

73459-1

12/14/2006

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 14, 2006

Redding Nursery
c/o Stewart Agricultural Research Services, Inc.
1893 Highway R
Clarence, MO 63437

5-801339 ²²⁰/₁₁₆₅

Attention: Mr. Ellsworth R. Stewart

Subject DeerPro Winter Animal Repellent
EPA Reg. No. 73459-1
Your amended application of November 6, 2006

Purpose This submission revises the label for this product, under sec 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), including the correction of errors, lowering the dilution ratio, and rewording the use restrictions.

Review We have reviewed the changes to the label and have the following comments:

1. The **maximum spray concentration increases 2.65X**. However, **because of Personal Protective Equipment (PPE), we do not expect that this increase would be expected to markedly change risks to handlers.**
2. The **application rate remains the same** because the proposed label uses less water. Therefore, the **exposure risks to persons touching sprayed product are the same.**
3. The **change in the geographic limitation** from 17 states to 48 states (All in Climate Zones 1 to 7), **in effect, removes any geographic restriction announced in the RED. Since you are requesting a reduction in the RED Risk Mitigating measures, we could not approve such a change without a scientific rationale and review.**

Option

We suggest that, after you receive this label approval as a non-fee amendment under the Pesticide Registration Improvement Act (PRIA), that you:

- 1. review the residential exposure assessment for post application for Thiram available at www.regulation.gov,
- 2. assemble a scientific rationale and data (if available) for proposing to eliminate the geographic restriction for use of this product for ornamentals, and
- 3. submit an R-35 (Non Fast Track Amendment) to the Registration Division (RD).

Label

The labeling submitted with the above letter is acceptable, provided that you submit one (1) copy of final printed labeling to us, with the following changes, before you ship the product.

- 1. On the Front Panel under your product name, revise the two statements as follows:

Intended for Sale to and Use by Professional Applicators
Only
Not Intended for Sale to or Use by
Homeowners/Consumers

- 2. In your "Mixing Directions" and "Application Directions", revise the following sentence as follows: "Do not apply more than 5 quarts of spray mix per 1000 sq. ft (1 lb Thiram/1000 sq. ft)."
- 3. Change the sentence,

Applications to ornamentals will be restricted to the cold weather areas, climate zones 1 through 7 during the winter season only (October through March).

to

Applications to ornamentals will be restricted to the following 17 Northern states (CT, DE, IL, IN, OH, PA, MA, MD, MI, MN, NH, NJ, NY, RI, VT, WI, and WV) during the winter season only (October through March).

Existing stocks Forms Stocks of product with existing labels may be used for eighteen (18) months.

Consequence for non-compliance If this condition is 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.

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

Sincerely,



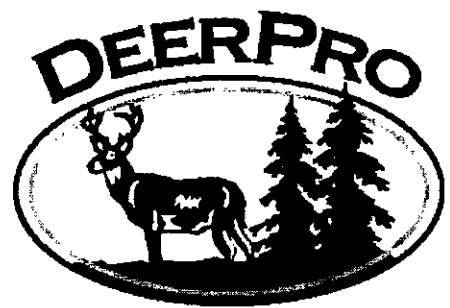
Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Enclosures

1. Stamped Label
2. Minimum Type Size Requirements for Final Printed Labels

File Location Dan Peacock, Flash Drive, 1gb, K:\Thiram\73459-1, rev label, chg dilution conc - app amt, delete geo restrictions, 12-13-2006, ver 2.doc

[Front Panel]



DeerPro™
Winter Animal Repellent

ACCEPTED
with COMMENTS
in EPA Letter Dated

DEC 14 2006

For Sale to and Use by Professional Applicators Only
Not for Sale to or Use by Homeowners/Consumers

Insecticide, Fungicide, and Rodenticide Act
the pesticide registered under EPA Reg. No.
73459-1

Active Ingredient:	
Thiram	25.8%
Inert Ingredients:	74.2%
TOTAL:	100.0%
Contains 2.4 pounds Thiram per U.S. gallon	

KEEP OUT OF REACH OF CHILDREN
CAUTION
FIRST AID
Have label with you when obtaining treatment advice.

If swallowed	<ul style="list-style-type: none"> •Call a poison control center or doctor immediately for treatment advice. •Have person sip a glass of water if able to swallow. •Do not induce vomiting unless told to do so by the poison control center or doctor.
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 immediately for treatment advice.

If inhaled	<ul style="list-style-type: none">•Move person to fresh air.•If person is not breathing, call an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.•Call a poison control center or doctor immediately for treatment advice.
If in eyes	<ul style="list-style-type: none">•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 immediately for treatment advice.
<p style="text-align: center;">SYMPTOMS OF POISONING</p> <p>No specific symptoms. Acute poisoning is accompanied by general depression and illness. Consumption of alcoholic beverages with exposure to Thiram may cause flushing, breathing difficulty, nausea, vomiting and low blood pressure. In case of poisoning, call a physician immediately. Have patient lie down and keep quiet.</p>	
<p style="text-align: center;">NOTE TO PHYSICIAN</p> <p>No specific antidote is available. Treat symptomatically. In the presence of consumed alcohol, Thiram responds similarly to Disulfiram.</p>	

[Left Panel]

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

Causes eye and skin irritation. Harmful if swallowed, inhaled or absorbed through skin. Do not get in eyes, on skin or on clothing. Avoid inhaling of spray mist. Routinely shower or bathe after work. Consumption of alcoholic beverages increase the toxic effects of Thiram

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instruction for category C on an EPA chemical resistant category selection chart.

All mixers, loaders, applicators, and other handlers must wear:

- Long-sleeved shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves,
- Chemical-resistant apron when mixing, loading, cleaning up spills, cleaning equipment, or otherwise exposed to the concentrate.

User Safety Requirements:

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions are provided 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 immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This chemical is toxic to fish, aquatic invertebrates, oysters, and shrimp. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when cleaning equipment or disposing of equipment washwaters or rinsate.

ENDANGERED SPECIES

This product may have effects on Federally listed threatened or endangered species or their critical habitat in some counties. It is a violation of Federal law to kill, harm or harass listed animal species without authorization. To limit the potential for such impacts when using this product, consult and follow the instructions provided in the EPA Endangered Species Bulletin for the County or Parish in which you are applying the seed. To determine whether you County or Parish has a Bulletin, consult <http://www.epa.gov/espp> before each season's use of this product.

PHYSICAL OR CHEMICAL HAZARD

Do not apply or store near heat or open flame.

[Right Panel]

DIRECTIONS FOR USE

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

USE RESTRICTIONS:

Use DeerPro™ as a repellent to reduce winter browsing and chewing damage from deer, rabbits, and voles (Microtus spp.). Deer Pro is for winter protection only and is not to be used to prevent deer damage during the growing season.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation

Do not apply this through any type of irrigation system. Do not apply by air.

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 requirement for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agriculture pesticides. It contains requirements for training, decontamination, 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 workers entry into treated areas during the restricted entry interval (REI) of 24 hours.

PPE required for early reentry 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,
- shoes plus socks,
- chemical-resistant gloves made of any waterproof material, and
- protective eyewear.

NON-BEARING TREES, SHRUBS, NURSERY STOCK, AND ORNAMENTALS**General Information:**

Repellency results from the distastefulness of treated plant parts.

One application will protect treated parts from 1 to 3 months, depending on weather conditions.

Mixing Directions:

Dilute one part product to two parts water and apply as a spray paint. Do not apply more than 5 quarts of spray mix per 1000 sq ft. Thoroughly mix contents of container before using. Fill the spray tank with required amount of water. Then add the recommended amount of this product to the spray tank.

This product is a suspension-type product; therefore, constant agitation during mixing and application is necessary to maintain a uniform solution.

Mix only enough solution for immediate use as the solids will settle on standing and are difficult to re-suspend. Do not store overnight in the spray tank.

Do not use wetting and spreading additives (surfactants) as severe plant injury may result.

Application Restrictions:

Maximum Application Rate: Dilute one part product to two parts water and apply as a spray paint. Do not apply more than 5 quarts of spray mix per 1000 sq ft.

SPRAY DRIFT MANAGEMENT

- Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather-related factors determine the potential for spray drift. The applicator and grower are responsible for considering all these factors when making decisions.
- Apply only as a medium or coarser spray (ASAE Standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.
- Apply only when the wind speed is 2-10 mph at the application site.
- Do not apply with a nozzle height greater than 4 feet above the plant canopy.

Do not apply to fruit trees or other plants with edible fruit that will bear within one year of application.

Thoroughly flush sprayer screens and nozzles promptly following use.

Treat before the expected time of animal damage. Thoroughly cover area to a point well above the reach of animals.

To permit repellent film to properly set, make application under favorable drying conditions (relative humidity below 70%) and temperature is above 40F.

Type of Sprayer: Use a hand or power sprayer to give a heavy coating to the twigs and foliage. Do not apply this product using a high pressure wand or a rights-of-way sprayer.

Applications to ornamentals will be restricted to the cold weather areas, climate zones 1 through 7 during the winter season only (October through March).

Apply before the onset of winter browse damage.

Spray only the portions of the plant to be protected to the point of runoff.

Reapplication Directions:

One (1) additional treatment may be made between October and March.

IMPORTANT NOTICE

Seller warrants that this product conforms to its chemical description and is reasonably fit for the purposes stated on the label when used in accordance with the directions specified on the label under normal conditions of use, **but neither this warranty nor any other warranty of merchantability or fitness for a particular purpose expressed or implied, extends to the use of this product contrary to label instructions, or under abnormal conditions, or under conditions not reasonably foreseeable to seller. The buyer assumes the risk of any such use.**

STORAGE AND DISPOSAL

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

STORAGE: Store in original container in a cool, dry place inaccessible to children and pets and way from food or feed.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Redding Nursery, LLC
Redding, CT 06875
EPA Reg. No. 73459-1
EPA Est. No. [to be added]

Net Contents: 5 gallons