



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. H.R. McLane
Agent for J.T Eaton & Company, Inc
C/O H.R. McLane Inc
7210 Red Road, Suite 206A
Miami, FL 33143-5321

OCT 23 2008

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 28, 2008 for:

EPA Registration 8254-5

4 The Birds Bird Repellent

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and 98-10 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-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 contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

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

EPA United States Environmental Protection Agency Washington, DC 20460		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30px; height:20px;"></td> <td>Registration</td> </tr> <tr> <td style="width:30px; height:20px;"></td> <td>Amendment</td> </tr> <tr> <td style="width:30px; height:20px; text-align: center;">X</td> <td>Notification</td> </tr> </table>		Registration		Amendment	X	Notification	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30px; height:20px;"></td> <td>EPA</td> </tr> <tr> <td style="width:30px; height:20px;"></td> <td>Registration No.</td> </tr> <tr> <td style="width:30px; height:20px;"></td> <td style="font-size: 1.2em;">8254-5</td> </tr> </table>		EPA		Registration No.		8254-5
	Registration														
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X	Notification														
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Application for Pesticide Section I		NOTIFICATION for PRN-2007-4 Date: Aug. 28, 2008													
1. Company / Product Number: <div style="text-align: center;">8254-5</div>		2. EPA Product Manager Dr. John A. Hebert													
4. Company Product Name: 4 THE BIRDS® BIRD REPELLENT		3. Proposed Classification <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> None </div> <div style="text-align: center;"> <input type="checkbox"/> Restricted </div> </div>													
5. Name and address of Applicant: (Include Zip Code) J.T. EATON & COMPANY, INC. 1393 E Highland Rd. TWINSBURG, OH 44087 <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block; vertical-align: middle;"></div> Check if this is a new address		6. Expedite 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. <u>N/A</u> Product Name: <u>N/A</u>													
Section II															
<input type="checkbox"/> Amendment- Explain below <input type="checkbox"/> Resubmission in response to Agency letter dated: _____ <input checked="" type="checkbox"/> Notification - Explain Below For PRN 2007-4		Final Printed Labels in response to _____ Agency Letter Dated: _____ Me Too Applications, _____ Other Explain below _____													
Explanation: Use additional pages if necessary (For Section I and Section II) This is a NOTIFICATION that conforms to PR NOTICE 2007-4 concerning the STORAGE AND DISPOSAL requirements as found in "that" Section of the label's left text column. This label's last accepted EPA NOTIFICATION version dated NOV. 15, 2002 is used as the base label for this NOTIFICATION. Our corrected "Certification" for this PR Notice 2007-4 NOTIFICATION is found in our cover letter page 2 of 4 in this dossier.															
Section III															
1. Material This Product will be packed in: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;"> Child Resistant Packaging <div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </td> <td style="width:20%;"> Unit Packaging <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes (1, 2, 16 oz. BAIT BLOCKS®) <input type="checkbox"/> No </div> </td> <td style="width:20%;"> Water Soluble Packaging <div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </td> <td style="width:40%;"> 2. Type of Container: <div style="text-align: center;"> <input type="checkbox"/> Metal (Lined) <input checked="" type="checkbox"/> Plastic (Tube) <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Chipboard Box) </div> </td> </tr> </table>				Child Resistant Packaging <div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>	Unit Packaging <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes (1, 2, 16 oz. BAIT BLOCKS®) <input type="checkbox"/> No </div>	Water Soluble Packaging <div style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>	2. Type of Container: <div style="text-align: center;"> <input type="checkbox"/> Metal (Lined) <input checked="" type="checkbox"/> Plastic (Tube) <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Chipboard Box) </div>								
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3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container <div style="text-align: center;">10 oz. tube container</div>													
5. Location of label directions <input checked="" type="checkbox"/> On Label and 1# Box <input type="checkbox"/> Label accompanying product															
6. Manner in which label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper Glued <input type="checkbox"/> Other <input type="checkbox"/> Stenciled															
Section IV															
Contact Point (Complete items below for Identification of individual to be contacted if necessary to process this application.)															
Name: <i>H. R. McLane, Inc.</i> <i>7210 Red Rd. suite 206A miami, FL 33143</i>		Title: <i>Agent</i> <i>305-661-1706</i> <i>J. T. Eaton & Co. Inc.</i>													
		Telephone No. (Include Area code) <i>1-800-321-3421</i>													
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 <i>H. R. McLane</i> 		3. Title <i>Agent</i>													
4. Typed Name of registrant <i>Mr. Bart Baker, Vice President</i> <i>J. T. Eaton & Co. Inc.</i>		5. Date <div style="text-align: center; font-size: 1.2em;">08-28-08</div>													

INDEX

NOTIFICATION TO COMPLY WITH PR NOTICE 2007-4 CONCERNING
THE STORAGE AND DISPOSAL SECTION REVISED COPY.
INCLUDES THE CORRECTED CERTIFICATION FOR PR NOTICE 2007-4

REGISTRANT

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

NOTIFICATION

OCT 23 2008

TO: DR. JOHN A. HEBERT PM-04

PRODUCT NAME
R THE BIRDS BIRD REPELLENT
EPA REG. NO. 8254-5

SUBJECT OF NOTIFICATION: PR NOTICE 2007-4

PAGE

INDEX 1

COVER LETTER to: DR. JOHN A. HEBERT ..PM-04..... 2

1 COPY OF EPA FORM 8570-1 EPA REG. NO. 8254-5 ... 3

1 COPY, AS REQUIRED, OF THE 1 PAGE DRAFT LABEL.... 4

PR NOTICE 2007-4 COPY FOUND AT THE BOTTOM OF
LABEL'S LEFT, TEXT, COLUMN.

THE LAST ACCEPTED EPA NOTIFICATION FOR THIS PRODUCT LABEL DATED NOV 15, 2002 IS USED AS THE BASE LABEL COPY FOR THIS PR NOTICE 2007-4 NOTIFICATION.

RETURN POSTCARD FOR EPA SIGNATURE OF RECEIPT

MAILING STICKERS FOR RETURN TO H. R. MCLANE, INC.

AUG 28 2008



H. R. McLANE, INC.

page 2 of 4

7210 Red Road, Suite 206A - Miami, Florida 33143-5321 U.S.A.
Phone 305 661 1706 - Fax 305 661 3036 - E-Mail hrmclaneinc@bellsouth.net
Consulting in EPA Regulatory Affairs
FIFRA Licensing & Registrations - Since 1948

AUG 28, 2008

DR. JOHN A. HEBERT PM-04
DOCUMENT PROCESSING DESK (PR NOTICE 2007-4 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 COMPLY WITH REQUIREMENTS OF PR NOTICE 2007-4
Registrant: BIRD CONTROL INTERNATIONAL EPA EST. NO. 8254
P.O. BOX 472 - TWINSBURG, OH 44087

Product: "4 THE BIRDS BIRD REPELLENT: EPA REG.NO.9254-5"

DEAR DR. HEBERT:

THIS NOTIFICATION DEALS WITH THE STORAGE AND DISPOSAL
REVISED LABEL COPY REQUIRED BY PR NOTICE 2007-4 FOUND AT
THE BOTTOM OF THE LEFT TEXT COLUMN OF THE ENCLOSED
DRAFT LABEL PAGENATED AS 4 OF 4 IN THIS DOSSIER.

	PAGE
INDEX	1
COVER LETTER to: DR. JOHN A. HEBERT... PM-04.....	2
1 COPY OF EPA FORM 8570-1 EPA REG. NO. 9354-5 ...	3
2 COPIES OF THE 1 PAGE DRAFT LABEL	4
PR NOTICE 2007-4 COPY FOUND AT THE BOTTOM OF THE LABEL'S LEFT HAND COLUMN.	

CORRECTED-----> CERTIFICATION FOR THIS NOTIFICATION

"This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, 156.156. 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 the amended label is not consistent with the terms of 40 CFR 156-10, 156.140 156.144M 156.146M 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."

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

If on skin or clothing	FIRST AID Have label with you when obtaining treatment advice. • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center, doctor or 1-800-664-9042 immediately for treatment advice.
	If in eyes • 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, doctor, or 1-800-664-9042 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
WARNING: Causes substantial but temporary eye injury. Harmful if absorbed through the skin. Wear goggles or face shield. Avoid contact with skin. 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.


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 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:** If Empty: Nonrefillable container Do not reuse or refill this container. Place in trash and offer for recycling if available. If Partially Filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain. 08-28-08.

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 pigeons and starlings, from roosting or perching on treated ledges, sills, roofs, peaks, cornices, and similar parts of municipal, industrial and commercial buildings, homes, apartment and condominium complexes, bridges and overpasses and similar structures. "4 THE BIRDS®" is a transparent, sticky product that remains tacky at 15° F and will not run at temperatures up to 200° F. Do not apply on location where desirable species of birds might become entangled in the repellent.

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 Eaton's® Porous Surface Sealer, shellac or a 50% solution of white glue, and allow to dry.

Product Application: Use a caulking gun and/or a putty knife to apply this product. A properly applied bead of "4 THE BIRDS® BIRD REPELLENT" looks like this  in cross section. Press against surface to ensure good adhesion. To treat ledges or sills, apply beads of repellent no larger than 1/2" wide by 1/2" deep at the deepest part in strips no closer than 2" apart, beginning 1" in from the outer edge. To treat roofs, peaks, cornices, etc., apply a single bead of repellent along the highest point. A second treatment may be necessary if product becomes flattened by heavy bird traffic.

DO NOT APPLY IN BEADS WIDER OR DEEPER THAN THAT PRESCRIBED ABOVE. One 10 oz. tube of this product will treat 10 linear feet when product is applied in beads 1/2 inch wide and 1/2 inch high.

Partially filled cartridges: Replace cap on the tip of tube.

Product Clean-up: Use mineral spirits to remove product from treated surfaces, equipment, or other contaminated articles.

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 the use and/or handling of this material when such use and/or labeling is contrary to label instructions.

EMERGENCY TELEPHONE NUMBER - 1800-664-9042. NON-EMERGENCY TELEPHONE NUMBER: 9 am to 5 P.M. EST 330-426-7801. STOCK #666 FNW 666100 JTF.



BIRD REPELLENT

TO DISCOURAGE PIGEONS
AND STARLINGS FROM
BUILDINGS AND STRUCTURES



ACTIVE INGREDIENT:

Polybutene..... 93%
OTHER INGREDIENTS.... 7%
TOTAL 100%

**KEEP OUT OF REACH OF CHILDREN
WARNING**

See Additional PRECAUTIONARY STATEMENTS on back of label

EPA Reg. No. 8254-5
EPA Est. No. 8254-OH-1

4 THE BIRDS® is a Registered Trademark of
BIRD CONTROL INTERNATIONAL CORP.

made and printed in U.S.A. © 2002

NET CONTENTS: 10 FL. OZ.

PR NOTICE 2007-4 NOTIFICATION VERSION

BAR CODE

PRODUCT BATCH CODE NO. _____