

85493-2

4/8/2011

1 of 10



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Ann M. Tillman  
Repellex USA, Inc.  
c/o Pyxis Regulatory Consulting, Inc.  
4110 136<sup>th</sup> Street, N.W.  
Gig Harbor, WA 98332

APR 08 2011

Subject: Notification to Revise Storage and Disposal Statement per PRN 2007-4  
Product Name: Repellex Systemic Tablets  
EPA Reg. No: 85493-2  
Your Submission Dated March 8, 2011

Dear Ms. Tillman,

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration Notice (PRN) 2007-4, as referenced above. A screen of this request has been conducted for applicability under PRN 2007-4, and it has been determined that the action request falls within the scope of this document. Our records have been duly noted, and product label submitted with this application has been stamped "Notification Accepted" and will be placed in our records as current and updated. Should you have any questions regarding this action, you may contact Gina Casciano at (703) 605-0513 or via email at [casciano.gina@epa.gov](mailto:casciano.gina@epa.gov).

Sincerely,

*Linda Hollis*

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

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 2-28-95



United States  
Environmental Protection Agency  
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number 85493-2	2. EPA Product Manager L. Hollis	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Repellex USA, Inc./Repellex Systemic Tablet	PM# BPPD	
5. Name and Address of Applicant (Include ZIP Code) Repellex USA, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <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. _____ Date: <b>APR 08 2011</b> Product Name _____ Reviewer: <b>G. Casciano</b>	

### 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.)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, 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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input checked="" type="checkbox"/> Other (Specify) _____	HDEP or bags in outer cardboard box
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 4, 8, 32, 64 oz. (HDPE), 34 lb (bag in box)		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" 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 Ann M. Tillman	Title Agent	Telephone No. (Include Area Code) (253) 853-7369
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 <i>Ann M. Tillman</i>	3. Title Agent	
4. Typed Name Ann M. Tillman	5. Date 3/8/11	

PYXIS REGULATORY CONSULTING, INC.

4110 136<sup>th</sup> St. NW  
Gig Harbor, WA 98332

Phone: 253-853-7369  
Fax: 253-853-5516  
www.PyxisRC.com

March 8, 2011

COURIER DELIVERY

Linda Hollis, Branch Chief  
Biopesticides and Pollution Prevention Division  
Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 S. Crystal Drive  
Arlington, VA 22202-4501

Dear Ms. Hollis,

RE: Repellex USA, Inc. – Repellex Systemic Tablets (EPA Reg. No. 85493-2)  
Revision to Container Disposal Instructions per PRN 2007-4

On behalf of Repellex USA, Inc. please find the enclosed label notification revising the container disposal instructions per PRN 2007-4 for the solid tablet formulation, Repellex Systemic Tablets (EPA Reg. No. 85493-2).

In support of this notification submission, we submit the following documents:

- 1. Completed Application for Registration (EPA Form 8570-1)
- 2. One (1) copy of the Repellex Systemic Tablets labeling with changes tracked
- 3. One (1) copy of the Repellex Systemic Tablets) labeling with changes incorporated
- 4. A CD containing an electronic version of the proposed labeling (085493-2.20110303.Repellex Systemic Tablet Label v6.pdf)
- 5. Certification with Respect to Label Integrity
- 6. Letter of Authorization

Please feel free to contact me by phone (253) 853-7369 or by email at [Ann@PyxisRC.com](mailto:Ann@PyxisRC.com) if you have any questions or need any additional information.

Sincerely,



Ann M. Tillman

Enclosures

cc: E. Summa, Repellex USA, Inc.

40910

Notification Accepted

Date: APR 08 2011

Reviewer: G. Casciano

Master Label  
Sub-label #1 Commercial Use and Sub-Label #2 Residential Use

**REPELLEX® SYSTEMIC TABLET**

Repels Deer, Rabbits, Voles, Moles, Gophers, Groundhogs, Feral Hogs, Dogs and Cats  
from Ornamental Plants

**ACTIVE INGREDIENT:**  
Capsaicin and Related Capsaicinoids ..... 0.3%  
**OTHER INGREDIENTS:** ..... 99.7%  
**TOTAL:** ..... 100.0%

Contains 0.213 grams of active ingredient per tablet

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

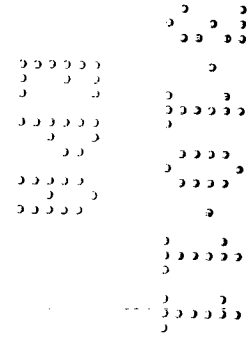
FIRST AID	
IN THE CASE OF ACCIDENTAL...	IMMEDIATELY...
Inhalation	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.	
<b>NOTE TO PHYSICIAN</b>	
No specific antidote is available. Treat the patient symptomatically.	

See back panel of label for additional PRECAUTIONARY STATEMENTS.

EPA Reg. No. 85493-2

EPA Est. No. 85493-MI-001

**Manufactured By:**  
Repellex USA, Inc.  
PO Box 396  
Niles, MI 49120



NET WEIGHT:  
Batch Code/Lot Number: \_\_\_\_\_

Sub-label #1 Commercial Use

### REPELLEX® SYSTEMIC TABLET

Repels Deer, Rabbits, Voles, Moles, Gophers, Groundhogs, Feral Hogs, Dogs and Cats  
from Ornamental Plants  
For Commercial Use

**ACTIVE INGREDIENT:**

Capsaicin and Related Capsaicinoids ..... 0.3%

**OTHER INGREDIENTS:** ..... 99.7%

**TOTAL:** ..... 100.0%

Contains 0.213 grams of active ingredient per tablet

### KEEP OUT OF REACH OF CHILDREN CAUTION

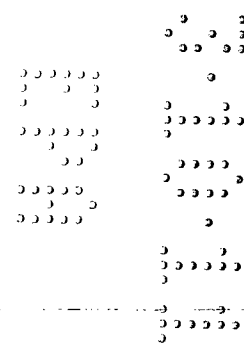
FIRST AID	
IN THE CASE OF ACCIDENTAL...	IMMEDIATELY...
Inhalation	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.	
<b>NOTE TO PHYSICIAN</b>	
No specific antidote is available. Treat the patient symptomatically.	

See back panel of label for additional PRECAUTIONARY STATEMENTS.

EPA Reg. No. 85493-2

EPA Est. No. 85493-MI-001

**Manufactured By:**  
Repellex USA, Inc.  
PO Box 396  
Niles, MI 49120



NET WEIGHT:  
Batch Code/Lot Number: \_\_\_\_\_

**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, using tobacco or using the toilet.

**ENVIRONMENTAL HAZARDS**

This product may be toxic to aquatic organisms. For terrestrial uses: 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 to or allow runoff to reach lakes, streams or ponds. Do not contaminate water when disposing of equipment washwaters or rinsate. Tablets exposed on the soil surface may be hazardous to fish and aquatic invertebrates. Cover or collect tablets spilled during loading.

**DIRECTIONS FOR USE**

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

This product is a systemic animal repellent. Its exclusive formula protects ornamental plants, flowers, trees, and shrubs all season long with a single application. The easy-to-use tablets are pre-measured and require no mixing or spraying. Just place tablets into the soil, water in, and walk away! Growing beautiful, strong plants has never been easier.

**How it Works:** Water dissolves this product in soil, where it is absorbed by roots and moves up through the plant. Once absorbed, rain or watering cannot wash off this internal protection. Even new growth is protected against animal browsing for the entire growing season. For complete results, the repellent must distribute throughout the plant. Depending on the size and health of the plant, this may take one week to one month (for very large plants). To protect plants during uptake, treat with a foliar spray such as Repellex® Deer & Rabbit Repellent.

**RESTRICTIONS**

- NOT INTENDED FOR USE ON FOOD OR FEED CROPS.
- AVOID CONTACT OF PESTICIDE WITH ROOTS, FOLIAGE, STEMS, AND FRUIT OF ALL CROPS INTENDED FOR CONSUMPTION BECAUSE UNPLEASANT TASTE WILL RESULT.

**APPLICATION RATES**

**When to Use:** Apply when planting. For established plants, use any time after new growth appears. Do not apply when plant is dormant or when soil is waterlogged or frozen. These conditions inhibit uptake into the plant. Apply once every growing season.

*Note: Application to plants heavily browsed may not prevent their eventual loss due to existing damage and stress. For best results, use this product as part of a regular maintenance program before problems start.*

**Where to Use:** Use on ornamental plants, flowers, trees, and shrubs to deter animals (deer, rabbits, voles, moles, gophers, groundhogs, feral hogs, dogs and cats) from feeding on all parts of plants. Does not protect against birds or insects.

**How to Apply:** Place tablets in soil or growing medium of plant. Position 2-3 inches away from root crown, and push 1-3 inches below the soil surface. When more than one tablet is applied at once, evenly space them around the plant. Activate the application with irrigation or natural rainfall. Do not over water. For containerized plants, use enough water to wet the potting soil thoroughly without causing water to flush out from the bottom of the container.

**How Much to Apply:** Measure the height and width of the plant to the nearest foot (12"). Apply 1 tablet per every foot of plant height and width (height + width). For large tree forms, measure the crown only, not including the height of the trunk. Apply once every growing season.

		Plant Width (in)					
		14	24	34	44	54	64
Plant Height (in)	14	2	3	4	5	6	7
	24	3	4	5	6	7	8
	34	4	5	6	7	8	9
	44	5	6	7	8	9	10
	54	6	7	8	9	10	11
	64	7	8	9	10	11	12

Note: If plant is very fast-growing, more than doubling in size during a single growing season, additional applications may be required. Repeat application after plant doubles in size. Do not apply more than 3 times per year.

**STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage and disposal.  
**Pesticide Storage:** Keep container closed to prevent spills and contamination. Keep away from excess heat and open flames.  
**Container Disposal: Nonrefillable Container (flexible-bag-all weights in outer box): Liner bag:** Nonrefillable container. Do not reuse or refill this container. Completely empty liner into application equipment by shaking and tapping sides and bottom to loosen clinging particles. When completely empty offer for recycling if available or dispose of liner in a sanitary landfill."  
**Container Disposal – Outer Box: Nonrefillable container.** Do not reuse or refill this container. When completely empty offer for recycling if available or dispose of box in a sanitary landfill. **Nonrefillable Container (rigid-fifty lbs or less):** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. 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. If recycling is not available, puncture or dispose of in a sanitary landfill or incineration or if allowed by state and local authorities, by burning. If burned stay out of smoke.

**WARRANTY STATEMENT**

**Terms of sale or use:** Buyer assumes all risks of use, storage or handling of this product not in accordance with directions. REPELLEX® makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Except as so warranted, the product is sold as is.

**To the fullest extent permitted by State Law:** The manufacturer shall not be liable for the buyer's and user's use and/or handling and or storage for this material, when such use and/or handling and/or storage is contrary to labeling directions. Follow directions carefully. Timing and method of application, weather and crop conditions, mixture with other chemicals not specifically recommended and other influencing factors in the use of this product are beyond the control of the seller and are assumed by the buyer and user at their own risk.

REPELLEX®'s directions for the use of this product are based upon tests believed to be reliable. The use of this product being beyond the control of the manufacturer, no guarantee, expressed or implied, is made, as to the effects of such or the results to be obtained if not used in accordance with label directions or established safe practice.

**Damages:** Buyers or users exclusive remedy for damages for breach of warrantee or negligence shall be limited to direct damages not exceeding the purchase price paid and shall not include incidental or consequential damages.

**Master Label**  
**Sub-label #2 Residential Use**

**REPELLEX® SYSTEMIC TABLET**

Repels Deer, Rabbits, Voles, Moles, Gophers, Groundhogs, Feral Hogs, Dogs and Cats  
 from Ornamental Plants  
 For Residential Use

**ACTIVE INGREDIENT:**  
 Capsaicin and Related Capsaicinoids ..... 0.3%  
**OTHER INGREDIENTS:**..... 99.7%  
**TOTAL:** ..... 100.0%

Contains 0.213 grams of active ingredient per tablet

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**

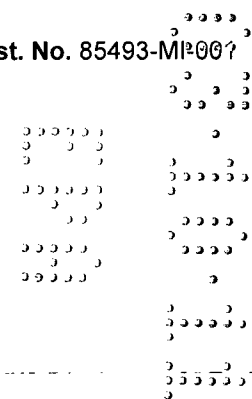
FIRST AID	
<b>IN THE CASE OF ACCIDENTAL...</b>	<b>IMMEDIATELY...</b>
<b>Inhalation</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.	
<b>NOTE TO PHYSICIAN</b>	
No specific antidote is available. Treat the patient symptomatically.	

See back panel of label for additional PRECAUTIONARY STATEMENTS.

**EPA Reg. No. 85493-2**

**EPA Est. No. 85493-MI<sup>2</sup>00?**

**Manufactured By:**  
 Repellex USA, Inc.  
 PO Box 396  
 Niles, MI 49120



**NET WEIGHT:**  
 Batch Code/Lot Number: \_\_\_\_\_



**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, using tobacco or using the toilet.

**ENVIRONMENTAL HAZARDS**

This product may be toxic to aquatic organisms. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Tablets exposed on the soil surface may be hazardous to fish and aquatic invertebrates. Cover or collect tablets spilled during application.

**DIRECTIONS FOR USE**

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

This product is a systemic animal repellent. Its exclusive formula protects ornamental plants, flowers, trees, and shrubs all season long with a single application. The easy-to-use tablets are pre-measured and require no mixing or spraying. Just place tablets into the soil, water in, and walk away! Growing beautiful, strong plants has never been easier.

**How it Works:** Water dissolves this product in soil, where it is absorbed by roots and moves up through the plant. Once absorbed, rain or watering cannot wash off this internal protection. Even new growth is protected against animal browsing for the entire growing season. For complete results, the repellent must distribute throughout the plant. Depending on the size and health of the plant, this may take one week to one month (for very large plants). To protect plants during uptake, treat with a foliar spray such as Repellex® Deer & Rabbit Repellent.

**RESTRICTIONS**

- NOT INTENDED FOR USE ON FOOD OR FEED CROPS.
- AVOID CONTACT OF PESTICIDE WITH ROOTS, FOLIAGE, STEMS, AND FRUIT OF ALL CROPS INTENDED FOR CONSUMPTION BECAUSE UNPLEASANT TASTE WILL RESULT.

**APPLICATION RATES**

**When to Use:** Apply when planting. For established plants, use any time after new growth appears. Do not apply when plant is dormant or when soil is waterlogged or frozen. These conditions inhibit uptake into the plant. Apply once every growing season.

*Note: Application to plants heavily browsed may not prevent their eventual loss due to existing damage and stress. For best results, use this product as part of a regular maintenance program before problems start.*

**Where to Use:** Use on ornamental plants, flowers, trees, and shrubs to deter animals (deer, rabbits, voles, moles, gophers, groundhogs, feral hogs, dogs and cats) from feeding on all parts of plants. Does not protect against birds or insects.

**How to Apply:** Place tablets in soil or growing medium of plant. Position 2-3 inches away from root crown, and push 1-3 inches below the soil surface. When more than one tablet is applied at once, evenly space them around the plant. Activate the application with irrigation or natural rainfall. Do not over water. For containerized plants, use enough water to wet the potting soil thoroughly without causing water to flush out from the bottom of the container.

**How Much to Apply:** Measure the height and width of the plant to the nearest foot (12"). Apply 1 tablet per every foot of plant height and width (height + width). For large tree forms, measure the crown only, not including the height of the trunk. Apply once every growing season.

		Plant Width (in)					
		1in	2in	3in	4in	5in	6in
Plant Height (in)	1in	2	3	4	5	6	7
	2in	3	4	5	6	7	8
	3in	4	5	6	7	8	9
	4in	5	6	7	8	9	10
	5in	6	7	8	9	10	11
	6in	7	8	9	10	11	12

Note: If plant is very fast-growing, more than doubling in size during a single growing season, additional applications may be required. Repeat application after plant doubles in size. Do not apply more than 3 times per year.

**STORAGE AND DISPOSAL**

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

**Pesticide Storage:** Store in original container in a cool, dry place, out of reach of children, preferably in a locked storage cabinet. Keep container closed to prevent spills and contamination. Keep away from excess heat and open flames.

**Pesticide Disposal and Container Handling:** Nonrefillable container. Do not reuse or refill this container. If empty, 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 STATEMENT**

**Terms of sale or use:** Buyer assumes all risks of use, storage or handling of this product not in accordance with directions. REPELLEX® makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Except as so warranted, the product is sold as is.

**To the fullest extent permitted by State Law:** The manufacturer shall not be liable for the buyer's and user's use and/or handling and or storage for this material, when such use and/or handling and/or storage is contrary to labeling directions. Follow directions carefully. Timing and method of application, weather and crop conditions, mixture with other chemicals not specifically recommended and other influencing factors in the use of this product are beyond the control of the seller and are assumed by the buyer and user at their own risk.

REPELLEX®'s directions for the use of this product are based upon tests believed to be reliable. The use of this product being beyond the control of the manufacturer, no guarantee, expressed or implied, is made as to the effects of such or the results to be obtained if not used in accordance with label directions or established safe practice.

**Damages:** Buyers or users exclusive remedy for damages for breach of warranty or negligence shall be limited to direct damages not exceeding the purchase price paid and shall not include incidental or consequential damages.