

58035-7

10/10/2008

1/8



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

October 10, 2008

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Michael Kellogg, Agent
for Ceannard, Inc.
Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig Harbor, WA 98332

RE: Product Name: Rejex-IT TP-40
EPA Reg. No: 58035-7
Application for Label Notification Dated September 18, 2008 to Revise the Container
Disposal Instructions per PR Notice 2007-4

Dear Mr. Kellogg:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration Notice (PRN) 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PRN 98-10 and it has been determined that the action(s) requested falls within the scope of PRN 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

For any question you may have concerning this action, please contact Ms. Diana Hudson at (703) 308-8713 or email at hudson.diana@epa.gov.

Sincerely,

Linda Hollis

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



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 58035-7	2. EPA Product Manager L. Hollis	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Ceannard, Inc. / Rejex-it TP-40	PM# 91	
5. Name and Address of Applicant (Include ZIP Code) Ceannard, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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

NOTIFICATION

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	Date Reviewed: <u>10/10/08</u> Reviewed By: <u>D. Hudson</u>
<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 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 checked="" 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 1, 2.5, 55 gallons		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 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 Kellogg		Title Agent		
		Telephone No. (Include Area Code) (253) 853-7369		
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 Agent		
4. Typed Name Michael Kellogg		5. Date 9/18/08		

91
PYXIS REGULATORY CONSULTING, INC.

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

September 18, 2008

COURIER DELIVERY

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

RE: Ceannard, Inc. - Rejex-It TP-40 (EPA Reg. No. 58035-7)
Submission of Label Notification per PR Notice 2007-4

Dear Ms. Hollis,

On behalf of Ceannard, Inc., please find the enclosed label notification revising the container disposal instructions per PR Notice 2007-4 for Rejex-It TP-40 (EPA Reg. No. 58035-7).

In support of this notification, please find the enclosed:

1. Completed Application for Registration (EPA Form 8570-1)
2. One (1) copy of the Rejex-It TP-40 revised labeling with changes tracked
3. One (1) copy of the Rejex-It TP-40 revised labeling with changes incorporated

Please feel free to contact me if you have any questions or need any additional information.

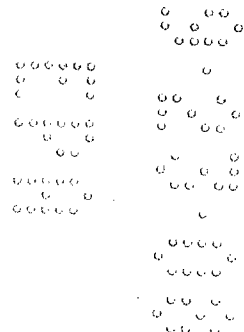
Sincerely,



Michael Kellogg

Enclosures

cc: Devlin Reynolds; Ceannard, Inc.



4/8

[Note to Reviewer: Master label: This master label bears directions for both 1. landfills and non-fish bearing bodies of water and 2. fogging use with various environmental hazards, application directions, and dilution directions specific to use patterns.]

Rejex-It TP-40

Bird Repellent

NOTIFICATION

Date Reviewed: 10/10/08

Reviewed By: D. Hudson

ACTIVE INGREDIENT:

Methyl Anthranilate (MA), methyl 2-aminobenzoate 40.0%

OTHER INGREDIENTS 60.0%

TOTAL 100.0%

This product contains 3.3 pounds of Methyl Anthranilate per gallon of product.

Rejex-It TP-40 is formulated with food grade ingredients.

KEEP OUT OF REACH OF CHILDREN

CAUTION

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.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Harmful if absorbed through skin. Avoid contact with skin, eyes, and clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

For terrestrial uses, do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean highwater mark. Do not contaminate water when disposing of equipment washwater or rinsate. This pesticide is slightly toxic to fish and aquatic invertebrates.

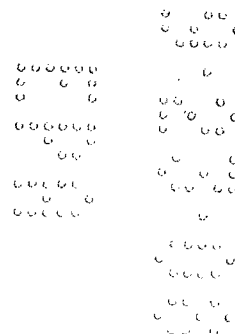
EPA REG No. 58035-7

EPA EST. No. 073273-TX-001, 071638-OH-001

Manufactured by:

Ceannard, Inc.
PO Box 2404
Gastonia, NC 28053

NET CONTENTS: 2.5 Gallons



DIRECTIONS FOR USE

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

NON-FOGGING APPLICATIONS

LANDFILLS AND NON-FISH BEARING BODIES OF WATER

USE RESTRICTIONS: Use this product in areas to repel birds that congregate in large numbers, including these passerine birds: starlings (*Sturnus vulgaris*), gulls (subfamily *Larinae*), blackbirds including grackles (Family *Icteridae*), and rock dove and domestic pigeons (*Columba livia*), cliff swallow (*Hirundo fulva*), house (English) sparrow (*Passer domesticus*), house finch (*Corpodacus mexicanus*), American crow (*Corvus brachyrhynchos*, *Corvus ossifragus*) as well as these wild migratory waterfowl: geese (*Anserinae*), mute swan (*Cugus olor*), and Coot (*Fulica Americana*). These listed birds are reservoirs or vectors for human disease causing agents, bacterial, parasitic, fungal, and ectoparasitic pathogens that can be transmitted to humans and may present a health risk to humans and domestic poultry.

Areas where the above types of wild birds or their drops and humans or domestic birds come in close contact pose a risk to human health and in these settings, birds are considered pests.

Use this product to repel birds from landfills; non-fish bearing bodies of water (tailing ponds, commercial or industrial water impoundments); and temporary pools of standing water located at or near airports. This product can also be used in non-crop areas that contain temporary surface water caused by the management activities, such as water collected in equipment ruts. Rejex-it® TP-40 can also be applied near intermittently flooded low-lying areas, transitional areas between upland and lowland sites, marshes, swamps, bogs, and seasonally dry flood plains and/or deltas provided no water is present or water has receded where birds are a hazard or nuisance. However, this product cannot be applied in these areas when non-target birds (i.e. those birds not listed above) or Threatened or Endangered Birds may be present. Do not apply directly to water, such as lakes, reservoirs, ponds, streams and canals; however, overspray to water bodies can be expected with proper use of this product.

[New York only – Use this product only on landfills; non-fish bearing bodies of water and temporary pools of standing water on paved areas or construction sites at or near airports.]

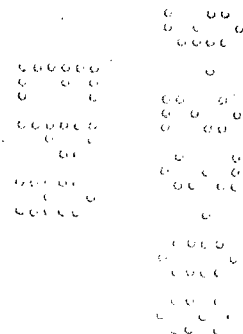
APPLICATION DIRECTIONS:

Non-fish bearing bodies of water (tailing ponds, commercial or industrial water impoundments, and decorative fountains): Apply Rejex-It TP-40 at a rate of 2.5 gallons per acre (8 lbs a.i. per acre) of water surface at 3-4 week intervals. Adjust timing of subsequent applications as required by bird activity and anticipated seasonal migrations. Best applied undiluted or with a surfactant approved for use in water applications to ensure water surface coverage.

Landfills: Apply Rejex-It TP-40 at a rate of 2.5 gal per acre (8 lbs a.i. per acre) directly to the active site face as soon as the birds start to arrive. Repeat applications as long as birds persist. Make applications with conventional spray equipment, hydroseeders and other liquid application equipment. Product is best applied undiluted or with surfactant to ensure uniform coverage.

FOGGING APPLICATIONS

USE RESTRICTIONS: Use this product in areas to repel birds that congregate in large numbers, including these passerine birds: starlings (*Sturnus vulgaris*), gulls (subfamily *Larinae*), blackbirds including grackles (Family *Icteridae*), and rock dove and domestic pigeons (*Columba livia*), cliff swallow (*Hirundo fulva*), house (English) sparrow (*Passer domesticus*), house finch (*Corpodacus*



mexicanus), American crow (*Corvus brachyrhynchos*, *Corvus ossifragus*) as well as these wild migratory waterfowl: geese (*Anserinae*), mute swan (*Cygnus olor*), and Coot (*Fulica Americana*). These listed birds are reservoirs or vectors for human disease causing agents, bacterial, parasitic, fungal, and ectoparasitic pathogens that can be transmitted to humans and may present a health risk to humans and domestic poultry. This product can also be used in non-crop areas that contain temporary surface water caused by the management activities, such as water collected in equipment ruts. Rejex-It® TP-40 can also be applied near intermittently flooded low-lying areas, transitional areas between upland and lowland sites, marshes, swamps, bogs, and seasonally dry flood plains and/or deltas provided no water is present or water has receded where birds are a hazard or nuisance. However, this product cannot be applied in these areas when non-target birds (i.e. those birds not listed above) or Threatened or Endangered Birds may be present. Do not apply directly to water, such as lakes, reservoirs, ponds, streams and canals; however, overspray to water bodies can be expected with proper use of this product.

Areas where the above types of wild birds or their droppings and humans or domestic birds come in close contact pose a risk to human health and in these settings, birds are considered pests. For use on or near domestic structures or buildings,

Use Rejex-It TP-40 with thermal and mechanical foggers as well as specialized fogging and aerosol equipment as long as the product is applied at < 30 microns. For best results, ensure the product comes in direct contact with target birds (see above) through direct fogging or proper air circulation via natural or artificial air movement.

Direct outlet or nozzle away from surfaces and greenery or hold the fog or aerosol generator at least 5 feet from any object, painted surface, and especially plants and shrubbery to avoid discoloration from direct contact with concentrated Rejex-It TP-40 or the heat when using thermal foggers. Do not smoke while applying this product.

New York Only: Fogging application must be done by certified applicators. Applicators must use a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, R, P, or HE filter. A minimum separation distance equal to 100 ft or the windward length of the proposed treatment area, whichever is greater, is required between the outer perimeter of the proposed area and any adjacent area of natural bird habitat such as a clump of trees, wood lot, forested area, etc. Shut the fogger off when the Rejex-It TP-40 bearing fog has reached the downwind perimeter of the treatment area or sooner if the birds have been repelled. Use precautionary measures to ensure that there is no direct exposure to humans, pets, domestic animals or non-target wildlife.

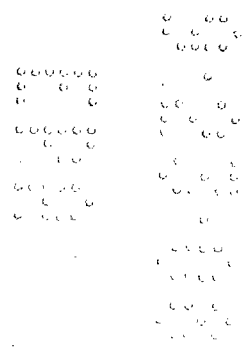
INDOOR FOGGING APPLICATIONS (Warehouses, hangars, garages, assembly plants, etc.)

Apply Rejex-It TP-40 undiluted at a rate not to exceed one (1) ounce per 10,000 cubic feet of space to be treated. Point fog generator in the general direction of the nuisance birds, keeping the fog generator at least 5 feet away from any structure or object to allow for complete dissipation of the fog. A distance of at least 5 feet from any structure or object prevents any damage to desired materials. Expose as many birds as possible to the fog for fast and lasting results. Best product performance is achieved with a dry fog. Consult the fog generator owner's manual for proper settings to assure a dry fog. Both ULV and thermal foggers may be used to apply this product. Several treatments, 1 to 4 days apart may be required for removal of all nuisance birds.

For automated fogging applications, point the fogger in the direction of the birds or their expected approach. Set the fog generator for an appropriate duration as needed to repel target birds, such as 10 second to 5 minute fogging pulses during the time of expected bird activity.

OUTDOOR FOGGING APPLICATIONS:

General Application Directions: Apply Rejex-It TP-40 undiluted at a rate of 6 - 8 ounces per acre (43,500 sq ft) of area to be treated. Point the fog generator in the general direction of the



nuisance birds, keeping the fog generator at least 5 feet away from any structure or object to allow for complete dissipation of the fog. A distance of at least 5 feet from any structure or object prevents any damage to desired materials. Best product performance is achieved with a dry fog. Consult the fog generator owner's manual for proper settings to assure a dry fog. ULV, thermal, and other foggers and aerosol generating equipment with a minimum application size of < 30 microns may be used to apply this product. Several treatments, 1 to 4 days apart may be required for removal of all nuisance birds.

For automated fogging applications, point the fogger in the direction of the birds or their expected approach. Set the fog generator for an appropriate duration as needed to repel target birds, such as 10 second to 5 minute fogging pulses during the time of expected bird activity.

Electrical Substations, Farmsteads, Agricultural Sites, Structures, Buildings, Airports, and other Open Areas

Apply Rejex-It TP-40 undiluted using a thermal or mechanical fog generator that will deliver a dry fog with a droplet size within the aerosol size range (below 30 microns). Expose as many birds as possible to the fog for fast and lasting results. Apply Rejex-It TP-40 when birds have settled down or are roosting in the structure and/or wires of the substation. Withhold treatment until conditions favoring successful use arise (temperature, direction, and speed of wind) to be able to cover all the infested structure. For best results, make applications in the evening, when most of the birds have arrived, but before it gets too dark for the birds to leave once exposed to the fog.

Trees and Shrubs

Apply Rejex-It TP-40 undiluted using a thermal or mechanical fog generator that will deliver a dry fog with a droplet size below 20 microns that will penetrate the foliage without wetting it. Expose as many birds as possible to the fog for fast and lasting results. Apply Rejex-It TP-40 when birds have settled down. Withhold treatment until conditions favoring successful use arise (temperature, direction, and speed of wind). For best results, make applications in the evening, when most of the birds have arrived, but before it gets too dark for the birds to leave once exposed to the fog. Application in the morning after the birds normally leave does not have much effect. To prevent damage to foliage, do not allow Rejex-It TP-40 to accumulate to the point of runoff.

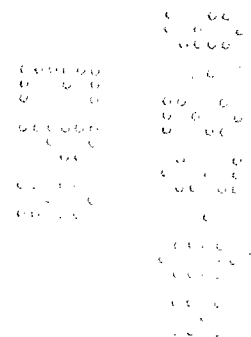
Turf (Golf courses, lawns, sports fields, parks, etc.)

Apply Rejex-It TP-40 undiluted using a thermal or mechanical fog generator that will deliver a dry fog with a droplet size within the aerosol size range (below 30 microns) that stay suspended and do not settle to the ground. Set fogger upwind so that the wind will carry the fog in the general direction of the birds. Apply at any time of the day when birds are present. To control Canada geese, apply at any time when they are feeding or roosting, except when they sit on a nest during breeding season.

Lakes and Ponds, Harbors and Boat Docks, Aquatic Production Sites (non-fish bearing sites such as hatchery buildings and around culture ponds),)

Do not apply directly to water. However, it is expected that overspray may occur. Apply when wind and drift conditions are minimal. Apply Rejex-It TP-40 undiluted using a thermal fog generator that will deliver a dry fog with a droplet size below 20 microns that will stay suspended and does not settle on the water surface. Set fogger upwind so that the wind will carry the fog in the general direction of the birds. Apply as soon as birds arrive. For roosting birds, the product is best applied in the evening when most of the birds have arrived but before it gets too dark for the birds to leave.

Fruit Applications (Agricultural Uses: For application to cherries, blueberries, grapes, apples, stone fruits (apricots, cherries, peaches, plums), cereal grains (sweet and pop corn, millet, oats, sorghum), and sunflowers) Use this product to limit damage caused by birds on ripening crops. Withhold treatment until fruit is susceptible to bird damage. Apply Rejex-It TP-40 undiluted using a thermal or mechanical fog generator that will deliver a dry fog with a droplet



size within the aerosol size range (below 30 microns). To avoid damage to foliage or fruit discoloration, do not allow TP-40 to accumulate to the point of runoff. Birds must be exposed to the airborne Rejex-It TP-40 if it is to achieve lasting results. Direct fog into crop area. Do not apply when crop is wet or if rain is expected. This product may be applied up to the day of harvest. Repeat treatment if significant bird damage begins to occur.

California: Handlers must wear coveralls over normal work clothes. Harvesters must wear gloves and long-sleeved shirts.

New York: This product is not to be used on grapes within Suffolk County.

STORAGE & DISPOSAL

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

STORAGE: Store only in original container, in a dry place inaccessible to children, pets and domestic animals. Store apart from pesticides, fertilizers, food or feed that may cause cross-contamination from odor. Keep container closed when not in use.

REPELLENT DISPOSAL: Product or rinse water that cannot be used according to label instructions must be disposed of according to Federal or approved State procedures. Water resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying.

(Nonrefillable ≤ 5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

(Nonrefillable > 5 gallons): Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Formatted: Font: (Default) Arial, 10 pt

WARRANTY

NOTICE: The directions for use of this product are believed to be adequate and must be followed carefully. To the extent consistent with applicable law, Ceannard, Inc. does not make, nor does it authorize any agent or representative to make any oral or written warranty, guarantee, or representation, express or implied, concerning this material or the use thereof beyond the statements of the label. To the extent consistent with applicable law, Ceannard, Inc. nor the seller shall be held responsible in any manner for any claim of personal injury or property damage or loss resulting from handling, storage, or use of this material not in accordance with the written directions. To the extent consistent with applicable law, the buyer assumes all risk and liability resulting from handling, storage, or use, or purchaser accepts and uses this material on these conditions. No other warranty exists.

EPA 20080918

