

U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION (75-767)
WASHINGTON, DC 20460

EPA REGISTRATION NO.

66676-1

DATE OF ISSUANCE

30 JAN 1995

TERM OF ISSUANCE

Conditional

NAME OF PESTICIDE PRODUCT

Tree Guard

NOTICE OF PESTICIDE:



REGISTRATION



REREGISTRATION

(Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended)

NAME AND ADDRESS OF REGISTRANT (Include ZIP code)

Nortech Forest Products Inc.
7600 W. 27th St., Suite 811
St. Louis Park, MN 55426

176 5-484083
18
176 5-499554
18
176 5-499557
18

NOTE: Changes in labeling formula differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above U.S. EPA registration number.

the basis of information furnished by the registrant, the above named pesticide is hereby Registered/Reregistered under the Federal Insecticide, Fungicide, and Rodenticide Act.

A copy of the labeling accepted in connection with this Registration/Reregistration is returned herewith.

Registration is in no way to be construed as an indorsement or approval of this product by this Agency. In order to protect health, safety, and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any data in connection with the registration of a product under the Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been used by others.

This product is conditionally registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c)(7)(A) provided that you:

A. Submit the following information for these tests:

1. Acute Inhalation Test (81-3)

Provide analyses and calculations used to determine the exposure concentration. See "IV. Design and Evaluation" (#2 and 10) and "VI Discussion" (A) in the enclosed review for this study.

2. Dermal Sensitization Test (81-6)

Provide positive control data performed within 6 months of the main study. See Page 2 of enclosed review ("BACKGROUND").



ATTACHMENT IS APPLICABLE

BEST COPY AVAILABLE

SIGNATURE OF APPROVING OFFICIAL

DATE

B. Make the following changes to your proposed labeling and submit one (1) copy to us before your ship product:

1. Add "EPA Reg. No. 66676-1" to your label.
2. On the Front Panel, revise your precautionary statements as follows:

KEEP OUT OF REACH OF CHILDREN

CAUTION

See Side/Back Panel for additional precautions.

3. Revise your ingredient statement as follows:

ACTIVE INGREDIENT

[Chemical Name] 0.20%*

INERT INGREDIENTS 99.80%

*Contains 0.017 lbs (7.70 g) of active ingredient
(also known as Delatonium benzoate or Eitrex) per
gal)

4. Revise your precautionary statements as follows:

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

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

FIRST AID

IF ON SKIN: Wash with plenty of soap and water.
Get medical attention if irritation persists.

5. Revise the text under your product name as follows:

A ready-to-use deer repellent for reduction of
feeding by deer on trees, shrubs, and other
ornamental plants

6. You can delete your "Non Agricultural Use
Requirements" block or relocate it under the
ingredient statement or as a first paragraph under the
"Use Restrictions".

BEST COPY AVAILABLE

7. Revise your use directions as follows:

DIRECTIONS FOR USE

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

USE RESTRICTIONS: This product may be used to discourage deer (Odocoileus spp.) from feeding on shrubs, ornamental plants, conifers, and nonbearing deciduous trees. Use this product only at ambient temperatures between 40°F and 90°F. Where deer pressure is high, consider other abatement options including fencing. Do not use on food or feed crops.

Do not apply aerially. Do not apply product through any type of irrigation system or hose proportioner applicator. Do not apply directly to or where product might drift onto stone, concrete, or siding as staining might occur.

Tree Guard has been tested on many species of ornamental plants and is believed not to be generally phytotoxic. Nevertheless, it is advisable to test the product on types of plants that might be especially sensitive by treating and observing small portions of the plant before treating the entire plant.

APPLICATION DIRECTIONS: This product is ready-to-use and should not be diluted. Shake container well before using product. Apply Tree Guard directly using the squeeze trigger if the product container is equipped with a trigger applicator. If the container lacks a squeeze trigger, transfer the product to any pump-type sprayer equipped with a cone or flat fan nozzle. Adjust nozzle to obtain even coverage. Apply only to dry plants.

Hold spray tip 1 to 2 feet from plants to be treated and spray leaves, needles, buds, branches and trunks subject to browsing by deer. Thoroughly wet treated surfaces but do not apply to the point of significant spray run-off. For small shrubs such as global arborvitae 20-24" high, approximately 4-5 plants can be treated with the contents of a 1-quart container. Less product per plant will be needed for treating smaller, or less densely foliated plants.

4/8
Larger, heavily foliated plants will require greater amounts of product.

Repeat treatments if deer damage resumes. For best results, apply to bare branches in fall after the first frost and to unprotected foliage in spring."

8. Revise the STORAGE AND DISPOSAL statements as follows:

STORAGE AND DISPOSAL

Storage: Store only in original container, in a dry place inaccessible to children and pets at temperatures above freezing.

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

Empty container: Rinse thoroughly and wrap in several layers of newspaper before discarding in trash.

- C. Continue to submit generic data for re-registration of the active ingredient in Tree Guard, Bitrex, in a timely fashion. See our letter of October 26, 1995.
- D. Cancel any "Special Local Needs" registrations with the deer use, now that you have a national label.
- E. Make additional labeling changes to your labeling after review of the data submitted with your December 6, 1995, letter. You submitted these data so that you could:
- 1) retain the claim that your formula was "weather-resistant" and
 - 2) drop text indicating that the formula was only for "short-term control (1 to 3 days)".

We have screened these data and feel that, until our review is complete, you:

- 1) cannot add the "weather-resistant" claim but
- 2) may drop the text that the formula was only for "short-term control".

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Daniel B. Pearson for

Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

- Enclosures: 1) Stamped label
2) A-79 Enclosure
3) Acute Toxicology Review

DATE OF BIRTH: 07-11-1961 NOTED: 08-01-1961

Nortech

TREE GUARD®

A ready-to-use deer repellent with a new weather resistant formula
to discourage deer from feeding on trees, shrubs,
and other non food woody plants.

ACTIVE INGREDIENT:

Benzyldiethyl [(2,6 xylyl carbamoyl) methyl] ammonium benzoate.....0.20%*

INERT INGREDIENTS.....99.80%

Total 100.00%

*Equivalent to 7.76 grams of active ingredient per gallon

KEEP OUT OF REACH OF CHILDREN

ACCEPTED
COMMENTS
in EPA Letter Dated

30 JAN 1987

CAUTION

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
and related laws, this pesticide
is distributed under EPA Reg. No.

66676-1

EPA Est. No. 66676-MN-01

EPA Reg. No. 66676

Patent Pending

Nortech Forest Technologies, Inc.

7600 West 27th Street

) St. Louis Park, MN 55426

NET CONTENTS: Various Sizes

CAUTION**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

Harmful if inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after using. Remove contaminated clothing and wash before re-use.

ENVIRONMENTAL HAZARDS

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 clean equipment or dispose of equipment wash waters in a manner that will contaminate water resources or arable land.

STATEMENT OF PRACTICAL TREATMENT

IF ON SKIN: Wash with soap and water.

IF INHALED: Remove individual to fresh air. Get medical attention if breathing difficulty occurs.

NON AGRICULTURAL USE REQUIREMENTS

Repellents for vertebrate pests are exempt from the Worker Protection Standard 40 CFR 170.102.

STORAGE AND DISPOSAL

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

Product Storage: Use and store this product in its original container. Do not put product into food or drink containers. Store product in a secure storage area. Keep from freezing.

Product Disposal: Partially filled bottle may be disposed of by securely wrapping original container in several layers of newspaper and discard in trash. In case of spill or leak, soak up with paper towels and discard in trash.

Container Disposal: Do not reuse empty container. Rinse thoroughly and wrap in several layers of newspaper before discarding in trash.

DIRECTIONS FOR USE:

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

Shake well before using. Keep from freezing. Clean application equipment immediately after use before spray dries.

USE RESTRICTIONS:

This ready-to use product may be used to discourage deer (*Odocoileus* spp.) from feeding on shrubs, ornamental plants, conifers and nonbearing deciduous trees. Use this product only at ambient temperatures between 40°F and 90°F. Do not use on food or feed crops. Do not apply directly to or where product might drift onto stone, concrete or siding as staining might occur. Do not apply aerially. Do not apply product through any type of irrigation system or hose proportioner applicator.

Tree Guard has been tested on many species of ornamental plants and is believed not to be generally phytotoxic. Nevertheless, it is advisable to test the product on types of plants that might be especially sensitive by treating and observing small portions of the plant before treating the entire plant.

APPLICATION DIRECTIONS:

This product is ready-to-use and should not be diluted. Shake container well before using product. Apply Tree Guard directly using the squeeze trigger if the product container is equipped with a trigger applicator. If the container lacks a squeeze trigger, transfer the product to any pump-type sprayer equipped with a cone or flat fan nozzle. Adjust nozzle to obtain even coverage. Apply only to dry plants.

Spray leaves, needles, buds, branches and trunks subject to browsing by deer. Thoroughly wet treated surfaces but do not apply to the point of significant spray run-off. Repeat treatment if deer damage resumes. For best results, apply two coats, then maintain a protective coat by applying to new growth and to bare branches in spring and fall.

NOTICE OF WARRANTY:

Nortech makes no warranty of merchantability, fitness for any purpose, or otherwise, express 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.

In no case shall the seller be liable for consequential, or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the buyer.