

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 28, 2007

Bird Control International Corporation
c/o H.R. McLane, Inc.
7210 Red Road, Suite 206
Miami, FL 33143-5321

Attention: Mr. H. R. McLane

Subject 4 The Birds Transparent Bird Repellent Liquid
EPA Reg. No. 8254-3
Amendment to Control Beavers
Your amended application of December 13, 2004

Purpose This application proposes to amend the registration of this product, under sec 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to allow its use on trees on the periphery of aquatic areas where beavers may damage trees. This is a new use for polybutenes.

Label The labeling submitted with the above letter, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is acceptable, provided you submit one (1) copy of final printed labeling to us, with the following changes, before you ship your product.

1. Delete pigeons from the "Front Panel" of the label.
2. On the "Front Panel", revise text under the product name to read,

To discourage starlings from roosting or perching on the inside supports of buildings and structures and on the branches of vegetation adjacent to those buildings and structures. To discourage beavers from damaging trees".
3. In the "Ingredient Statement", revise the 1st line to read, "ACTIVE INGREDIENT".

**Label-
continued**

4. In the "FIRST AID" text, revised the 3rd Paragraph to read:

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or a doctor, or 1-800-858-7378 immediately for treatment advice.

To be consistent, change "If In eyes:" to "If in eyes:" and "If on skin:" to "If on skin:"

5. After "IMPORTANT. NOTICE", begin this section with "To the extent consistent with applicable law, ..."
6. Revise beginning of the "STORAGE AND DISPOSAL" text as follows:

STORAGE AND DISPOSAL

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

STORAGE: Store only in original container in a cool, dry place inaccessible to children and pests.

PESTICIDE STORAGE: ... out of smoke.

7. Delete the unneeded period in the paragraph headings (e.g., "PESTICIDE DISPOSAL.").
8. Revise your "DIRECTIONS FOR USE" according to Enclosure 2 to correct the spelling, technical, and format problems.
9. Follow the type size guidance found in Enclosure 3.

**Existing
stocks**

Stocks of existing labels may be used for eighteen (18) months.

**Consequence
for non-
compliance**

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

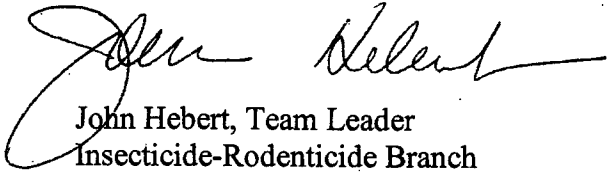
Data

The registrant is reminded that the company needs to have efficacy data on file for this use for future inspection by enforcement or submission to the Agency if it received reports suggesting a pattern of product ineffectiveness.

Questions

If you have questions about this letter, please contact me at 703-305-5407 (phone); 703-305-6596 (fax); or peacock.dan@epa.gov (E-Mail).

Sincerely,



John Hebert, Team Leader
Insecticide-Rodenticide Branch
Registration Division (7504C)

Enclosures

1. Stamped label
2. Directions for Use
3. Minimum Type Size Requirements for Final Printed Labels

File Location

Dan Peacock, Flash Drive, 2gb, P:\Documents\Word, WP, Excel, etc\polybutenes\8254-3, new use, beavers\8254-3, R-23, beavers, approval, 12-27-2007, ver 3, final.doc

4 the Birds® TRANSPARENT Bird Repellent

ACCEPTED
with COMMENTS
in EPA Letter Dated:

DEC 28 2007

Liquid

Under the Federal Insecticide, Fungicide, and Rodenticide Act
and approved for use as a pesticide registered under EPA Reg. No.
8254-3

**TO DISCOURAGE STARLINGS AND PIGEONS FROM ROOSTING OR
PERCHING ON INSIDE SUPPORTS AND OUTSIDE VEGETATION**

EPA REG. NO. 8254-3
EPA EST. NO. 8254-OH-1

ACTIVE INGREDIENTS
Po;ubutene..... 49.0%
OTHER INGREDIENTS 51.0%
TOTAL 100.0%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See additional Precautionary statements on Back Panel

**BIRD CONTROL
INTERNATIONAL**
1393 E. Highland Road
Twinsburg, OH 44087
U.S.A.

Net Contents: 1 Gallon (U.S.) (3.786 Liters)

SHAKE WELL BEFORE USING

FIRST AID

Have this label with you when obtaining treatment advise.

If Inhaled: Move person to fresh air. If person is not breathing, call an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center, doctor or 1-800-858-7378 immediately for treatment advice.

If on skin: Take off contaminated clothing, or clothing. Rinse skin immediately with plenty of water for 15 - 20 minutes. Call a poison control center or a doctor or 1-800-858-7378 immediately for treatment advice.

If in eyes: Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION Harmful if absorbed through the skin or inhaled. Causes moderate eye irritation. Avoid contact with eyes, skin, clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

Small birds may become fatally entrapped by this tacky repellent. To reduce hazards to legally protected species, and to avoid noncompliance with the Federal Migratory Bird Treaty Act, follow all instructions in the Directions For Use.

PHYSICAL and CHEMICAL HAZARDS
DO NOT APPLY TO ANY SURFACES WHERE WORKERS, OR OTHERS, MAY STEP ON THE MATERIAL, AS IT MAY BE SLIPPERY, ESPECIALLY IF WET.

IMPORTANT NOTICE. Seller makes no warranty, expressed or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed or by storage or disposal. **STORAGE:** Store only in original container, in a cool, dry place inaccessible to children or pets.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Do not reuse empty container. Triple rinse (or equivalent). Then offer for recycling, or reconditioning, or puncture and dispose of in a sanitary landfill, or by burning, if allowed by state and local authorities. If burned, stay out of smoke.

DIRECTIONS FOR USE

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

USE RESTRICTIONS:

This product may be used to discourage starlings, from roosting or perching on the surfaces listed below FOR INTERIOR USE and FOR EXTERIOR USE. "4 the Birds" Bird Repellent liquid is a transparent, sticky product that remains tacky at 150° F and will not run at temperatures up to 200° F after initial application has set.

Do not use 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.

NOTE: Do not apply this product directly to trees, bushes or vines that are in bloom or bearing fruit except as indicated on this label for use as a paint on the lower areas of tree trunks to repel Beavers' destruction of the trees.

DO NOT APPLY AT LOCATIONS WHERE DESIRABLE SPECIES OF BIRDS MIGHT BECOME ENTANGLED IN THE REPELLENT. Do not contaminate food or livestock feed with this product.

APPLICATION DIRECTIONS:

Surface Preparation: Clean surfaces to be treated to promote adhesion of repellent. Wipe or scrape all dust, dirt, droppings, and other loose debris from surfaces. Seal porous surfaces prior to treatment by brushing on one coat of shellac or a 50% solution of white glue in water, and allow to dry.

FOR INTERIOR:

Beams, girders, struts, supports, and other places where birds can sit and roost.

1. Prior to application, cover machinery, floors, and other important items and surfaces to prevent 4 the Birds Transparent Bird Repellent Liquid from falling on them.

2. Do not dilute "4 the Birds Bird Repellent" Liquid with water or other solvents. Use as is!

3. Spray to the point of runoff. Spray in such a way that the top surfaces of beams, girders, etc. are coated. This would necessitate the operator to be level with or above the surfaces during application. Apply with any hand or a pressure spray gun which has a discharge pressure of more than 40 and less than 150 p.s.i.

4. Apply product using a paint brush to surfaces that are difficult to cover by spraying.

For exterior use:

TREES, BUSHES and VINES: (Do not apply to the exterior of buildings or structures). See paragraph below for protection of trees against beavers.

1. Prior to application, cover walkways and other surfaces that should be kept clean of the repellent which might fall on them.

2. Apply "4 the Birds~ Transparent Bird Repellent Liquid to the point of runoff to the top sides of all branches in the plants to be treated that are large enough to support a bird.

3. Do not dilute "4 the Birds~ Bird Repellent Liquid with water or other solvents. Use as is!

4. Applications can only be made with hand or pressure spray guns which can generate sufficient pressure, up to 150 p.s.i. to move the material onto the desired treatment site. Keep material agitated. Do not apply this product from aircraft.

5. It is recommended that treatment to trees, bush as, and shrubs be made in the fall or early spring when limbs are bare and easily accessible.

6. Spraying should be done when temperatures are 40° F or above. Drift can be minimized or eliminated by applying during calm conditions.

7. The amount of coverage you can expect is (dependent on type of tree, bush or shrub you are treating, spray equipment, and number of and size of branches treated. Generally, one gallon of 4 the Birds~ Bird Repellent Liquid is sufficient to treat an average tree with a 5' diameter trunk, after foliage has fallen, or approximately six (6) three-foot high shrubs. These coverage approximations should be used only as a guideline.

STOP TREE DESTRUCTION from BEAVERS:

To protect trees against the destructive cutting and debarking habits of Beavers apply at any time of the year, as a thin brush-on, (or spray-on), coating to the lower tree trunk areas (up to 2 feet high), of valuable Aspen and other waterside trees and shrubs, such as willow and poplar. Without harming the animal, the pliable sticky nature of the applied film becomes an effective deterrent to the Beaver's destructive tree debarking and cutting damage. Plan on using 1 to 2 ounces of product per tree of 1 to 2 inches in diameter. Stop application before runoff. If product becomes weathered re-apply at 2 to 3 week intervals. As applied, product will not harm growth or physiology of trees.

'Product Clean-up: "4 the Birds Repellent Liquid" can be removed from interior surface, such as metal beams, wood, laminates and painted surfaces, with mineral spirits. It can be removed from sealed concrete, tile or stone surfaces by hosing with water if this is done within a very short time after the area was coated. Application equipment should be cleaned with mineral spirits after each use. 12-13-04.

Label unit 2 of 2

4 the Birds
TRANSPARENT
Bird Repellent
Liquid

BAR
CODE

5 8 8

The Birds Transparent Bird Repellent Liquid, EPA Reg. No. 8254-3
DIRECTIONS FOR USE for Amendment to Control Beavers, December 27, 2007

DIRECTIONS FOR USE

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

USE RESTRICTIONS:

This product discourages starlings from roosting or perching on the surfaces listed below FOR INTERIOR USE and FOR EXTERIOR USE. It also discourage beavers from damaging trees. Use only for the sites, pests, and application methods specified on this label.

4 the Birds® Transparent Bird Repellent Liquid is a transparent, sticky product that remains tacky at 15 F and will not run at temperatures up to 200 F after initial application has set.

Do not use this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the areas during application.

NOTE: Do not apply this product directly to trees, bushes or vines that are in bloom or bearing fruit except as indicated on this label for use as a paint on the lower areas of tree trunks to discourage damage (debarking and cutting) by beavers.

DO NOT APPLY AT LOCATIONS WHERE BIRDS PROTECTED BY THE FEDERAL MITRATORY BIRD TREATY ACT MIGHT BECOME ENTANGLED IN THE REPELLENT. Do not contaminate food or livestock feed with this product.

APPLICATION DIRECTIONS:

FOR INTERIOR USE:

To discourage starlings from roosting or perching on the inside supports of buildings and structures”

Surface Preparation: Clean surfaces to be treated to promote adhesion of repellent. Wipe or scrape all dust, dirt, droppings, and other loose debris from surfaces. Seal porous surfaces prior to treatment by brushing on one coat of shellac or a 50% solution of white glue in water and allow to dry.

Treatments: To treat beams, girders, struts, supports, and other places where birds can sit and roost,

1. Prior to application, cover machinery, floors, and other important items and surfaces to prevent 4 the Birds® Transparent Bird Repellent Liquid from falling on them.
2. Do not dilute 4 the Birds® Transparent Bird Repellent Liquid. Use as is.

3. Spray to the **point of** runoff, but no further. Spray in such a way that the **top** surfaces of beams, girders, etc., are coated. This would necessitate the operator to be level with or above the surfaces during application. Apply with any hand or a pressure spray gun which has a discharge pressure of more than 40 and less than 150 p.s.i.
4. Apply product using a paint brush to surfaces that are difficult to cover by spraying.

FOR EXTERIOR USE :

To discourage starlings from roosting and perching on branches of trees, bush, and vines adjacent to buildings and structures:

Note: Do not apply to exterior surfaces of buildings and surfaces. See instructions below to discourage beavers from damaging trees.

Treatments: To treat branches of trees, bushes, and vines adjacent to buildings and structures,

1. Prior to application, cover walkways and other surfaces that should be kept clean of the repellent which might fall on them.
2. Apply 4 the Birds® Transparent Bird Repellent Liquid to the point of runoff to the top sides of all branches in the plants to be treated that are large enough to support a bird.
3. Do not dilute 4 the Birds® Transparent Bird Repellent Liquid with water or other solvents. Use as is.
4. Applications can only be made with hand or pressure spray guns which can generate sufficient pressure, up to 150 p.s.i., to move the material onto the desired treatment site. Keep material agitated. Do not apply this product from aircraft.
5. It is recommended that treatment to trees, bushes, and shrubs be made in the fall or early spring when limbs are bare and easily accessible.
6. Spraying should be done when temperatures are 40 F or above. Apply only during calm conditions to minimize drift.
7. The amount of coverage you can expect is dependent on type of tree, bush or shrub you are treating, spray equipment, and number of and size of branches treated. Generally, one gallon of 4 the Birds® Transparent Bird Repellent Liquid is sufficient to treat an average tree with a 5 foot diameter trunk, after foliage has fallen, or approximately six (6) three-foot high shrubs. These coverage approximations should be used only as a guidance.

To discourage beavers from damaging trees:

1. Prior to application: observe potential application sites (tree trunks) for birds protected the Federal Migratory Bird Treaty Act [Most non-game, species except starlings, pigeons, and House (English) sparrows are protected.] Do not apply product if such birds are frequenting these areas.

2 To prevent and limit damaging causing by debarking and cutting, brush or spray a thin coating of this product onto the lower trunk areas of trees (ground level up to two feet high). Do not apply to trunks above 2 feet and do not apply to branches, limbs, etc. Stop each application before run-off occurs. Treating a sapling 1 to 2 inches in diameter will require 1 to 2 ounces of this product. Make treatments to tree types that beavers typically favor (e.g., aspens, poplars, and willows). Repeat treatments at intervals of 2 to 3 weeks if the product takes on a "weathered" appearance.

3 After application: if birds become entangled in the repellent, immediately cease control program and scrape off the sticky material or render it non-sticky by coating it with a substance such as kitty litter.

PRODUCT CLEAN-UP: 4 the Birds® Transparent Bird Repellent Liquid can be removed from interior surface, such as metal beams, wood, laminates and painted surfaces, with mineral spirits. It can be removed from sealed concrete, tile or stone surfaces by hosing with water if this is done within a very short time after the area was coated. Application equipment should be cleaned with mineral spirits after each use.