

50932-13

10/5/2009

1/11



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

October 5, 2009

Mark Mongiovi
Product Compliance Specialist
Woodstream Corporation
69 N. Locust Street
Lititz, PA 17543-0327

Subject: Notification to Update Storage & Disposal Statement Per PR Notice 2007-4
Product Name: Deer and Rabbit Repellent RTU Formula II
EPA Reg. No: 50932-13
Your Submission Dated September 15, 2009

Dear Mr. Millar:


The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration Notice (PRN) 2007-4 dated above. A screen of this request has been conducted for its applicability under PRN 2007-4, and it has been determined that the action requested falls within the scope of this Notice. Our records have been duly noted, and the printed label submitted with this application has been stamped "Notification, received and reviewed" and will be placed in our records as current and updated. Should you have any questions regarding this action, you may contact Gina Casciano at (703) 605-0513 or via email at casciano.gina@epa.gov.

Sincerely,

Linda Hollis

Linda A. Hollis, Chief
Biochemical Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)

2/11

 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other: NOTIFICATION	OPP Identifier Number
---	---	--------------------------

Application for Pesticide - Section I

1. Company/Product Number 50932-13	2. EPA Product Manager Linda Hollis – Branch Chief	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Deer And Rabbit Repellent RTU Formula II	PM# 91	
5. Name and Address of Applicant (Include ZIP Code) Woodstream Corporation 69 N. Locust Street Lititz, PA 17543-0327 <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: Date Reviewed: <u>7/5/07</u> EPA Reg. No. _____ Reviewed By: <u>G. Casciana</u> Product Name _____	

Section – II

<input type="checkbox"/> Amendment – Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<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

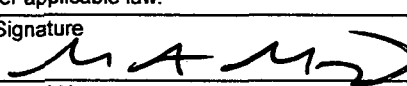
Explanation: Use additional page(s) if necessary. (For Section I and Section II.)
Notification of Label Action Per PR-Notice 2007-4: Storage & Disposal Statements - Please reference the attached explanation

Notification of label change per PR Notice 2007-4. 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, and 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 requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

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 type="checkbox"/> Metal <input checked="" 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 16oz, 32oz, 50oz, 64oz, 128oz		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section – IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name Chad L. Mateer	Title Regulatory Affairs Manager	Telephone No. (include Area Code) 717-526-2125 x426
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 	3. Title Product Compliance Specialist	
4. Typed Name Mark Mongiovi	5. Date 9-15-09	



69 N. Locust Street
 P.O. Box 327
 Lititz, PA 17543-0327
 (717) 626-2125
 Fax: (717) 626-5350
www.woodstreamcorp.com
www.saferbrand.com
www.victorpest.com
www.havahart.com
www.perkypet.com
www.fishock.com

September 15, 2009

Document Processing Desk [NOTIF]
 Office of Pesticide Programs (7504P)
 U.S. Environmental Protection Agency
 Room S-4900, One Potomac Yard
 2777 South Crystal Drive
 Arlington, VA 22202-4501

ATTN: Notification Division
SUBJECT: Woodstream Corporation
Deer And Rabbit Repellent RTU Formula II (EPA Reg. No. 50932-13)
 Notification of Label Action per PR-Notice 2007-4

Enclosed please find a Notification of Label Action per PR-Notice 2007-4 to update Storage & Disposal Statements for the subject product. Also please find one copy of the highlighted revised master label and one clean copy for your records.

If you have any questions and/or need any additional information, please call me at (717) 626 -2125 ext: 219 or email mmongiovi@woodstream.com.

Sincerely,

Mark Mongiovi
 Product Compliance Specialist
 Woodstream Corporation

Enclosures:
 Notification of Label Action
 Copy of revised master label with changes highlighted
 Clean copy of revised master label



4
11

ATTACHMENT TO NOTIFICATION DATED 9-15-09

EPA Reg No.: 50932-13

Notification of Label Action Per PR-Notice 2007-4:

Storage & Disposal Statements

MASTER LABEL – BACK PANEL (Page 3 of 4)

STORAGE AND DISPOSAL:

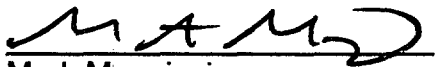
~~Do not contaminate water, food or feed by storage or disposal.~~

PESTICIDE STORAGE: Store only in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.

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 HANDLING:~~ Non-refillable container. Do not reuse or refill this container. **If Empty:** ~~Non-refillable container. Do not reuse or refill 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.

Notification of label change per PR Notice 2007-4. 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, and 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 requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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.



Mark Mongiovi
Product Compliance Specialist
Woodstream Corporation

9/15/09

5/11

MASTER LABEL – FRONT PANEL (Page 1 of 1)

DEER AND RABBIT REPELLENT RTU FORMULA II

[Additional Brand Names]

Havahart® Deer & Rabbit II -Deer Away®
DeFence by Havahart® Rabbit & Deer Repellent

NOTIFICATION

Date Reviewed: 10/5/09

Reviewed By: G. Casciano

[Optional Logos/Marketing Claims]

- FOR organic gardening [LOGO]
- OMRI® Listed Organic Materials Review Institute [LOGO]

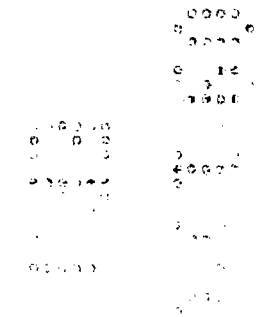
ACTIVE INGREDIENT:	By Wt.
Putrescent Whole Egg Solids.....	4.63%
OTHER INGREDIENTS:	<u>95.37%</u>
TOTAL:.....	100.00%

KEEP OUT OF REACH OF CHILDREN

CAUTION: (See other panel for additional precautionary statements)

Shake Well Before Using.
For Residential Use Only
Do Not Spray Directly On Plants Intended for Human Consumption

Net Contents: 16 Fl. Oz., 32 Fl. Oz., 50 Fl. Oz., 64 Fl. Oz., 128 Fl. Oz.



6/11

MASTER LABEL – BACK PANEL (Page 1 of 4)

PRECAUTIONARY STATEMENTS:

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse.

FIRST AID	
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.
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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the National Pesticide Information center at 1-800-858-7378 for emergency medical treatment information.	

ENVIRONMENTAL HAZARDS

For terrestrial uses: Do not apply directly to water, or 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 washwater or rinsate.

DIRECTIONS FOR USE:

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

USE RESTRICTIONS:

For home & garden use only. **IMPORTANT:** This product contains egg solids, which may cause allergic reactions in some individuals. Not for direct use on plants intended for human consumption (i.e. food plants). Do not allow spray to drift onto plants intended for human consumption. Use this product to repel black-tailed deer (mule deer), white-tailed deer and Roosevelt elk that browse or uproot conifer seedlings. This product can be used to repel white-tailed deer from yew, Scotch pine, arborvitae, Douglas fir, flowering crabapple, hemlock, honeysuckle, azalea, rhododendron, landscape gardens and plantings, ornamental shrubs, garden vegetables, and fruit and citrus trees. Use this product to repel rabbits from ornamentals, landscape plantings and garden vegetables. Before applying, read specific application directions and use cautions below. Store at room temperature. Protect from heat and freezing. Freezing makes Deer and Rabbit Repellent RTU Formula II unusable. This product will stain structural surfaces. Do not apply to siding, roofing, decks, fences, driveways, painted surfaces or other structural material. Do not allow spray to drift onto structural surfaces in areas of application.

2/11

MASTER LABEL – BACK PANEL (Page 2 of 4)

APPLICATION DIRECTIONS:

Before applying, read and understand all label instructions. **SHAKE WELL BEFORE USING!**

Weather Conditions: Do not apply at temperatures below 40°F, or in wet, windy conditions. Apply only in dry conditions and only under conditions favoring prompt drying of spray (lightly breezy, mild dry weather with low relative humidity). If spray is used in wet conditions or in damp, cold, foggy or misty weather, or if precipitation or freezing occurs before spray can dry, protection may be partially or completely lost.

New Conifer Seedlings: New seedlings to be protected from winter browsing must be dormant and frost hardy before treatment. Assure complete coverage of new seedlings to the point of run-off. Once planted, retreat seedlings every 6 weeks during root establishment or as needed if previous treatment appears to be fading. **Note:** Browning and drop of old needles may occur on some evergreen species after using this product.

Established Conifer Seedlings: Treat each established seedling to be protected. Hold sprayer about 10" vertically above tip of terminal shoot. Spray the terminal and first whorl to run-off. Treat each seedling to be protected.

Yew, Scotch Pine, Arborvitae, Douglas Fir, Ornamental Crabapple, Hemlock, Honeysuckle, Azalea and Rhododendron*:

To protect against winter browsing: apply repellent upon onset of browsing. If browsing extends beyond two months, seedlings may be re-treated. Apply only to vegetation that is within animals reach. Apply to the point of run-off.

To protect against spring browsing of new growth: apply repellent upon onset of browsing, but preferably after bud break and before new shoots exceed 1" in length. Do not re-treat new growth. If spring browsing reaches unacceptable proportions before bud break, repellent may be applied to unopened buds, but must then be re-applied after new growth averages 4" in length if browsing still persists. Apply to terminal to point of run-off. For large trees, apply Deer and Rabbit Repellent RTU Formula II only to lateral branches that are within animals reach.

Note: Browning and drop of old needles may occur on some evergreen species after using this product.

Ornamental Shrubs*: Do not apply during bud break or flower bloom, as foliage injury and petal drop may occur. Apply only to areas of vegetation that are within animals reach. Apply to the point of run-off.

8
/ 11

MASTER LABEL – BACK PANEL (Page 3 of 4)

Non-Bearing Fruit and Citrus Trees*: For use on non-bearing fruit & citrus trees only. Use when trees are dormant, not when actively growing. Do not apply during bud break or flower bloom, as foliage injury and petal drop may occur. Apply only to vegetation that is within animals reach. Apply to the point of run-off.

Landscape Gardens*: Do not apply to landscape plantings during bud break or flower bloom, as foliage injury and petal drop may occur. Apply to areas of vegetation that are within animals reach. Apply to the point of run-off.

Vegetable Gardens*: This product is not for direct application to plants intended for human consumption (i.e. food plants). For use as a perimeter spray around the area where food plants are grown. To create a repellent barrier, apply this product to soil, ground cover, bark mulch, perimeter vegetation and non-food vegetation adjacent to food plants. Do not allow spray to drift from application site onto any part of the plant that is intended for human consumption.

*Reapply every 14 days or as needed if the previous treatment appears to be fading.

STORAGE AND DISPOSAL:

PESTICIDE STORAGE: Store only in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.

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

CONTAINER HANDLING: Non-refillable container. Do not reuse or refill this container. **If Empty:** 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.

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.

MASTER LABEL – BACK PANEL (Page 4 of 4)

Satisfaction Guaranteed

If for any reason you are not 100% satisfied, Woodstream will refund the suggested retail price or replace this product. To the extent consistent with applicable law, Woodstream will not be liable for any consequential damages. Refund or replacement product is our only obligation under this guarantee. Call 1-800-800-1819 ext. 490.

Manufactured For:



Woodstream Corporation
69 North Locust Street
Lititz, PA 17543
For Information call 800-800-1819

Made in USA, Printed in USA

EPA Reg. No. 50932-13
EPA Est. No. 63416-MN-001
© Copyright 2007 Woodstream Corporation

9
11

10
11

MASTER LABEL – OPTIONAL CLAIMS (Page 1 of 2)

[Additional - Optional Marketing/Advertising Claims]

- FOR ORGANIC GARDENING [LOGO]
- OMRI LISTED™ ORGANIC MATERIALS REVIEW INSTITUTE [LOGO]
- For repelling Black-Tailed deer (mule deer), White-Tailed deer and Roosevelt elk from seedlings, ornamentals, garden vegetables, and fruit and citrus trees.
- Repels rabbits from ornamentals
- Repels by odor
- Creates an odor barrier to protect garden vegetables
- Protects garden and landscape plantings
- Protects ornamental trees and shrubs
- Ready-To-Use
- [16 Fl. OZ. (1 QT.) (946 ml)] Treats 7-9 ornamental shrubs 4' high.
- [32 Fl. OZ. (1 QT.) (946 ml)] Treats 15-18 ornamental shrubs 4' high.
- [50 Fl. OZ. (1 QT.) (946 ml)] Treats 23-28 ornamental shrubs 4' high.
- [64 Fl. OZ. (1 QT.) (946 ml)] Treats 30-36 ornamental shrubs 4' high.
- [128 Fl. OZ. (1 QT.) (946 ml)] Treats 60-72 ornamental shrubs 4' high.
- Prevent Rabbit Damage
- Protects your flower garden, ornamentals, and landscape for up to 3 months *

*Repels deer for up to 3 months

- Works year round. **

** When used as directed

MASTER LABEL – OPTIONAL CLAIMS (Page 2 of 2)

- Ready to use – no mixing.
- Fast acting.
- Satisfaction Guaranteed
- Protects more plants than standard quart size
- Adjustable nozzle for multiple spray patterns
- 56% More Than the Quart Size
- Ready To Use Pump Sprayer
- LARGE 50oz. SIZE WITH PUMP SPRAYER