



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

OFFICE OF  
PREVENTION PESTICIDES AND  
TOXIC SUBSTANCES

Dr. H.R. McLane, Ph.D.  
H.R. McLane, Inc.  
Agent for Bird Control International Corporation  
7210 Red Road, Suite 206A  
Miami, FL 33143

AUG 14 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)  
Request General Label Change  
EPA Reg. No. 8254-3  
Application Dated May 30, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 05/30/08 for the above product. 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 Owen F. Beeder of my staff at 703-308-8899.

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

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EPA

INDEX

NOTIFICATION TO CORRECT A TYPO i.e. 5 FOOT DIAMETER TRUNK  
TO CORRECT TYPO TO: 5 INCH DIAMETER TRUNK

REGISTRANT  
BIRD CONTROL INTERNATIONAL, INC.  
1393 E HIGHLAND ROAD  
TWINSBURG, OH 44087

TO: DR. JOHN A. HEBERT PM-04

PRODUCT NAME  
4 THE BIRDS TRANSPARENT BIRD REPELLENT LIQUID  
EPA REG. NO. 8254-3

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1 COPY OF EPA FORM 8570-1 EPA REG. NO. 8254-3 ...	3
2 COPIES OF THE 2 PAGE DRAFT LABEL .....	4,5
CORRECTED TYPO HI-LITED ON DRAFT LABEL PAGE 2 OF 2.	

RETURN POSTCARD FOR EPA SIGNATURE OF RECEIPT  
MAILING STICKERS FOR RETURN TO H. R. MCLANE, INC

MAY 30 2008

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# H. R. McLANE, INC.

7210 Red Road, Suite 206A - Miami, Florida 33143-5321  
Phone 305 661 1706 - Fax 305 661 3036  
Chemical Consultants in EPA Regulatory Affairs  
FIFRA Licensing & Registrations- Since 1948

JUNE 06, 2008

DR. JOHN A. HEBERT PM-04  
DOCUMENT PROCESSING DESK (TYPO-NOTIFICATION)  
OFFICE OF PESTICIDE PROGRAMS (7504 P)  
ENVIRONMENTAL PROTECTION AGENCY  
1200 PENNSYLVANIA, AVE. N.W.  
WASHINGTON, D. C. 20460-0001

PHONE 703-308-6249  
FAX 703-305-6920

Subject: NOTIFICATION TO CORRECT THE TYPO i.e 5 FOOT DIAMETER TRUNK.  
CORRECT IT TO: 5 INCH DIAMETER TRUNK.

REGISTRANT : BIRD CONTROL INTERNATIONAL, INC. EPA EST. 8254-0H-1  
P.O. BOX 472 - TWINSBURG, OH 44087 MR. BART BAKER; VP.  
Product: "4 THE BIRDS TRANSPARENT BIRD REPELLENT LIQUID.  
EPA REG.NO.8254-3

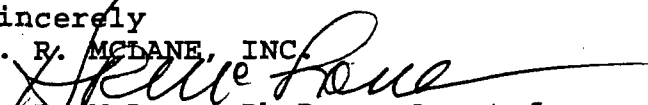
DEAR DR. HEBERT:

THIS NOTIFICATION DEALS WITH THE CORRECTION OF THE TYPO  
"5 FOOT DIAMETER TRUNK" TO BE CORRECTED TO "5 INCH DIAMETER  
TRUNK". THIS IS FOUND ON THE LABEL UNIT 2 OF 2 IN THE  
MIDDLE OF THE RIGHT HAND COLUMN AS HI-LITED. PLEASE PLACE  
THIS AS A PERMANENT PORTION OF THE FILE FOR THIS PRODUCT.

	PAGE
INDEX .....	1
COVER LETTER to: DR. JOHN A. HEBERT .. PM-4.....	2
1 COPY OF EPA FORM 8570-1 EPA REG. NO. 8254-3 ...	3
2 COPIES OF THE 2 PAGE DRAFT LABEL .....	4,5

-----> CERTIFICATION FOR THIS NOTIFICATION .....

"This NOTIFICATION is consistent with the provisions of  
PR Notice 98-10 and EPA regulations at 40 CFR 152.46,  
and the registered product labeling and A.I. and no  
other changes have been made to the labeling or the  
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 PR Notice 98-10 and 40 CFR  
152.46, 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!"

Sincerely  
H. R. McLane, INC.  
  
H. R. McLane, Ph.D.... Agent for  
MR. BART BAKER - VICE PRESIDENT.  
HRM/nb/ encl: as above. cc/BB/CTXCENOL



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Notification

EPA  
Registration No.  
**8254-3**

Page 3 of 5 EPA

**Application for Pesticide Section I** Notification to correct a "typo" Date: **May 30, 2008**

1. Company / Product Number: <b>8254-3</b>		2. EPA Product Manager <b>Dr. John A. Hebert</b>		3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted	
4. Company Product Name: <b>"4 THE BIRDS Transparent BIRD REPELLENT LIQUID"</b>		PM Number - <b>004</b>			
5. Name and address of Applicant: (Include Zip Code) <b>Bird Control International Corporation 1393 East Highland Road Twinsburg, OH, 44087</b>		6. Expedite Review. In accordance with FIFRA Section 3(c)(3) (b)(i), My product is similar or identical in composition and labeling to: <b>NOTIFICATION</b> EPA Reg. No. <u>N/A</u> <b>AUG 14 2008</b> Product Name: <u>N/A</u>			
<input type="checkbox"/> Check if this is a new address					

**Section II**

<input type="checkbox"/> Amendment- Explain below (PRN's 2001-1 & 2001-6)	---	Final Printed Labels in response to EPA letter dated: _____
<input type="checkbox"/> Resubmission in response to Agency Letter Dated: _____		Me Too Applications, _____
<input checked="" type="checkbox"/> Notification - Explain Below <b>Correct a TYPO</b>	--	Other Explain below _____

**Explanation:** Use additional pages if necessary (For Section I and Section II) **This is a NOTIFICATION to correct the..... "TYPO" of: 5 foot diameter trunk..... to read..... 5 inch diameter trunk.** This phrase is found in the middle of the right hand column of page 2 of 2 of this draft label under the heading **EXTERIOR USE continued; as HI-LITED.** Please place this **NOTIFICATION** as a permanent portion of the file for this product. Thank you for your cooperation in this matter.

**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 checked="" type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic <u>HDPE</u> (Fluorine treated)
Certification must be submitted Date: _____	If "Yes" Unit Packaging Wgt. _____ No. Per Container _____	If "Yes" Package Wgt. _____ No. Per Container _____		<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container <b>12 Oz. Aerosol</b> <b>16 oz. 32oz. 1gal.</b>		5. Location of label directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> Label accompanying product	
6. Manner in which label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper Glued <input type="checkbox"/> Stenciled				Other _____	

**Section IV**

Contact Point (Complete items below for Identification of individual to be contacted if necessary to process this application.)  
Name: **H. R. McLane, Inc.** Title: **Agent phone 305-661-1706** Telephone No. (Incl. Area code)  
**7210 Red Rd. suite 206A Miami, FL 33143** **Bird Control International, Inc.** **1-800-321-3421**

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 false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application received (Stamped)
2. Signature: By, H. R. McLane 	3. Title <b>Agent</b>	
4. Typed Name of registrant <b>Mr. Benjamin Baker; General Manager</b> <b>Bird Control International, Inc.</b>	5. Date <b>05-30-08</b>	

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Label unit 1 of 2  
NOTIFICATION

NOTIFICATION  
AUG 14 2008

# 4 the Birds® TRANSPARENT Bird Repellent Liquid

TO DISCOURAGE STARLINGS FROM ROOSTING OR PERCHING  
ON INSIDE SUPPORTS OF BUILDINGS AND STRUCTURES  
AND ON THE BRANCHES OF VEGETATION ADJACENT TO  
THOSE BUILDINGS AND STRUCTURES.  
TO DISCOURAGE BEAVERS FROM DAMAGING TREES.

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

See additional Precautionary statements on Back Panel

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

<b>ACTIVE INGREDIENT:</b>	
Polybutene.....	49.0%
<b>OTHER INGREDIENTS</b>	<u>51.0%</u>
<b>TOTAL</b>	<b>100.0%</b>

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

**SHAKE WELL BEFORE USING**

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

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**NOTIFICATION for TYPO-CORRECTION**

### 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 or clothing:** Take off contaminated 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.** To the extent consistent with applicable law 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. **PESTICIDE STORAGE:** Store only in original container. In a cool, dry place inaccessible to children and 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 re-use 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 discourages starlings, from roosting or perching on the surfaces listed below. **FOR INTERIOR USE and FOR EXTERIOR USE.** It also discourages beavers from damaging trees. Use only for 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 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 discourage damage, (debarking and cutting), by Beavers.

**DO NOT APPLY AT LOCATIONS WHERE BIRDS PROTECTED BY THE FEDERAL MIGRATORY 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 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:

To discourage starlings from roosting or perching on branches of trees, bushes, and vines adjacent to buildings and structures.

### EXTERIOR USE continued

**Note:** Do not apply to the exterior of buildings or structures. 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 inch diameter trunk, after foliage has fallen, or approximately six (6) three-foot high shrubs. These coverage approximations should be used only as a guideline.

### 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.

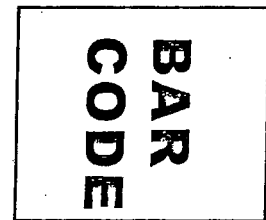
2. **To prevent and limit damage caused by debarking and cutting,** brush or spray a thin coating of this product onto the lower trunk areas of trees (ground level up to two feet high). Do not apply to trunks above 2 feet and do not apply to branches, limbs, etc. Stop each application before run-off 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. 05-30-08

### NOTIFICATION

Label unit 2 of 2



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NOTIFICATION

Label unit 1 of 2  
NOTIFICATION

AUG 14 2008

# 4 the Birds<sup>®</sup>

## TRANSPARENT

### Bird Repellent

*Liquid*

TO DISCOURAGE STARLINGS FROM ROOSTING OR PERCHING  
ON INSIDE SUPPORTS OF BUILDINGS AND STRUCTURES  
AND ON THE BRANCHES OF VEGETATION ADJACENT TO  
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**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

See additional Precautionary statements on Back Panel

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

<b>ACTIVE INGREDIENT:</b>	
Polybutene.....	49.0%
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**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:

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2. Do not dilute "4 the Birds® Transparent 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:

To discourage starlings from roosting or perching on branches of trees bushes, and vines adjacent to buildings and structures.

## EXTERIOR USE continued

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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 inch diameter trunk, after foliage has fallen, or approximately six (6) three-foot high shrubs. These coverage approximations should be used only as a guideline.

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2. **To prevent and limit damaging caused 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. 05-30-08

## NOTIFICATION

Label unit 2 of 2



BAR  
CODE