UNITED STATES ENVIRONMENTAL PROJECTION AGENCY

Christina Griffin Agent for Hot Pepper Wax, Inc. Delta Analytical.Corporation 12510 Prosperity Drive, Suite 160 Silver Spring, MD 20904

DEC 1 9 2006

Subject:

Hot Pepper Wax

EPA Reg. No. 67238-1, and EPA Reg. No. 67238-2

Notification of Label Revisions Dated November 6, 2006 (EPA submission # 801573

& 801585)

Dear Ms. Griffin:

The Biopesticides and Pollution Prevention Division (BPPD) is in receipt of the above applications for Notification under Pesticide Registration Notice (PRN) 98-10. A preliminary screen of the applications have been conducted for applicability under PRN 98-10 and the Agency has determined that your action to delete the 1-800-CLEANUP number from the storage and disposal section of the residential portion of each label is acceptable (see PRN 2001-6).

However, your action to add to each label the phrase "protects foliage from moisture loss" does not clearly fall within the scope of PRN 98-10 (pg. 11) and is therefore **not acceptable**.

While the phrase "protects foliage from moisture loss" may be a non-pesticidal claim, the Agency will require additional administrative (label) and possible confidential statement of formula, data and/or review of your files to make a determination regarding the accuracy and appropriateness of the claim for these specific pesticide products (LRM pg12, sec A-2).

Be advised that Pesticide Registration Notices are provided as guidance. They are not considered to be regulation by the Agency. BPPD therefore, reserves the right to make the above determination and concludes that the action to add the phrase "protects foliage from moisture loss" to the above product labels must be submitted to the Agency as an amendment. No further processing of this action will occur until a resubmission is made by you.

If you have questions concerning this letter or need additional information, you may contact Cheryl Greene at 703 308-0352 or by email at greene.cheryl@epa.gov.

Sincerely,

Linda Hollis

SURNAME - DATE - Linda Hollis, Chief

Biochemical Pesticides Branch

CONCURRENCES

Biopesticides and Pollution Prevention Division (7511P)

CONCURRENCES

Biopesticides and Pollution Prevention Division (7511P)

Form Approved. OMB No. 2070-0060.



United States

☐ Registration

OPP Identifier Number

⇔ EPA □			Environmental Protection Agency Washington, DC 20460		idment	306495
		Application for Po	esticide - Section I			
1. Company/Product Number 67238-1			2. EPA Product Manager Linda Hollis		3. Proposed Classification □ None □ Restricted	
4. Company/Product (Name) Hot Pepper Wax, Inc . / Hot Pepper Wax			РМ# ВРР D			
5. Name and Address of Applicant (Include ZIP Code) Hot Pepper Wax, Inc. c/o Delta Analytical Corp. 12510 Prosperity Drive, Suite 160 Silver Spring, MD 20904 □ 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			
		Sect	ion - II			
☐ Amendment - Explain below ☐ Resubmission in response to Agency letter dated X Notification - Explain below,			☐ Final printed labels in response to Agency letter dated ☐ "Me Too" Application. ☐ Other - explain below.			
Explanation: Use additional page(s) if ne Notification per PR Notice 98-10 This notification is consistent with the or the confidential statement of formula further understand that if this notification as be subject to enforcement action a	to add open provisions of of this produced on is not cons	tional language and de PR Notice 98-10 and EPA re act. I understand that it is a sistent with the terms of PR	egulations at 40 CFR 152,46, a violation of 18 U.S.C. Sec. 10 Notice 98-10 and 40 CFR 15	and no other o	changes have make any fal	se statement to EPA. I
			on - III			
Material this Product will be Package	ed in:					
Child-Resistant Packaging ☐ Yes* ☐ No	Unit Packaging □ Yes □ No		Water Soluble Packaging ☐ Yes ☐ No		2. Type of Container ☐ Metal ☐ Plastic ☐ Glass	
* Certification must be submitted.	If "Yes," Unit Package	e wgt. No. per container	If "Yes," Unit Package wgt. No. per container □ Paper □ Other (Specify)			
3. Location of Net Contents Information 4. Size(s) of Retail Contains ☐ Label ☐ Container		s. Location of Labe! Direction ☐ On Labe! ☐ On Labeling accompanying product				
6. Manner In Which Label Is Affixed to Product ☐ Lithograph☐ Paper glued☐ Stenciled			☐ Other			
		Section	on - IV			
1. Contact Point (Complete items directly b	elow for identif	ication of individual to be cont	tacted, if necessary, to process	this application	n.)	
Name Cristina Griffin			Title Agent for Hot Pepper	Wax	Telephone No. (Include Area Code) 301-680-7971	
I certify that the statements I have made or of knowingly false or misleading statement			ue, accurate and complete. I a	cknowledge tha	at any kino	6. Date Application Received
2. Signeture			3. Title Agent for Hot Pepper Wax		(Stamped)	
4. Typed Name Cristina Griffin			5. Date November 6, 2006			



November 6, 2006

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington DC 20460

Attn: Linda Hollis, BPPD

RE: Notification per PR Notice 98-10 to add optional language and delete the

1-800 CLEANUP number

Product: Hot Pepper Wax, EPA Reg. No. 67238-1

Company: Hot Pepper Wax, Inc.

Dear Ms. Hollis:

On behalf of Hot Pepper Wax, Inc., I am submitting a notification per PR Notice 98-10 for the product Hot Pepper Wax, EPA Reg. No. 67238-1 for two items:

- 1) To add optional non-FIFRA language "protects foliage from moisture loss" (page 2 of 12 and 8 of 12)
- 2) To delete the 1-800 CLEANUP number from the storage and disposal section of the residential portion of the label (see page 12 of 12).

Regarding the 1-800 CLEANUP number, I have spoken with EPA staff person, Nancy Fitz (703-305-7385), who has been involved in the conference calls on this issue. She indicated that EPA is working on a notice that would allow registrants to remove the number from their labels. As Hot Pepper Wax and its distributor are planning to print new labels in the near future, we need EPA approval to delete this number now.

Enclosures

- EPA form 8570-1
- 1 copy of the revised label (addition is highlighted)

If you have any questions regarding this submission, please contact me at 301-680-7971 or cgriffin@delta-ac.com.

Sigcerely,

Cristina Griffin

Agent for Hot Pepper Wax, Inc.

Enclosures

[Master Label - encompassing Sublabel A (Commercial/Ag Use label) and Sublabel B (Residential Use label)] Hot Pepper Wax

Insect and Animal Repellent for Fruits, Vegetables, and Indoor and Outdoor Ornamentals Repels Rabbits and Tree Squirrels From the Yard and Garden

Concentrate

ACTIVE INGREDIENT
Capsaicin and other capsaicinoids*
OTHER INGREDIENTS
TOTAL

0.00018% <u>99.99982%</u> 100.00 %

*Includes 0.00012% capsaicin and 0.00006% other capsaicinoids

Made From Hot Cayenne Peppers

This product contains 0.0000144 lbs. of Active Ingredient per Gallon

Keep Out of Reach of Children

CAUTION

See side panel for first aid and precautionary statements.

EPA Reg. No.: 67238-1

EPA Est. No.: 67238-PA-003

NET CONTENTS: [(16 fl. oz.)(473.2ml)] [(32 fl. oz.)(946.4ml)] [(1 gallon) (3.79 liters)] [(5 gallon)(18.95 liters)]

Manufactured by: Hot Pepper Wax, Inc. 305 Third Street Greenville, PA 16125

[Phone][Toll Free] number: [724-646-2300] [800-627-6840] Internet Address: www.hotpepperwax.com

Produced Under Patents:

United States No.: 5,466,459 Canada No.: 2,116,237 New Zealand No.: 254,436

Euro. No. 0600080 AT/BE/CH/DE/DK/ES/FR/GB/IE/IT/LI/LU/MC/NL/PT/SE

Australia No.: 46487/93 Other Patents Pending

Brackets indicate explanatory information and will not be on the printed label.

Page 1 of 12

[Sublabel A: (Commercial/Ag Use label)

FRONT PANEL - INSECT AND ANIMAL)

Hot Pepper Wax

Insect and Animal Repellent
for Fruits, Vegetables,
and Indoor and Outdoor Ornamentals
Repels Rabbits and Tree Squirrels
[optional:] Protects foliage from moisture loss

Concentrate

ACTIVE INGREDIENT
Capsaicin and other capsaicinoids*
OTHER INGREDIENTS
TOTAL

0.00018% <u>99.99982%</u> 100.00 %

*Includes 0.00012% capsaicin and 0.00006% other capsaicinoids

Made From Hot Cayenne Peppers

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Produced Under Patents:

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Australia No.: 46487/93 Other Patents Pending

[Sublabel A: (Commercial/Ag Use label), continued:

SIDE PANEL - INSECT & ANIMAL]

Hot Pepper Wax

PRECAUTIONARY STATEMENTS Hazards to Humans and Domestic Animals

CAUTION. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

	FIRST AID
If in eyes:	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.
	oduct container or label with you when calling a poison control center or doctor, or eatment. Contact 1-800-222-1222 for emergency medical treatment information.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- A. Long-sleeved shirt and long pants
- B. Waterproof gloves
- C. Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

This product is toxic to fish, aquatic invertebrates, oyster and shrimp. Drift and runoff may be hazardous to aquatic organisms in waters adjacent to treated areas. 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 washwaters or rinsate.

[Sublabel A: (Commercial/Ag Use label) continued:

SIDE PANEL - INSECT & ANIMAL]

DIRECTIONS FOR USE

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

AGRICULTURAL USE REQUIREMENTS:

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements of training, decontaminating, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas until the restricted entry interval of 0 hours after the spray has dried.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated such as plants, soil, or water, is: coveralls, waterproof gloves, and shoes plus socks.

(INSECT ONLY)

Hot Pepper Wax repels aphids, cabbage loopers, beet army worms, spider mites, thrips, whiteflies, lace bugs, leafhoppers and scale.

USES: Use Hot Pepper Wax to repel insects from fruit and vegetable plants, indoor/outdoor ornamentals, and grasses. Avoid use on Variegated African Violets, Sweet Basil, Parsley, Dicentra exemia, and fruit trees when in the pink bud stage until after the petals fall.

MIXING: Shake Hot Pepper Wax thoroughly before combining with water. When mixing solutions larger than 5 gallons, add the product to the tank before adding the water.

RATE: Mix Hot Pepper Wax with water at the rate of 1 part Hot Pepper Wax to 32 parts water. Vary this rate according to need. If the infestation is heavy, use the double rate until the pests are controlled. Once pests are under control, reduce the rate to half for maintenance.

DOUBLE RATE* (use when infestation is particularly heavy and more control is needed)	NORMAL RATE	HALF RATE (for maintaining repellency once pests are under control)
1:16 (1 part product to 16 parts water)	1:32 (1 part product to 32 parts water)	1:64 (1 part product to 64 parts water)
*Double rate not for greenhouse use; see below.		

[Sublabel A: (Commercial/Ag Use label) continued:]

DIRECTIONS FOR USE (cont.): [INSECT ONLY]

APPLICATION: Apply Hot Pepper Wax using spray equipment as a foliar spray to the leaves, stems, fruits, and flowers of the plant until wet but not dripping. Good coverage of all portions of the plant will enhance repellency. Use 40 to 60 gallons per acre of the Hot Pepper Wax/water mixture (combined as discussed in the Rate section above) for row crops. Trees and ornamentals require more per acre depending on size and spacing (possibly 100 to 200 gallons per acre). Do not drench roots in soil or media. Do not apply Hot Pepper Wax through any type of irrigation system.

Do not apply when rain is expected within 24 hours. During hot and humid weather, spray plants in the evening. Avoid use when plants are stressed by drought. Discontinue use if burning occurs.

FREQUENCY: For best results, keep new growth coated. The repellency of Hot Pepper Wax is most effective on existing growth when applied every 7 to 14 days. However, more frequent application of up to every 3 days is appropriate when infestation is heavy. Use increased frequency only until pest numbers begin to decrease.

GREENHOUSE USE: Do not exceed the 1:32 rate in greenhouses. Avoid use of this product if greenhouse temperature will exceed 85°F before the product has dried. Use spray equipment that will allow spray to contact all foliage surfaces. Low pressure-high volume sprayers are most effective. Low volume applicators will require more frequent application.

[Sublabel A: (Commercial/Ag Use label) continued:]

DIRECTIONS FOR USE (cont.): [ANIMAL ONLY]

Hot Pepper Wax repels rabbits and tree squirrels

USES: Use Hot Pepper Wax to repel rabbits and tree squirrels from fruit and vegetable plants, indoor/outdoor ornamentals, and grasses. Avoid use on Variegated African Violets, Sweet Basil, Parsley, Dicentra exemia, and fruit trees when in the pink bud stage until after the petals fall. Hot Pepper Wax also is effective in repelling rabbits and tree squirrels from chewing on wooden structures and fences.

MIXING: Shake Hot Pepper Wax thoroughly before combining with water. When mixing solutions larger than 5 gallons, add the product to the tank before adding the water.

RATE: Mix Hot Pepper Wax with water at the rate of 1 part Hot Pepper Wax to 16 parts water (8 fl. oz. product to 1 gallon water).

APPLICATION: Apply Hot Pepper Wax using spray equipment as a foliar spray to the leaves, stems, fruits, and flowers of the plant until wet but not dripping. Good coverage of all portions of the plant is essential for repellency. Do not drench roots in soil or media. Do not apply Hot Pepper Wax through any type of irrigation system.

Do not apply when rain is expected within 24 hours. During hot and humid weather, spray plants in the evening. Avoid use when plants are stressed by drought. Discontinue use if burning occurs.

FREQUENCY: Frequency of application depends on the rate of plant growth and occurrence of feeding by the animals. For best results, keep new growth coated. If feeding occurs, reapply Hot Pepper Wax as soon as possible. Once feeding is under control, maintain repellency by respraying every 7 to 14 days.

WOODEN STRUCTURES AND FENCES: Hot Pepper Wax repels rabbits and tree squirrels from chewing on wooden structures and fences. Use a rate of 1 part Hot Pepper Wax to 16 parts water (8 fl. oz. product per 1 gallon of water). Apply until surface is wet. Repeat application as soon as possible after any nibbling is observed. Once control is established, reapply every 3 to 4 weeks.

[Sublabel A: (Commercial/Ag Use label) continued:]

[DIRECTIONS FOR USE (cont.): [INSECT & ANIMAL]

Storage and Disposal

Do Not Contaminate Water, Food or Feed by Storage or Disposal.

Pesticide Storage: Avoid storage temperatures at or below freezing and over 100 degrees. If container is damaged or product spills, soak up product with absorbent material and dispose of in a sanitary landfill. Store in a locked storage cabinet in original container only Pesticide Disposal: Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility.

<u>Container Disposal:</u> Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

[Missing Warranty Statement is intentional]

[Sublabel B: (Residential Use label) FRONT PANEL - INSECT AND ANIMAL]

Hot Pepper Wax

Insect and Animal Repellent
for Fruits, Vegetables,
and indoor and Outdoor Ornamentals
Repels Rabbits and Tree Squirrels
From the Yard and Garden
[optional:] Protects foliage from moisture loss

Concentrate

ACTIVE INGREDIENT
Capsaicin and other capsaicinoids*
OTHER INGREDIENTS
TOTAL

0.00018% 99.99982% 100.00 %

*Includes 0.00012% capsaicin and 0.00006% other capsaicinoids

Made From Hot Cayenne Peppers

This product contains 0.0000144 lbs. of Active Ingredient per Gallon

Keep Out of Reach of Children

CAUTION

See side panel for first aid and precautionary statements.

EPA Reg. No.: 67238-1

EPA Est. No.: 67238-PA-003

NET CONTENTS: [(16 fl. oz.)(473.2ml)] [(32 fl. oz.)(946.4ml)]

Manufactured by: Hot Pepper Wax, Inc. 305 Third Street Greenville, PA 16125

Phone number: 724-646-2300 Internet Address: <u>www.hotpepperwax.com</u>

Produced Under Patents:

United States No.: 5,466,459 Canada No.: 2,116,237 New Zealand No.: 254,43C

Euro. No. 0600080 AT/BE/CH/DE/DK/ES/FR/GB/IE/IT/LI/LU/MC/NL/PT/SE

Australia No.: 46487/93

Brackets indicate explanatory information and will not be on the printed label.

Page 8 of 12

[Sublabel B: (Residential Use label), continued:

SIDE PANEL: INSECT AND ANIMAL]

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Keep out of treated area until spray has dried.

FIRST AID			
If in eyes:	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. Contact 1-800-222-1222 for emergency medical treatment information.			

ENVIRONMENTAL HAZARDS

This product is toxic to fish, aquatic invertebrates, oyster and shrimp. Drift and runoff may be hazardous to aquatic organisms in waters adjacent to treated areas. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.

[Sublabel B: (Residential Use label), continued:

SIDE PANEL: INSECT AND ANIMAL]

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

FOR RESIDENTIAL USE ONLY

[INSECT ONLY]

Hot Pepper Wax repels aphids, cabbage loopers, beet armyworms, spider mites, thrips, whiteflies, lace bugs, leafhoppers and scale.

USES: Use Hot Pepper Wax to repel insects from fruit and vegetable plants, indoor/outdoor ornamentals, and grasses. Avoid use on Variegated African Violets, Sweet Basil, Parsley, Dicentra exemia, and fruit trees when in the pink bud stage until after the petals fall.

MIXING: Shake Hot Pepper Wax thoroughly before combining with water.

RATE: Mix Hot Pepper Wax with water at the rate of 1 part of Hot Pepper Wax to 32 parts water. Vary this rate according to need. If the infestation is heavy, double the rate until pests are controlled. Once pests are under control, reduce the rate to half for maintenance.

DOUBLE RATE* (use when infestation is particularly heavy and more control is needed)	NORMAL RATE	HALF RATE (for maintaining repellency once pests are under control)
1:16 (1 part product to 16 parts water)	1:32 (1 part product to 32 parts water)	1:64 (1 part product to 64 parts water)
*Double rate not for greenhouse use; see below.		

APPLICATION: Apply Hot Pepper Wax using spray equipment as a foliar spray to the leaves, stems, fruits, and flowers of the plant until wet but not dripping. Good coverage of all portions of the plant will enhance repellency. Do not drench roots in soil or media. Do not apply Hot Pepper Wax through any type of irrigation system.

Do not apply when rain is expected within 24 hours. During hot and humid weather, spray plants in the evening. Avoid use when plants are stressed by drought. Discontinue use if burning occurs

FREQUENCY: For best results, keep new growth coated. The repellency of Hot Pepper Wax is most effective on existing growth when applied every 7 to 14 days. More frequent application of up to every 3 days is appropriate when infestation is heavy. Use increased frequency only until pest numbers begin to decrease.

HOME GREENHOUSES: Do not exceed the 1:32 rate in greenhouses. Avoid use of this product if greenhouse temperature will exceed 85 F before the product has dried. Use spray equipment that will allow spray to contact all foliage surfaces.

[Sublabel B: (Residential Use label), continued:

SIDE PANEL: ANIMAL ONLY

DIRECTIONS FOR USE (cont):

Hot Pepper Wax repels rabbits and tree squirrels

USES: Hot Pepper Wax repels rabbits and tree squirrels from fruit and vegetable plants, indoor/outdoor ornamentals, and grasses. Avoid use on Variegated African Violets, Sweet Basil, Parsley, Dicentra exemia, and fruit trees when in the pink bud stage until after the petals fall. Hot Pepper Wax also is effective in repelling rabbits and tree squirrels from chewing on wooden structures and fences.

MIXING: Shake Hot Pepper Wax thoroughly before combining with water.

RATE: Mix Hot Pepper Wax with water at the rate of 1 part Hot Pepper Wax to 16 parts water (8 fl. oz. product to 1 gallon water).

APPLICATION: Apply Hot Pepper Wax using spray equipment as a foliar spray to the leaves, stems, fruits, and flowers of the plant until wet but not dripping. Good coverage of all portions of the plant is essential for repellency. Do not drench roots in soil or media. Do not apply Hot Pepper Wax through any type of irrigation system.

Do not apply when rain is expected within 24 hours. During hot and humid weather, spray plants in the evening. Avoid use when plants are stressed by drought. Discontinue use if burning occurs.

FREQUENCY: Frequency of application depends on the rate of plant growth and occurrence of feeding by the animals. For best results, keep new growth covered. If feeding occurs, reapply Hot Pepper Wax as soon as possible. Once feeding is under control maintain repellency by respraying every 7 to 14 days.

WOODEN STRUCTURES AND FENCES: Hot Pepper Wax repels rabbits and tree squirrels from chewing on wooden structures and fences. Use a rate of 1 part Hot Pepper Wax to 16 parts water (8 fl. oz. product per 1 gallon of water). Apply until surface is wet. Repeat application as soon as possible after any nibbling is observed. Once control is established, reapply every 3 to 4 weeks.

[Sublabel B: (Residential Use label), continued:

SIDE PANEL: BOTH INSECT & ANIMAL]

DIRECTIONS FOR USE (cont):

STORAGE AND DISPOSAL

STORAGE: Store only in original container, in a dry place inaccessible to children and pets. **DISPOSAL:**

If empty: Do not reuse 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.

WARRANTY

To the extent allowable by state law, buyer's guarantee limited to label claims.