

84178-1

4/23/2009

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



OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

April 23, 2009

Great Oak, Inc.  
c/o Pither Consulting, L. L. C.  
257 Imperial Point Drive  
Lake Ozark, MO 65049

300 846227  
1155  
Decision #  
404270

Attention: Ms. Karen Pither

**Subject** DeerPro Winter Animal Repellent  
EPA Reg. No. 84178-1  
Your amended application of December 10, 2008  
Your resubmission of March 10, 2009

**Purpose** This submission revises the label for this product, under sec 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), to delete information about a sticker because the product already possesses one.

**Labeling** 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. Delete the "Terms and Conditions of Sale and Distribution" section from your label, as it will appear in this approval letter.
2. Delete the following sentence from your label, as it will appear in this approval letter.

Product may not be sold in packaging that holds less than 2.0 gallons of product.

Label-continued

3. Under "STORAGE AND DISPOSAL", change "CONTAINER DISPOSAL" to "CONTAINER HANDLING" for all sizes of containers.

4. For 2.5 and 5.0 gallon plastic containers, modify text as follows:

**CONTAINER HANDLING:** Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning, or puncture and dispose of in sanitary landfill, or incineration. Do not burn, unless allowed by state and local ordinances.

5. For the 50 gallon plastic container, modify end of text to read:

or incineration. Do not burn, unless allowed by state and local ordinances.

Existing stocks Forms Terms and Conditions

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

The agency will no longer allow the following types of unenforceable statements on labeling:

Intended for Sale To and Use by Professional/Commercial/Trained Applicators

Not Intended For sale To and Use by Homeowners/Consumers

Therefore, as agreed to in your March 10, 2009, E-Mail, we have changed the product's "Terms and Conditions of Sale and Distribution", as follows:

- 1. Product is prohibited for sale in stores oriented towards residential consumers: Grocery, Drug, Hardware and Home Improvement. It is acceptable for sale in stores oriented toward agricultural consumers: Farm, Agricultural, and Tractor Stores.
- 2. Product may not be sold in packaging that holds less than 2.5 gallons of product.

**Consequence for non-compliance** If these conditions are 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](mailto: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, 16g, D:\4G Dan\Doc\Word\Thiram\84178-1, 17 St Restr\ltr - approvals\84178-1, rev label, EL, 4-21-2009, Final.doc

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ACCEPTED  
With COMMENTS **DeerPro™**  
In EPA Letter Dated: **Winter Animal Repellent**

Under the Federal Insecticide, Fungicide  
and Rodenticide Act, As amended, for the **APR 23 2009**  
pesticide Registered under EPA Reg. No:

Active Ingredients		
Thiram	<u>84178-1</u>	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

<b>FIRST AID</b> Have label with you when obtaining treatment advice.	
If swallowed	<ul style="list-style-type: none"> <li>•Call a poison control center or doctor immediately for treatment advice.</li> <li>•Have person sip a glass of water if able to swallow.</li> <li>•Do not induce vomiting unless told to do so by the poison control center or doctor.</li> </ul>
If on skin or clothing	<ul style="list-style-type: none"> <li>•Take off contaminated clothing.</li> <li>•Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>•Call a poison control center or doctor immediately for treatment advice.</li> </ul>
If inhaled	<ul style="list-style-type: none"> <li>•Move person to fresh air.</li> <li>•If person is not breathing, call an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>•Call a poison control center or doctor immediately for treatment advice.</li> </ul>
If in eyes	<ul style="list-style-type: none"> <li>•Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>•Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>•Call a poison control center or doctor immediately for treatment advice.</li> </ul>
<b>SYMPTOMS OF POISONING</b> 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.	
<b>NOTE TO PHYSICIAN</b> No specific antidote is available. Treat symptomatically. In the presence of consumed alcohol, Thiram responds similarly to Disulfiram.	

## **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 your 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.

## **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™ Winter Animal Repellent as a repellent to reduce browsing and chewing damage from deer, rabbits, and voles (Microtus spp.). DeerPro 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 eye wear.

### NON-BEARING TREES, SHRUBS, NURSERY STOCK, AND ORNAMENTALS

#### Mode of Action:

Repellency results from the distastefulness of treated plant parts.

#### Repellency Duration

One application will protect treated parts from 3 to 6 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 (1lb Thiram) per 10,000 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.



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**Application Restrictions: Maximum Application Rate: Do not apply more than 5 quarts of spray mix (1lb Thiram) per 10,000 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 expected to produce edible fruit within one year of application. **Do not apply to apple trees but may be applied to crabapple trees.**

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, in the following 35 states (MA, NH, VT, ME, RI, CT, NY, NJ, PA, MD, DE, WV, VA, OH, KY, MI, IN, IL, WI, MN, IA, MO, ND, SD, NE, KS, MT, WY, CO, ID, UT, WA, OR, NV and AK) during the winter season only (October through March).**

Apply after October 1, but before the winter browse damage begins.

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.

#### **Terms and Conditions of Sale and Distribution**

Product is prohibited for sale in stores oriented towards residential consumers: Grocery, Drug, Hardware and Home Improvement. It is acceptable for sale in stores oriented toward agriculture consumers: Farm, Agricultural and Tractor Stores.

Product may not be sold in packaging that holds less than 2 gallons of product.

**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.

**For 2.5 or 5.0 gallon containers**

**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.

**Or for 50 gallon container**

**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:** Refillable container. Refill this container with DeerPro Winter Animal Repellent only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or tank mix. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. 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.

Great Oak, Inc  
10 Great Oak Lane  
Redding, CT 06875  
EPA Reg. No. 84178-1  
EPA Est. No. 84178-CT-001

Net Contents: 2.5, 5.0 or 50 gallons  
Lot Number: xxxx

Submitted EPA: 3-10-09