

39039-12

6-13-2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUN 13 2008

Mr. Joe D. Kellerby
Vice President – Specialty Products
Y-TEX Corporation
1825 Big Horn Avenue
P.O. Box 1450
Cody, WY 82414

Re: Notification to correct a grammatical error on the label to show reinstatement of sentence on placard label as suggested in EPA letter dated April 21, 2008.

EPA Reg No.: 39039-12

Date of Submission: May 1, 2008

Dear Mr. Kellerby:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated May 1, 2008, for the product Y-TEX 4-Poster Tickicide. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions 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 black ink, appearing to read "Linda Arrington".

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



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 39039-12	2. EPA Product Manager George LaRocca	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Y-TEX 4-Poster Tickicide	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Y-TEX Corporation 1825 Big Horn Ave., PO Box 1450 Cody, WY 82414 <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 _____	NOTIFICATION JUN 13 2008
<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.)

This notification is to correct a grammatical error on the label and to show reinstatement of sentence on placard label as suggested in EPA letter dated April 28, 2008.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes <input 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 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 <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gallon		5. Location of Label Directions <input checked="" type="checkbox"/> on label	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Michael G. Fletcher, Ph.D.		Title Director - Parasitocides Development	
		Telephone No. (Include Area Code) 307-578-0115	
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 or both under applicable law.			6. Date Application Received (Stamped)
2. Signature <i>Joe D. Kellerby</i>		3. Title Vice President - Specialty Products	
4. Typed Name Joe D. Kellerby		5. Date <i>May 1, 2008</i>	

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Y•TEX[®] CORPORATION

P. O. Box 1450, 1825 Big Horn Avenue, Cody, Wyoming 82414-1450 • Phone (307) 587-5515 • FAX (307) 527-6433

June 24, 2008

Joyce Edwards
Environmental Protection Agency
Washington DC

Subject: Certification Statement for Notification of minor label change to correct grammatical errors on the label for '4-Poster' Tickicide, EPA Registration No. 39039-12 per PR Notice 98-10

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. 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



Michael G. Fletcher, Ph.D.
Director-Parasiticide Development

03308.doc

NOTIFICATION

JUN 13 2008

4/10

Ready-to-Use

Y-TEX[®]

4-POSTER[™] TICKICIDE

- For control of ticks on deer.
- For use by individuals/firms licensed or registered by the state to apply tick control products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the pest control regulatory agency of your state prior to use of this product.
- Not recommended for use within 100 yards of any home, apartment, play ground or other place where children may be present without adult supervision. If required special precautions apply (see DIRECTIONS FOR USE).
- For use only with the 4-Poster[™] Deer Treatment Device.

Active Ingredient
Permethrin* 10.0%

Inert Ingredients[†] 90.0%
100.0%

*cis/trans ratio: Min. 35% (±) cis and Max. 65% (±) trans.

[†]Contains Petroleum Distillates

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

**SEE INSIDE OF BACK PANEL FOR ADDITIONAL
PRECAUTIONARY STATEMENTS**

NET CONTENTS:

EPA Est. No. 39578-TX-01

EPA Reg. No. 39039-12

Manufactured for:

Y-TEX Corporation • 1825 Big Horn Avenue • Cody • WY 82414

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS CAUTION

Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

FIRST AID

NOTE TO PHYSICIAN: Contains petroleum distillates. May pose an aspiration pneumonia hazard. Have the product container or label with you when calling a poison control center or going for treatment. You may also contact 1-800-255-3924 (CHEM-TEL, INC.) for emergency medical treatment information.

NOTICE OF WARRANTY:

Y-TEX CORPORATION MAKES NO WARRANTY OF MERCHANTABILITY, FITNESS FOR ANY PURPOSE, OR OTHERWISE, EXPRESSED OR IMPLIED concerning this product or its uses which extend beyond the use of the product under normal conditions in accord with the statements made on this label, and in any case, is limited to replacement of product only.

ENVIRONMENTAL HAZARDS

This product is highly toxic to fish. Do not apply directly to water to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

PHYSICAL & CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE AND SPILL PROCEDURES:

Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

PESTICIDE DISPOSAL: Pesticide that cannot be used according to label instructions must be disposed of at or by an approved waste disposal facility.

CONTAINER DISPOSAL:

Containers one gallon and smaller:

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.

Containers larger than one gallon:

Metal containers – Triple rinse or equivalent, then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities.

Plastic containers – Triple rinse or equivalent, then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Glass containers – Triple rinse or equivalent, then dispose of in a sanitary landfill or by other approved state and local procedures.

NOTIFICATION

JUN 13 2008

DIRECTIONS FOR USE

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

GENERAL INFORMATION: 4-Poster™ Tickicide is a ready-to-use tickicide to be applied in specific amounts to the applicator posts on 4-Poster deer treatment devices for control of the blacklegged tick, *Ixodes scapularis*, and the lone star tick, *Amblyomma americanum*.

Place the 4-Poster device as far as possible from any home, apartment, playground or other place where children might be present without adult supervision. When for proper usage the device must be placed closer than 100 yards from the aforementioned locations, a 28–30 inch fence must be constructed around the device with a minimum of 14.5 ft radius (ie., a 29 ft diameter) for the 4-Poster device and precautionary placards or warning signs must be attached to the fence. (See Specifications and Minimum Requirements for the Fence). Place precautionary placards on each side of the 4-Poster device and post precautionary signs at parks, nature trails and other areas with public access that are within 100 yards of the device. Placards and signs are provided with each 4-Poster device.

The 4-Poster Tickicide applicator gun has been specially designed and constructed and equipped with an adapter to deliver an accurate dosage onto the applicator posts of the 4-Poster device. Do not apply 4-Poster Tickicide with any other application device.

SEASON OF USE: Treat for blacklegged ticks September 1 through June 30. Treat for lone star ticks February 1 through October 1. Treatment may be temporarily suspended during periods of tick inactivity that occur when air temperature is below 30°F or snow cover exceeds 2 inches for extended periods of time. The blacklegged ticks require two or three years to develop from eggs to adults, and lone star ticks may require two years. To maximize efficacy on free-living tick populations, three years of treatment will be required.

DOSAGE RATE/METHOD OF APPLICATION: Bait the 4-Poster devices with 250 lbs. of re-cleaned whole kernel corn. Initially deploy one device per 40 acres of treatment area. The density and location of devices will depend on conditions at individual locations. Apply 4-Poster Tickicide to individual posts up to a rate of 1 ml (0.25 ml per post) per 1.5 lbs of corn consumed (see dosage chart below). The corn storage bin is marked on the inside to indicate the level of corn consumed from the bin. One adult deer consumes approximately 1 lb. of whole kernel corn per day per 100 lbs of body weight. Estimate the number of deer using the device based on weekly corn consumption. Examine devices and evaluate usage at least weekly and under conditions of moderate to heavy usage maintain more often.

Corn Consumption in lbs.	Estimated Combined Weight of Deer using the 4-Poster in lbs.	Application Rate per Post in ml
15	150	2.5
30	300	5.0
60	600	10.0
120	1200	20.0
240*	2400	40.0

*If deer are consuming more than 240 lbs. per week the device needs to be maintained twice a week or another device added at the same or nearby location.

PRECONDITIONING OF APPLICATION ROLLERS WITH THE INITIAL DOSE OF 4-POSTER TICKICIDE:

The application rollers are made of a synthetic material that will not readily absorb the oily 4-Poster Tickicide product unless preconditioned. The preconditioning process is extremely important and not only forces absorption of the “Tickicide” into the roller, but it also applies the proper initial dose to the rollers, thus making them ready to treat deer. To precondition a roller, put on a pair of protective gloves and place a roller into a zipper-top plastic bag. Adjust the dosage wheel of the 4-Poster Tickicide applicator gun to dispense 20 ml, and prime the gun by slowly squeezing the trigger until the “Tickicide” fills the clear plastic chamber of the applicator gun. Insert the spout of the applicator gun into the bag, and very

slowly squeeze the trigger twice to dispense 40 milliliters of the "Tickicide" into the bag. Seal the top of the bag. Manually work the "Tickicide" into the roller to get good absorption into the fiber covering. Continue until all of the chemical is absorbed into the roller. While still wearing the protective gloves, remove the roller from the bag, and place it over one of the upright posts on the "4-Poster" device. Remove the gloves, place them in the plastic bag, seal the bag, and place in trash. Use new bags and gloves, and repeat this process in order to precondition and install the other 3 rollers. Complete the installation by installing the retaining caps on the posts to prevent the rollers from being removed during use.

APPLICATION TO POSTS: Using the 4-Poster Tickicide applicator gun, position the special adapter over the top of an applicator post and press downward until contact is made with the support post. Slowly apply appropriate amount of 4-Poster Tickicide. Repeat on each applicator post. Apply 4-Poster Tickicide weekly unless the rate of depletion of corn in the device indicates the frequency of treatments needs to be increased or decreased. Do not apply additional 4-Poster Tickicide to an applicator post if it appears to be saturated with the product.

SPECIFICATIONS AND MINIMUM REQUIREMENTS FOR SMALL CHILDREN AND NON-TARGET ANIMAL EXCLUDER:

When necessary to prohibit contact of small children and non-target animals, an excluder fence may be constructed around the 4-Poster device. It should be a minimum of 28 inches tall and a maximum of 30 inches tall. It should be of rigid construction such that it can withstand 40 lbs of direct pulling force without stretching or collapsing. It should be a minimum of 29 feet in diameter with precautionary placards or warning signs on all four sides.

A practical and sturdy fence can be constructed from three welded-wire utility panels (4-inch squares) that are 60-inches by 16-ft (available from Tractor Supply Co. and other farm stores). Make six 28-inch by 16-ft panels by removing the center row of squares by cutting the vertical bars only and leaving the two center, most horizontal bars. Then cut each panel into two 7-ft 8-inch lengths by removing the center vertical bar and 4-inch horizontal spikes on each side. Cut six 6-ft 6-inch metal "T"-posts in half and remove the spades to produce twelve 3-ft 3 inch posts.

Locate a smooth, flat, level, circular area with a diameter of 30-ft or greater, and temporarily mark the approximate center with a temporary post driven a few inches into the ground. Measure approximately 15-ft out from the center post and drive a post in about 6-inches with the "knobs" on the "T"-post facing outward from the center. Temporarily wire a panel to the post, then adjust the other end of the panel so that it is the same 15-ft from the center and install another post so that the top of the post is the same height as the panel. Continue until the octagon is complete. You may need to re-adjust the last or next to last posts so that the panels will meet. Make sure that all posts are driven down to the height of the panels, and that all panels are securely wired to the posts. The finished fence will be 28-inches tall and 29 feet 8 inches in diameter.

Place a '4-Poster' in the center of the excluder.

The 4-Poster™ device is to have a placard on each side that reads:

7/10
NOTIFICATION

JUN 13 2008

CAUTION
KEEP CHILDREN AND PETS AWAY FROM DEVICE
DO NOT TOUCH DEVICE
HUNTERS SHOULD WEAR PROTECTIVE GLOVES WHEN HANDLING
HARVESTED DEER.

4-POSTER™
DEER TREATMENT DEVICE
FOR CONTROL OF TICKS THAT MAY
TRANSMIT DISEASES TO HUMANS
POSTS TREATED WITH 4-POSTER TICKICIDE
EPA Reg. No. 39039-12
FOR MORE INFORMATION CALL ()- -

Active Ingredient	
Permethrin*	10.0%
Inert Ingredients†	90.0%
	100.0%

*cis/trans ratio: Min. 35%(±) cis and Max. 65% (±) trans.

†Contains Petroleum Distillates

Manufactured for:

Y-TEX Corporation • 1825 Big Horn Avenue • Cody • WY 82414

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS
& DOMESTIC ANIMALS

CAUTION

Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

The 4-Poster device is to be placed no closer than 100 yards from any home, apartment, playground or other place where children may be present without adult supervision.

When for proper usage the 4-Poster device must be placed closer than 100 yards from any home, apartment, playground or other place where children may be present without adult supervision, a barrier fence must be used. The fence must be 28-30 inches tall and have a minimum radius of 14.5 ft. (ie., a 29 ft diameter) for the 4-Poster device and this precautionary placard must be attached to all sides of the fence.

Post precautionary signs at parks, nature trails and other areas with public access that are within 100 yards of the device. The signs will read:

CAUTION

4-POSTER™
DEER TREATMENT DEVICE
IN THE AREA

KEEP CHILDREN AND PETS AWAY FROM DEVICE
DO NOT TOUCH DEVICE

DEER IN THIS IMMEDIATE AREA ARE
TREATED WITH 4-POSTER TICKICIDE
FOR PURPOSES OF TICK CONTROL

FOR MORE INFORMATION CALL ()- -

HUNTERS SHOULD WEAR
PROTECTIVE GLOVES WHEN HANDLING
HARVESTED DEER

SUPPLEMENTAL LABEL

4-POSTER TICKICIDE
EPA REG. NO. 39039-12

(This label must be in the possession of the user at the time of application)
See Container Label for Additional Precautionary Statements and Directions for Use
READ ENTIRE LABEL BEFORE EACH USE

DIRECTIONS FOR USE

It is a violation of Federal law to use the product in a manner inconsistent with its labeling

PRECONDITIONING OF APPLICATION ROLLERS WITH THE INITIAL DOSE OF 4-POSTER TICKICIDE:

The application rollers are made of a synthetic material that will not readily absorb the oily 4-Poster Tickicide product unless preconditioned. The preconditioning process is extremely important and not only forces absorption of the "Tickicide" into the roller, but it also applies the proper initial dose to the rollers, thus making them ready to treat deer. To precondition a roller, put on a pair of protective gloves and place a roller into a zipper-top plastic bag. Adjust the dosage wheel of the 4-Poster Tickicide applicator gun to dispense 20 ml, and prime the gun by slowly squeezing the trigger until the "Tickicide" fills the clear plastic chamber of the applicator gun. Insert the spout of the applicator gun into the bag, and very slowly squeeze the trigger twice to dispense 40 milliliters of the "Tickicide" into the bag. Seal the top of the bag. Manually work the "Tickicide" into the roller to get good absorption into the fiber covering. Continue until all of the chemical is absorbed into the roller. While still wearing the protective gloves, remove the roller from the bag, and place it over one of the upright posts on the "4-Poster" device. Remove the gloves, place them in the plastic bag, seal the bag, and place in trash. Use new bags and gloves, and repeat this process in order to precondition and install the other 3 rollers. Complete the installation by installing the retaining caps on the posts to prevent the rollers from being removed during use.

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SPECIFICATIONS AND MINIMUM REQUIREMENTS FOR SMALL CHILDREN AND NON-TARGET ANIMAL EXCLUDER:

When necessary to prohibit contact of small children and non-target animals, an excluder fence may be constructed around the 4-Poster device. It should be a minimum of 28 inches tall and a maximum of 30 inches tall. It should be of rigid construction such that it can withstand 40 lbs of direct pulling force without stretching or collapsing. It should be a minimum of 29 feet in diameter with precautionary placards or warning signs on all four sides.

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Place a '4-Poster' in the center of the excluder.