warranty statements
EPA Reg. No. 8119-7, Concentrate Hinder Deer & Rabbit Repellent
EPA Reg. No. 8119-8, Ready-to-Use Hinder Deer & Rabbit Repellent

Attn: Linda Arrington
Notifications & Minor Formulations Team Leader

On behalf of Matson, LLC of North Bend, Washington, enclosed is notification of revised Warranty/Disclaimer statements for the above-referenced pesticide registrations -- for compliance with the Agency's October 2006 Warranty Statement Guidelines.

Best regards,



Rebecca M. Horton
Consultant/Agent for
MATSON, LLC

e-mail: hortonb@ntelos.net

/bmh

Enclosures

cc: DGrassman/Matson





United States
Environmental Protection Agency
 Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 8119-8	2. EPA Product Manager Dan Kenny	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ready-To-Use Hinder Deer & Rabbit Repellent	PM# 4A	
5. Name and Address of Applicant (Include ZIP Code) Matson, LLC PO Box 1820 North Bend, WA 98045 <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

Amendment - Explain below. Final printed labels in response to Agency letter dated _____

Resubmission in response to Agency letter dated _____ "Me Too" Application.

Notification - Explain below. Other - Explain below.

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

NOTIFICATION: Revised Warranty Statement

NOTIFICATION

MAY 21 2007

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. Matson, LLC 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 Matson, LLC 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 <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input 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
 Label Container

4. Size(s) Retail Container

5. Location of Label Directions

6. Manner in Which Label is Affixed to Product
 Lithograph
 Paper glued
 Stenciled 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 for Matson, LLC	Telephone No. (Include Area Code) (540) 375-8826
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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 both under applicable law.

2. Signature <i>Rebecca M. Horton</i>	3. Title Consultant/Agent for Matson, LLC	6. Date Application Received (Stamped)
4. Typed Name Rebecca M. Horton	5. Date April 26, 2007	

NOTIFICATION

MAY 21 2007

For Homeowner Use Only

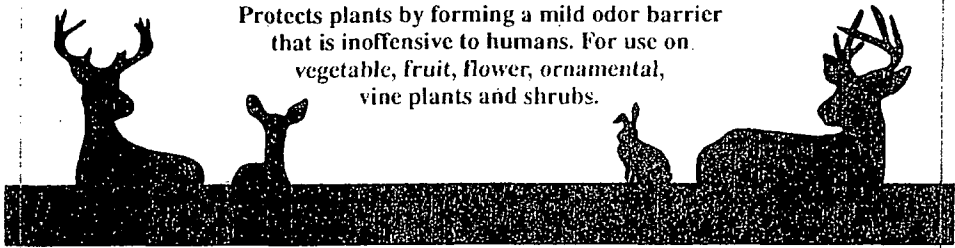
THIS PRODUCT NOW CONTAINS DENATONIUM BENZOATE.

READY-TO-USE

Hinder[®] Plus

DEER & RABBIT REPELLENT

Protects plants by forming a mild odor barrier that is inoffensive to humans. For use on vegetable, fruit, flower, ornamental, vine plants and shrubs.



Active Ingredients (by weight)	
Ammonium Benzoate	0.66%
Other Ingredients	99.34%
Total	100.00%

NET CONTENTS 24 fl oz (0.71 Liters)

**KEEP OUT OF REACH OF CHILDREN
CAUTION / CUIDADO**

Read precautions and directions in and on back panel.

M&E, Inc. North Carolina, NC 27405

12202

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. READ THE ENTIRE LABEL BEFORE USING THIS PRODUCT. USE ONLY ACCORDING TO THE FOLLOWING DIRECTIONS AND OBSERVE ALL PRECAUTIONS.

Ready-To-Use Hinder® Plus Deer and Rabbit Repellent creates a mild odor barrier that is inoffensive to humans once applied. It is most effective when applied **before** animals develop their feeding habits and damage has occurred. Because this product works on an odor principle, it repels deer and rabbits before they eat treated plants and helps to protect new growth as it begins to emerge. The objective in using this product is to divert animals to alternative food sources and away from valuable plants. When animal feeding pressure is extraordinary (as in drought conditions) no product can be 100% effective; animals will feed even on treated plants rather than starve.

USE RESTRICTIONS

This product may be used to limit browsing by white tail deer (odocoileus virginianus) and black tail or mule deer (O. hemionus), on ornamental trees and shrubs, annual and perennial flowers, apple and pear trees, and carrots.

This product may also be used to discourage feeding by cottontail rabbits (sylvilagus floridanus) and blacktail jack rabbits (lepus californicus) on home gardens and on the trunks of ornamental trees.

Do not reenter treated areas until after the spray has dried.

When considering use of this product during cold weather, note that a temperature of at least 40°F for a four hour period is needed to allow proper drying time.

Do not apply this product with sprayers previously used for herbicides. Do not spray this product on wilted plants. Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands or animals. Apply only when wind speed is not more than 10 mph. For sprays, apply largest size droplets possible.

Check relevant sections of application directions for information on phytotoxicity and other specific limitations on treatments.

APPLICATION DIRECTIONS

READY-TO-USE HINDER® PLUS DEER AND RABBIT REPELLENT works on an odor principle. The minor ammonia odor emanating from treated plants may divert deer and rabbits to other food sources.

SHAKE CONTAINER WELL BEFORE APPLYING ITS CONTENTS. This product may be applied by a tank type or power sprayer, and is already diluted for use.

Under reasonably dry conditions, this product should be reapplied every 7 - 14 days for as long as plant protection is needed and the treatments appear to be effective.

Rains may wash this product off treated vegetation. Treatment should be repeated after heavy rains. Do not apply this product when rain is expected within the next 24 hours.

For best results, apply this product before the animals start feeding on the plants to be protected. Under conditions of severe hunger, treated plants may be damaged substantially. In some cases, protection of plants from deer damage may be enhanced by providing a secondary food source such as baled hay just outside the treated area at the time of treatment. In other cases, permanent fencing or temporary enclosures may be needed.

Consult specific directions (below) for the target species and type of treatment involved in your control situation.

DEER

Apple and pear trees: Treat outer vegetation on all lower branches up to 6 - 8 feet above the ground surface. Apply coarse spray until all vegetation to be protected has been made wet. Do not apply during bloom period as treatments may damage plants (phytotoxicity) especially new growth. Applications made between petal fall and harvest on fruit bearing apple and pear trees may cause cosmetic injury (spotting) to the fruit.

Ornamental trees and shrubs: Apply as a full coverage coarse spray. For ornamentals, also treat a 2 - 3 foot radius of the lawn around the plants to be protected. Do not water or irrigate from overhead for at least 24 hours after treatment.

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DEER cont...

Annual and perennial flowers: Apply as a full coverage coarse spray. Treat a 2 - 3 foot wide band around isolated beds. Do not water or irrigate from overhead for at least 24 hours after treatment. **Note:** a preliminary trial is recommended to determine plant tolerance. Open flowers (petunias, impatiens, begonias) may show spotting and petal fall after treatment. Foliage on some sensitive plants (e.g. impatiens, zinnia, bleeding heart, roses, and columbine) can show minor marginal burning. New foliage growth and flower buds that open after treatment usually will be unaffected (except for salvia, and possibly some other types).

Carrots: Apply enough coarse spray to lightly cover all plants.

RABBITS

Home gardens: Apply as a thorough coverage coarse spray to plants susceptible to rabbits.

Trunks of ornamental trees: Apply this product by brush to trunks of plants to be protected. Apply to just above the height that rabbits might reach

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions. If these terms are not acceptable, return at once, unopened.

STORAGE AND DISPOSAL

Storage: Keep this product only in its original container. Do not put Ready-To-Use product or dilute in food or drink containers. Store in a cool, dry locked location and not accessible to children or pets. Avoid contamination of feed or foodstuffs.

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.

IMPORTANT NOTICE: Recommendations for use of this product are based upon tests and/or information believed to be reliable. Seller warrants that this product conforms to its chemical description and is reasonably fit for the purposes stated on the label when used in accordance with the directions and instructions specified on the label under normal conditions of use. The use of this product is beyond the control of the seller; therefore neither this warranty nor any other warranty of merchantability or fitness for a particular purpose, express or implied, extends beyond refund of the purchase price. Buyer assumes all risk of improper storage and application of this product or its improper use.

**PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals**

CAUTION: Harmful if inhaled. Avoid breathing spray mist. Remove contaminated clothing and wash clothing before reuse.

CUIDADO: Peligrosa si se respira. Si usted no le lee, no use este producto hasta que alguien se le explique ampliamente la etiqueta.

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 swallowed	<ul style="list-style-type: none">• Call 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 the poison control center or doctor.• Do not give anything by mouth to an unconscious person.
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

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Information Center (NPIC) at 1-800-858-7378.

ENVIRONMENTAL HAZARDS:

This product may be hazardous to aquatic invertebrates. Do not apply directly to water, areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning equipment or disposal of water.



122002

Mfd. for: Matson, LLC
P.O. Box 1820, North Bend, WA. 98045
www.protectyourgarden.com
EPA Reg. No. 8119-8
EPA Est. No. 033518-CN-001
Printed in USA / Made in Canada

PRECAUTION: See inside label for Directions for Use, Additional Precautions, Environmental Hazards and Storage & Disposal Information.

Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

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