

80224-5

4.4.2008

1/11



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Eric Wolf
CEO
Innolytics, LLC
P.O. Box Box 675935
Rancho Santa Fe, CA 92067

APR 4 2008

Re: Notification of revisions to reflect the restriction of OvoControl G use in areas where the Florida Scrub Jay is known to occur

EPA Reg No.: 80224-5

Date of Submission: March 12, 2008

Dear Mr. Wolf:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated March 12, 2008, for the product, OvoControl G 0.5%. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249 or Joyce Edwards of my staff at 703-308-5479.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number EPA #: 80224-5	2. EPA Product Manager John Hebert	3. Proposed Classification <input type="checkbox"/> None <input checked="" type="checkbox"/> Restricted
4. Company/Product (Name) OvoControl G 0.5%	PM#	
5. Name and Address of Applicant (Include ZIP Code) Innolytics, LLC P.O. Box 675935 Rancho Santa Fe, CA 92067 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

The label has been revised to reflect the restriction of OvoControl G use in areas where the Florida Scrub Jay is known to occur. Label version #1.21.2008B.

Section - III

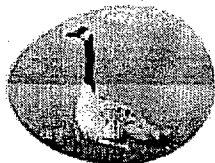
1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	
* Certification must be submitted				<input type="checkbox"/> Plastic	
	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	<input type="checkbox"/> Glass	
			No. per container	<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Erick Wolf	Title CEO	Telephone No. (Include Area Code) 858.759.8012
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title CEO	
4. Typed Name Erick Wolf	5. Date 12 March 2008	

Restricted Use Pesticide
Due to Potential Risk to Non-Target Wildlife Species

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.



OvoControl® G
Ready-to-Use Bait

FOR USE IN REDUCING EGG HATCH IN CANADA GEESE
AND DOMESTIC MALLARD DUCKS, DOMESTIC MUSCOVY DUCKS AND
DOMESTIC HYBRIDS THEREOF

ACTIVE INGREDIENT	
Nicarbazin.....	0.5%
OTHER INGREDIENTS.....	99.5%
TOTAL.....	100.0%

KEEP OUT OF REACH OF CHILDREN
CAUTION

PRECAUCION: Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.

Precautionary Statements

Hazards to Humans and Domestic Animals:

CAUTION: Causes moderate eye irritation. Remove and wash contaminated clothing before reuse. Avoid contact with eyes or clothing. Wear protective eyewear. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Wear: Long sleeved shirt and long pants, socks, shoes and gloves.

First Aid

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 for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
Note to Physician: Treat symptomatically.	

Label ver.: 1.21.2008B

4/11
Manufactured by: Innolytics, LLC.
P.O. Box 675935
Rancho Santa Fe, CA 92067

EPA Reg. No. 80224-5
EPA Est. No. 001990-MS-001

Net Weight: 20 pounds (9.072 kgs)

For Technical Support and Information Call: 858.759.8012

Important!

Read This Entire Label Before Using This Product: Replace label in pouch and reseal after reading.

Environmental Hazards

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 apply within 20 feet of water, including lakes, ponds or rivers. Do not contaminate water when disposing of equipment wash water or rinsate.

Application Information

OvoControl G is a ready-to-use bait designed for administration to resident Canada geese, domestic mallard ducks, domestic Muscovy ducks and domestic hybrids thereof in urban areas. In order to achieve efficacy, OvoControl G must be fed daily and consistently consumed by the geese or ducks. OvoControl reduces egg hatchability and functions as an aid in an integrated resident goose or duck management program. Geese or ducks fed OvoControl G according to label directions may continue to lay eggs, although the hatch rate will be reduced.

Domestic mallard ducks are those that are readily distinguishable from wild mallards. Domestic Muscovy ducks are those that occur outside Cameron, Hidalgo, Starr and Zapata counties in Texas. OvoControl may not be administered to non-domestic ducks or hybrids of domestic ducks and non-domestic ducks.

Warning! This product will reduce egg hatchability and adversely affect other aspects of reproduction in all avian species. The applicator must follow label instructions to minimize the potential for non-target wildlife species to feed on bait.

Training Requirements

OvoControl G is a restricted use pesticide. All applicators require the appropriate restricted use applicators state license for use of this product.

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 is a restricted use pesticide. Only certified personnel may apply the product.

The use of OvoControl G is limited to sites in urban areas such as office parks, recreational parks, golf courses, schools, hospitals, restaurants, and commercial and industrial sites. Urban is defined as a municipality with a population of 50,000 or more and its adjacent areas.

OvoControl G may also be used at land airports holding FAA certifications under 14 Code of Federal Regulations 139.101 and a wildlife hazard management plan under 14 Code of Federal Regulations 139.337.

Other use restrictions include the following:

- Not for use in Hawaii, Guam, American Samoa, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands.
- In Florida, unless approved through consultation with U.S. Fish and Wildlife Services, do not use this product in areas where the Florida scrub jay is known to occur.

Federal Migratory Bird Permit Requirement

The federal Migratory Bird Treaty Act protects Canada geese. Landowners or wildlife management agencies seeking to control resident Canada geese using OvoControl G must contact the U.S. Fish and Wildlife Service Migratory Bird Permit Office responsible for the region where the geese are located for a federal permit before bait is dispensed. Permit application forms and contact information are available at <http://www.fws.gov/forms/3-200-13.pdf>. Once it has been determined that no additional authorization (e.g., for take of threatened and endangered species) will be required, allow 90 days for processing of a complete application. The permit applicant must also identify the Certified Applicator who will apply the bait.

The use of OvoControl G in domestic mallard ducks, domestic Muscovy ducks and domestic hybrids thereof does **NOT** require a federal permit. Contact your State or local authorities for permitting requirements.

Application Rate and Directions - Geese

Egg laying in Canada geese is activated by a combination of daylight and weather conditions. Canada geese typically lay eggs beginning in March or early April depending on locality. Consult with your local state wildlife agency, USDA/APHIS/Wildlife Services, or U.S. Fish and Wildlife Service for the goose nesting season in your area.

Begin baiting a minimum of 21 days prior to goose nesting and egg lay in your area. During this time, geese become accustomed to the bait and the delivery procedure. Bait must be applied by the intended method of application each day at approximately the same time to train geese to consume bait. For optimal performance, apply OvoControl G to resident Canada geese at daybreak in close proximity to the location where they are known to feed.

Begin by applying a small quantity of bait (1/8 ounce (3.5 grams)/bird) and confirm the geese eat it. Gradually increase the amount of bait applied until it reaches 1 ounce (25 grams)/bird each day. If uneaten bait remains after 2 hours of application, clean up and remove bait. Adjust bait quantity appropriately for the next application.

The application rate is based on a daily flock count, which must be performed just prior to the intended time of application. If geese cannot be habituated to the feeding program within 21 days, discontinue treatment at that particular site. Feeding must continue DAILY through the entire nesting period, which lasts from 8 to 10 weeks.

By the end of the initial 21 day period, the daily dose (based on flock size) must be entirely consumed within 2 hours of application. If habituation is not successful within 21 days cease treatment.

After the initial 21 days of baiting, observations must be made to ensure that the geese are continuing to consume the bait within 2 hours of application. After the initial 21 day acclimation period, target population estimates and 2 hour observations for non-target wildlife species must be made weekly. The amount of bait being applied must be increased or decreased according to the number of geese observed at the site during the target population estimate. During treatment (day 22+), if the applicator finds uneaten bait left over at the site from the previous day's feeding, the applicator must remove it, a target population estimate must be performed, and the daily application rate must be adjusted accordingly. Additionally, the applicator must resume 2 hour observation for non-target wildlife species, every two days, until the bait is again consumed within 2 hours of application. If uneaten bait is found at the site for five consecutive observations, cease treatment.

The applicator must maintain daily and weekly records on baiting, consistent with the above instructions, and document the amount of bait applied and confirm that bait is consumed within 2 hours. Records must also document an estimate of the amount of bait remaining after two hours or the amount of a previous day's bait observed prior to baiting. The records must also document the method used to clean and remove uneaten bait. With their migratory bird permit annual report, the federal migratory bird permit holder must submit these baiting records.

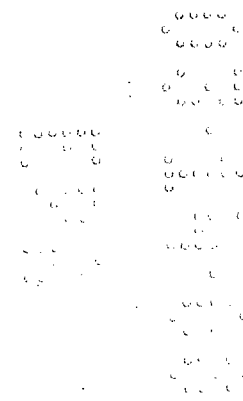
Example Dosage Calculation:

Estimated goose population x 1 ounces (25 grams) OvoControl G = Amount of OvoControl G to be applied daily.

For example,

0.5 pound of bait = 8 geese
 1 pound of bait = 16 geese
 2.5 pounds of bait = 40 geese
 10 pounds of bait = 160 geese

 1 cup of bait = 4 ounces = 4 geese
 0.5 gal of bait = 32 ounces = 32 geese



2/11

Depending on the site characteristics and number of resident geese, bait may be applied either with bait pans, directly on the ground or with mechanical feeders as follows,

1) Bait Pans

Use bait pans, trays or bowls made of durable plastic or metal, perforated to allow drainage. Use a sufficient number of trays and place them in a manner to accommodate all geese and to ensure that each goose has the opportunity to consume bait. For optimal consumption, the placement of the bait pans can be adjusted daily, based on the prior day bait consumption, until the applicator believes the geese have the best opportunity to feed.

2) Broadcast Application

a. Hand broadcast

For optimal performance, bait must be broadcast directly on the ground in small-localized areas (up to a 20 ft radius) to accommodate feeding by multiple pairs of geese. Broadcast application will allow all geese sufficient access to the bait for consumption. Broadcast bait in areas where geese typically feed. Application to grass must be made in grass that is typically mowed to increase access to the bait.

b. Mechanical feeders

For sites larger than one (1) acre, mechanical feeders available through Innolytics may be used. Mechanical feeders must be attended and triggered by the applicator daily. Adjust feeders to limit broadcast radius to 20 ft. Use multiple baiting sites to ensure that all the geese have the opportunity to consume the bait. Broadcast bait in areas where geese typically feed. Application to grass must be made in grass that is typically mowed to increase access to the bait.

Unattended mechanical feeders may be used at land airports which have FAA certification under 14 CFR 139.101 and a wildlife hazard management plan under 14 CFR 139.337.

Follow the operating instructions on the mechanical feeder to ensure that the appropriate application rate is being dispensed on a daily basis.

Non-Target Wildlife Species

Do not apply more OvoControl G than the geese will eat in a single feeding, as this may result in non-target wildlife species exposure to leftover bait. Do not apply bait at sites where non-target wildlife is observed feeding on OvoControl G during the first 21 days. Daily observations for non-target wildlife species must be conducted for a minimum of 21 days after feeding begins and once weekly thereafter until feeding ends. Observations must be for at least two hours after application. Written records must be kept to ensure such observations are done and should include information such as the date, time, number and identification of non-target wildlife species feeding on the bait. These records must be provided to the landowner.

If non-target wildlife feed on bait during treatment, delay baiting until local wildlife authorities can determine if unacceptable risks exist to non-target wildlife species. It may be a violation of state and federal law to feed treated bait to protected non-target wildlife species.

8/11

With their migratory bird permit annual report, the federal migratory bird permit holder must submit a record of non-target wildlife species observed feeding on the bait and the contact information for the local wildlife authority that was consulted prior to product use.

Application Rate and Directions - domestic mallard ducks, domestic Muscovy ducks and domestic hybrids thereof

Ducks must become accustomed and habituated to the bait and the delivery procedure. Bait must be applied by the intended method of application each day at approximately the same time to train the ducks to consume bait. Apply OvoControl at daybreak in close proximity to the location where they are known to feed.

Begin by applying a small quantity of bait (1/8 ounce (3 grams)/bird) and confirm the ducks eat it. Gradually increase the amount of bait applied until it reaches 1 ounce (25 grams)/bird each day. Reduce the application rate for smaller, non-native hybrid or domestic ducks. If uneaten bait remains after 2 hours of application, clean up and remove bait. Adjust bait quantity appropriately for the next application.

The application rate is based on a daily flock count, which must be performed just prior to the intended time of application. The bait must be consumed within 2 hours of application. If ducks cannot be habituated to the feeding program within 14 days, discontinue treatment at that particular site. Feeding must continue DAILY.

Example Dosage Calculations

OvoControl acts by interfering with the development of eggs. Muscovy ducks weigh approximately 10lbs each and can lay eggs year round, therefore begin baiting at any time.

Estimated duck population x 1 ounce (25 grams) OvoControl = Amount of OvoControl to be applied daily.

0.25 pound of bait = 4 ducks

0.5 pound of bait = 8 ducks

1 pound of bait = 16 ducks

10 pounds of bait = 160 ducks

1 cup of bait = 4 ounces = 4 ducks

1 gal of bait = 64 ounces = 64 ducks

Bait must be broadcast directly on the ground in small-localized areas (up to a 20 ft radius) to accommodate feeding by all ducks. Broadcast application will allow all ducks sufficient access to the bait for consumption. Broadcast bait in areas where ducks typically feed. Application to grass must be made in grass that is typically mowed to increase access to the bait.

The application rate is 1 ounce (25 grams) per duck. For ducks weighing less than 5 pounds, reduce amount to 1/2 ounce per duck.

Non-Target Wildlife Species

Do not apply more OvoControl G than the ducks will eat in a single feeding, as this may result in non-target wildlife species exposure to leftover bait. Remove any uneaten bait. Do not apply bait at sites where non-target wildlife is observed feeding on OvoControl G.

In the event non-target birds are present, use harassment techniques to remove non-targets from the immediate baiting area. If required, change baiting strategy – time of day, location, application method – if non-target birds persist in the baiting area.

If non-target wildlife feed on bait during treatment, delay baiting until local wildlife authorities can determine if unacceptable risks exist to non-target wildlife species. It may be a violation of state and federal law to feed treated bait to protected non-target wildlife species.

Limit of Warranty and Liability

Innolytics, LLC (“Company”) warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the Label [booklet] (“Directions”) when used in accordance with those Directions under the conditions described therein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NO OTHER EXPRESS WARRANTY OR IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY IS MADE. To the extent consistent with applicable law, this warranty is also subject to the conditions and limitations stated herein.

Buyer and all users shall promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise.

To the extent consistent with applicable law, buyer and all users are responsible for all loss or damage from use or handling which results from conditions beyond the control of this Company, including, but not limited to, effects on non-target wildlife species.

To the extent consistent with applicable law, this Company does not warrant any product formulated or repacked from this product except in accordance with this Company’s stewardship requirements and with the express written permission of this Company.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF THE LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THIS PRODUCT INVOLVED, OR, AT THE ELECTION OF THIS COMPANY OR ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY, OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY. IN NO EVENT SHALL THIS COMPANY OR ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Upon opening and using this product, buyer and all users are deemed to have accepted the terms of this LIMIT OF WARRANTY AND LIABILITY WHICH MAY NOT BE VARIED BY ANY VERBAL OR WRITTEN AGREEMENT. If terms are not acceptable, return at once unopened.

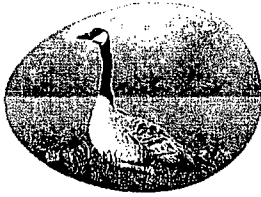
Storage and Disposal

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

Pesticide Storage: Store at or below room temperature. Store bait in a DRY location, free of other pests.

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

Container Disposal (Plastic): 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. Keep unused bait dry..



Innolytics, LLC
The Humane Hatch Control Company

P.O. Box 675935, Rancho Santa Fe, CA 92067
Tel: 858.759.8012 – FAX: 858.923.2060

March 12, 2008

John Hebert
U.S. Environmental Protection Agency
Office of Pesticide Programs
Document Processing Desk
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Subject: Innolytics – OvoControl® G 0.5% for Geese and Ducks (80224-5)

Ref: OvoControl G Label Version **1.21.2008B**
Florida Scrub Jay (*Aphelocoma coerulescens*)

Dear Mr. Hebert:

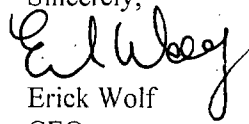
Innolytics, LLC. (P.O. Box 675935, Rancho Santa Fe, CA 92067, EPA company number 80224) has amended the label for OvoControl G (Reg# 80224-5) to reflect a change requested by the State of Florida, Department of Agriculture and Consumer Services ("FLDACs"). The revised label includes the restriction for the use of OvoControl G in areas where the Florida Scrub Jay (*Aphelocoma coerulescens*) is known to occur. We understand that this label change requires only notification of the Agency.

In addition to this cover letter, the file contains the following documents,

1. EPA Form 8570-1, Application for Registration (Other)
2. Final Printed Label – OvoControl G – ver. 1.21.2008B (3 copies)

Please contact me at 858.759.8012 should you have any questions regarding this application.

Sincerely,


Erick Wolf
CEO

Enclosures

Cc: Gary Tucker, Florida DACS