

50932-15

10/06/2005

1/8

Please read instructions on reverse before completing form. Form Approved. OMB No. 2070-0080. Approval expires 2-28-95



United States Environmental Protection Agency Washington, DC 20460

 Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 50932-15	2. EPA Product Manager Sheryl Reilly	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Deer Away Concentrate Formula II	PM# 91/Biochemical Pesticides Br/BPPD	
5. Name and Address of Applicant (Include ZIP Code) Woodstream Corporation 69 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: 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 _____
<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.

NOTIFICATION
Date Reviewed: 10/6/05
Reviewed By: cpellard

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Notification of minor additional text per Section (II)(M)(1)(a) of PR Notice 98-10. See attached cover letter dated September 16, 2005 for details.
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 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.

Section - III

1. Material This Product Will Be Packaged In:			2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Glass
				<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> on container label
6. Manner in Which Label is Affixed to Product <input 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 Amy Plato Roberts	Title Regulatory Consultant	Telephone No. (Include Area Code) (202) 828-8966
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 Regulatory Consultant	
4. Typed Name Amy Plato Roberts	5. Date September 16, 2005	



WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Sheryl Reilly
Chief, Biochemical Pesticides Branch
Biopesticides and Pollution Prevention Division (7511C)
Office of Pesticide Programs, EPA
1921 Jefferson Davis Highway
Arlington, VA 22202

September 16, 2005

**RE: Deer Away® Concentrate Formula II
EPA Registration No. 50932-15**

Notification of minor additional text per Section(II)(M)(1)(a) of PRN 98-10

Dear Dr. Reilly:

Enclosed with this letter you will find the following in support of a notification of minor label additional text for the above referenced product:

- 1) Notification form;
- 2) One (1) copy of the revised label with all changes highlighted in redline.

This notification is for minor label revisions that are:

- a. Consistent with 40 CFR Part 156; and
- b. Involve no change in the ingredients statement, signal word, use classification, precautionary statements, First Aid, physical / chemical / biological properties, storage and disposal, or use rates and application method.

The label notification involves addition of the phrase "**Not registered for use as a perimeter spray in California**" to the use directions for "Vegetable Gardens" – see pages 5 and 6 of the label. This product was recently approved by the California Department of Pesticide Regulation (DPR), with the condition that the perimeter spray for vegetable gardens be excluded until such a time as Woodstream Corporation submits to DPR product-specific efficacy data on this use pattern.

If you have any questions or comments, please do not hesitate to let me know.

Sincerely,

Amy Plato Roberts
Regulatory Consultant for BioSensory, Inc.
Direct dial (202) 828-8964; Email: aroberts@tsgusa.com

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
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CANADA

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Suite 900
Ottawa, Ontario
K1P 5H9
Telephone 613 247-6285
Fax 613 236-3754

DEER AWAY® CONCENTRATE FORMULA II

For Residential Use Only

Do Not Spray Directly On Plants Intended for Human Consumption

FOR ORGANIC GARDENING

(logo)

NOTIFICATION
Date Reviewed: 10/6/05
Reviewed By: CPellard

ACTIVE INGREDIENT:	BY WT.
Putrescent Whole Egg Solids.....	23.15%
OTHER INGREDIENTS:	<u>76.85%</u>
	TOTAL: 100.00%

KEEP OUT OF REACH OF CHILDREN

CAUTION

(See back panel for additional precautionary statements and first aid)

Net Contents: 1 Gallon (3.79 l) [1 QT. (0.946 l); 1 PT. (0.473 l)]

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

CAUTION: Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

FIRST AID	
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.
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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. Contact 1-800-858-7378 for emergency medical treatment advice.	

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.

GENERAL INFORMATION

Before applying, read and understand all label instructions. **SHAKE WELL BEFORE MIXING!** Do not spray directly onto plants intended for human consumption. This product can be applied using all types of hand or power sprayers. Read and carefully follow the instructions for the type of sprayer you use. Promptly clean all equipment after each use. Do not mix or apply this product with equipment that has been used for herbicidal applications. Properly dilute and spray Deer Away® Concentrate Formula II on treatment area. Do not apply excessively to seedlings.

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 Away® Concentrate Formula II unusable. This product will stain structural surfaces. Do not apply to or allow spray to drift onto siding, roofing, decks, fences, driveways, painted surfaces or other structural material.

MIXING AND DILUTION DIRECTIONS:

Note: Container is not filled to capacity, but is filled by weight.

Mix before using: Deer Away® Concentrate Formula II must be mixed with water to produce ready-to-use spray. Before mixing, read and understand label instructions.

Use promptly after mixing: Mixed solution will spoil quickly above 40 ° F. Do not store mixed solution longer than one day. Carefully determine the quantity required for immediate application.

1. Before diluting, thoroughly shake or stir contents of concentrate container to completely re-suspend all solids.
2. In a suitable mixing container, mix 1 part concentrate with 4 parts warm water.
3. Pour dilute spray into sprayer and **use promptly**. Stir or shake the spray immediately before use to prevent settling in bottom of sprayer. Run agitator on large tank sprayers. If sprayer is to be re-used, clean it with cold water immediately after use.

Seal tightly: If saving part of unmixed concentrate for use later, close container tightly to prevent evaporation.

APPLICATION DIRECTIONS:

Before applying, read and understand label instructions.

Apply only in diluted form as specified. Do not apply excessively to seedlings.

Weather Conditions: Do not apply at temperatures below 40°F, or in wet, windy conditions. Apply only to dry (non-food) plants, and only under conditions favoring prompt drying of spray (lightly breezy, mild dry weather with low relative humidity). If spray is used on wet (non-food) plants 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.

Care of Equipment: Promptly discard leftover spray according to label directions. Rinse spraying equipment thoroughly with cold water immediately after use.

New Conifer Seedlings: New seedlings to be protected from winter browsing must be dormant and frost hardy before treatment. 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. Use a pressurized hand-held or backpack garden sprayer. Hold nozzle of spray wand 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. Reapply every 14 days or as needed if the previous treatment appears to be fading.

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

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

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

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

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.

*Not registered for use as a perimeter spray in California.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by 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 use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL:

If Empty: Do not reuse this container. Place in trash or offer for recycling if available.

If Partly Filled: Contact your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

Manufactured By:

 Woodstream

Woodstream Corporation

69 North Locust Street

Lititz, PA 17543

For Information call 800-800-1819

Made in USA

Printed in USA

EPA Reg. No. 50932-15

EPA Est. No. 63416-MN-001

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OPTIONAL MARKETING CLAIMS

- ✓ FOR ORGANIC GARDENING (logo)
- ✓ For repelling black-tailed deer (mule deer), white-tailed deer and Roosevelt elk that browse or uproot conifer seedlings.
- Repels rabbits [*- from ornamentals + garden vegetables*] *- left out*
- ✓ Repels by odor
- ✓ Creates an odor barrier to protect garden vegetables*
- ✓ Creates a protective barrier to repel deer and rabbits*
- ✓ Protects garden and landscape plantings
 - ✓ Protects ornamental trees and shrubs
 - ✓ (For 1 Gallon) Treats 300-360 ornamental shrubs 4 feet high.
 - ✓ (For 1 Quart) Treats 75-90 ornamental shrubs 4 feet high.
 - ✓ (For 1 Pint) Treats 36-45 ornamental shrubs 4 feet high.
- ✓ (For 1 Gallon) Concentrate! Makes 5 Gallons
- ✓ Guaranteed!
- ✓ Effective!
- ✓ It Works!
- ✓ Non-Toxic Mode of Action

*Not registered for use as a perimeter spray in California.