

Best copy
available

66676-1

12/27/2000

1/5

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 27, 2000

Becker Underwood, Inc.
6526 Fairlawn Drive
McLean, VA 22101

Attention: Ms. Catherine B. Rice

Subject Tree Guard
EPA Reg. No. 66676-1
Your submissions of August 22 and October 13, 2000
Our telephone conversation of December 26, 2000

In the above submissions you submitted two revised Confidential Statements of Formula (CSF), a "Basic Formulation" and an "Alternative Formulation", and a revised label. Our comments on these items follow:

Label review Submit one (1) copy of final printed labeling with the following changes before you release the product for shipment:

1. On the Front Panel, under "Tree Guard®", revise the text under your product name as follows:

Deer repellent for reduction of feeding by deer on
CONIFERS AND DECIDUOUS, NON-BEARING TREES, SHRUBS,
FLOWERS, AND OTHER ORNAMENTAL PLANTS.

2. Put "Denatonium Benzoate," in front of the chemical name in the ingredient statement. Do not use "or".

300 5-584368
37
300 5-590042
37

3. Format your text to distinguish clearly between "Headings" and "Subheadings", as you had done in labeling accepted July 11, 2000:

- a. Begin use directions as follows:

DIRECTIONS FOR USE

It is a violation ... its labeling.

- b. Begin your "PRECAUTIONARY STATEMENTS" as follows:

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

- c. Begin "STORAGE AND DISPOSAL" section as follows:

STORAGE AND DISPOSAL

Storage: Store only in original container, in a dry place
inaccessible to children and pets. KEEP FROM FREEZING.

4. Bold "**Do not apply aerially.**"
5. Bold and underline "**CLEAN APPLICATION EQUIPMENT
IMMEDIATELY BEFORE SPRAY DRIES.**"

CSF	According to our December 26, 2000, telephone conversation, Becker now considers its 6 component formula dated March 20, 2000, which was acceptable, as the "Basic Formula" and has withdrawn its 5 component formula.. All other versions are obsolete.
Existing stocks date for old labeling	You will have six (6) months to use up existing stocks of previously approved labeling.
Consequence for non-compliance	This registration will be subject to cancellation in accordance with FIFRA sec. 6(e) if you do not comply with these conditions. Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the labeling is enclosed for your records.

Page 3 of 3

EPA Contact If you have questions about this letter, please contact me at 703-305-5407 (by phone), 703-305-6596 (by fax), or peacock,dan@epa.gov (by E-Mail).

Sincerely,




Daniel Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Enclosure 1. Stamped label
2. Minimum Type Sizes for Final Printed Labels

Letter filed Disk45,A:\Bitrex\66676-1 Dec.wpdDec 27, 2000

ACCEPTED
with COMMENTS
in EPA Letter Dated:
DEC 27 2000



LX2.5.TG-B
8/00

**READY
TO USE**

TREE GUARD®
DEER REPELLENT

Use on conifers and deciduous, non-fruitbearing
trees, shrubs, flowers and other ornamental plants

ACTIVE INGREDIENT:
Denatonium benzoate or Benzyl-diethyl [(2,6 xylol carbamoyl) methyl]
ammonium benzoate 0.20%*

OTHER INGREDIENTS 99.80%

Total 100.00%

* Contains 0.017 lbs. (7.76 g) active ingredient (also known as Bitrex) per gallon.
EPA Reg. No. 66676-1 EPA Est. 67064-IA-001

**BECKER
UNDERWOOD INC.**
THE COLOR OF INNOVATION


801 Dayton Ave ■ PO Box 667 ■ Ames, IA 50010 USA
800-323-3396 ■ Fax 515-232-5961
www.treeguard-deer.com

**CONTAINS
Bitrex™**

**KEEP OUT
OF REACH
OF CHILDREN
CAUTION**

See back panel
for additional
precautions

**KEEP FROM
FREEZING**



NET CONTENTS: 2 x 2.5 Gallons

TREE GUARD® Deer Repellent

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 applicator. If the container lacks a squeeze trigger, transfer 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 globe 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; 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. Clean applicator equipment immediately before spray dries.

PRECAUTIONARY STATEMENTS: HAZARDS TO HUMANS AND DOMESTIC ANIMALS.

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

1X2.5TG-B 8/00

FIRST AID

Have label with you when obtaining treatment advice.

If on skin
or clothing

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 min.
- Call a poison control center or doctor for treatment advice.

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.

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.

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

KEEP FROM FREEZING

NOTICE: Becker Underwood, Inc. makes no express or implied warranties of fitness or merchantability or any other kind whatsoever, except that the product conforms to the specifications on the label. Becker Underwood, Inc.'s sole liability on the warranty is limited, at Becker Underwood's option, to replacement of the defective product or return of the purchase price paid for the defective product. Under no circumstances shall Becker Underwood, Inc. be liable for incidental, consequential or special damages. The buyer assumes all risks and liability resulting from the use of this product, whether used singly or in the combination with other goods. Becker Underwood, Inc. neither assumes, nor authorizes any person to assume for it, any other liability in connection with the sale or use of this product.



Becker Underwood, Inc. ■ 801 Dayton Ave ■ PO Box 667 ■ Ames, IA 50010 USA ■ www.treeguard-deer.com