

67238-2

12/19/2006

116

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 19 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

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

SYMBOL								
SURNAME								
DATE								



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 Ready to Use, EPA Reg. No. 67238-2
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 Ready to Use, EPA Reg. No. 67238-2 for two items:

- 1) To add optional non-FIFRA language "protects foliage from moisture loss" (page 1 of 3)
- 2) To delete the 1-800 CLEANUP number from the storage and disposal section of the label (see page 3 of 3).

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.

Sincerely,

Cristina Griffin
Agent for Hot Pepper Wax, Inc.

Enclosures

3/6

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060.



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number
306439

Application for Pesticide - Section I

1. Company/Product Number 67238-2	2. EPA Product Manager Linda Hollis	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Hot Pepper Wax, Inc. / Hot Pepper Wax Ready to Use	PM# BPPD	
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 <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

Amendment - Explain below
 Resubmission in response to Agency letter dated _____
 Notification - Explain below,

Final printed labels in response to Agency letter dated _____
 "Me Too" Application.
 Other - explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Notification per PR Notice 98-10 to add optional language and delete the 1-800 CLEANUP number.

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 of 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:

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	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted.		If "Yes," Unit Package wgt. No. per container	

3. Location of Net Contents Information
 Label Container

4. Size(s) of Retail Container

5. Location of Label Direction
 On Label
 On Labeling accompanying product

6. Manner In Which Label Is Affixed to Product
 Lithograph Other _____
 Paper glued
 Stenciled

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Cristina Griffin	Title Agent for Hot Pepper Wax	Telephone No. (include Area Code) 301-680-7971
---------------------------------	--	--

Certification		6. Date Application Received (Stamped)
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any kind of knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		
2. Signature 	3. Title Agent for Hot Pepper Wax	
4. Typed Name Cristina Griffin	5. Date November 6, 2006	

4/6

Hot Pepper Wax Ready to Use

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

For Residential Use Only

ACTIVE INGREDIENT	
Capsaicin and other capsaicinoids*	0.00001125%
OTHER INGREDIENTS	99.99998875%
TOTAL	100.00 %

*Includes 0.0000075% capsaicin and 0.00000375% other capsaicinoids

Made From Hot Cayenne Peppers

This product contains 0.0000009 lbs. of Active Ingredient per Gallon

Keep Out of Reach of Children

CAUTION

See back panel for Precautionary Statements

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

Telephone: 724-646-2300
Internet Address: <http://www.hotpepperwax.com>

NET CONTENTS: (12 oz)(22 oz) (64 oz)(128 oz)

EPA Reg. No.: 67238-2

EPA Est. No.: 67238-PA-003

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

5/6

BACK PANEL

Hot Pepper Wax Ready to Use

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Caution. Causes 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.

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.

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

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 eximia*, and fruit trees when in the pink bud stage until after the petals fall.

MIXING: Shake well before use.

APPLICATION: Apply Hot Pepper Wax Ready to Use 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 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. In general, 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.

HOME GREENHOUSES: Repeated use of this product on sensitive plants has been reported to cause burning of leaves. Avoid use of this product if greenhouse temperature will exceed 85°F before the product has dried. For best results, ensure that spray contacts all foliage surfaces.

DIRECTIONS FOR USE (cont.):

Hot Pepper Wax Ready to Use repels rabbits and tree squirrels

USES: Use Hot Pepper Wax Ready to Use 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 eximia, and fruit trees when in the pink bud stage until after the petals fall. Hot Pepper Wax Ready to Use also is effective in repelling rabbits and tree squirrels from chewing on wooden structures and fences.

MIXING: Shake well before use.

APPLICATION: Apply Hot Pepper Wax Ready to Use 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 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 with Hot Pepper Wax Ready to Use. If feeding occurs, reapply Hot Pepper Wax Ready to Use as soon as possible. Once feeding is under control maintain repellency by spraying every 7 to 14 days.

WOODEN STRUCTURES AND FENCES: Hot Pepper Wax Ready to Use repels rabbits and squirrels from chewing on wooden structures and fences. 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 to previously sprayed surfaces.

STORAGE AND 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 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.