

50932-15

09-08-2009

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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

September 8, 2009

Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation  
69 N. Locust Street  
Lititz, PA 17543-0327

Subject: Notification for Labeling Revision Per PR Notice 07-04  
Product Name: Deer Away® Concentrate Formula II  
EPA Reg. No: 50932-15  
Your Submission Dated August 14, 2009

Dear Mr. Mongiovi:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration Notice (PRN) 07-4 dated above. A preliminary screen of the labeling revision request has been conducted for its applicability under PRN 07-04, and it has been determined that the action request falls within the scope of PRN 07-04. Our records have been duly noted, and the printed label submitted with this application has been stamped "Notification, received and reviewed" 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 05-31-98



United States  
Environmental Protection Agency  
Washington, DC 20460

- Registration
- Amendment
- Other: NOTIFICATION

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number <b>50932-15</b>	2. EPA Product Manager <b>Linda Hollis</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>Deer Away® Concentrate Formula II</b>	PM# <b>Branch Chief</b>	<b>NOTIFICATION</b>
5. Name and Address of Applicant (Include ZIP Code) <b>Woodstream Corporation 69 N. Locust Street Lititz, PA 17543-0327</b> <input type="checkbox"/> Check if this is a new address	6. <b>Expedited Review</b> In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: Date Reviewed: <u>9/8/09</u> Reviewed By: <u>GM</u> 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.)

Warranty Statements (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006); Please reference attached explanation

Notification of Label Action Per PR-Notice 2007-4: Please reference the attached explanation

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:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
*Certification must be submitted			
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 16oz, 32 oz, 1 Gallon	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 type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name <b>Chad Mateer</b>	Title <b>Regulatory Affairs Manager</b>	Telephone No. (Include Area Code) <b>717-626-2125 x426</b>
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 <b>Product Compliance Specialist</b>	
4. Typed Name <b>Mark Mongiovi</b>	5. Date <b>8-14-09</b>	



69 N. Locust Street  
P.O. Box 327  
Lititz, PA 17543-0327  
(717) 626-2125  
Fax: (717) 626-5350  
[www.woodstreamcorp.com](http://www.woodstreamcorp.com)  
[www.saferbrand.com](http://www.saferbrand.com)  
[www.victorpest.com](http://www.victorpest.com)  
[www.havahart.com](http://www.havahart.com)  
[www.perkypet.com](http://www.perkypet.com)  
[www.fishock.com](http://www.fishock.com)

August 14, 2009

Document Processing Desk [NOTIF]  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

**ATTN: Notification Division**  
**SUBJECT: Woodstream Corporation**  
**Deer Away® Concentrate Formula II (EPA Reg. No. 50932-15)**  
**Notification of Label Action as Per PR-Notice 2007-4**  
**Warranty Statements (Updated as Per EPA Warranty Statement Guidance Document dated October 17, 2006)**

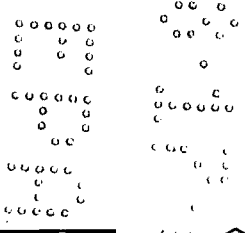
Enclosed please find a Notification of Label Action as Per PR-Notice 2007-4 and Warranty Statements Updated as Per EPA Warranty Statement Guidance Document dated October 17, 2006 for the subject product. Also enclosed is a copy of the master label with the changes highlighted and a clean copy for your records.

If you have any questions and/or need any additional information, please call me at (717) 626 -2125 ext: 219 or email [mmongiovi@woodstream.com](mailto:mmongiovi@woodstream.com).

Sincerely,

Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation

**Enclosures:**  
Notification of Label Action  
Copy of revised master label with changes highlighted  
Clean copy of revised master label



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**ATTACHMENT TO NOTIFICATION DATED 8-14-09**

EPA REG. No. 50932-15

**NOTIFICATION OF LABEL ACTION PER PR-NOTICE 2007-4:**

**Storage & Disposal Statements**

*MASTER LABEL- BACK PANEL (Page 4 of 5)*

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Store only in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.

**PESTICIDE DISPOSAL:** Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

**CONTAINER HANDLING DISPOSAL:** Non-refillable container. Do not reuse or refill this container. **If Empty:** Place in trash or offer for recycling if available.

**If Partly Filled:** Contact your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

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.

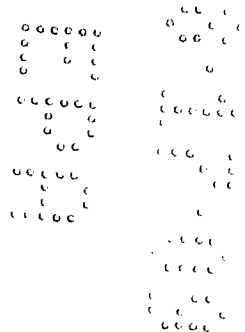
**Warranty Statements** (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006):

*MASTER LABEL- BACK PANEL (Page 5 of 5)*

Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

  
Mark Mongiovi  
Product Compliance Specialist

8-14-09



EPA Reg. No. 50932-15

Notification of Label Action – Storage & Disposal Statements/Warranty Statements

August 14, 2009

Page 1 of 7

**MASTER LABEL – FRONT PANEL (Page 1 of 1)**

# DEER AWAY® CONCENTRATE FORMULA II

***[Additional Brand Names]***

Havahart® Deer Away® Deer and Rabbit Repellent Concentrate

Havahart® deer & rabbit Deer Away® Concentrate

***[Optional Logos/Marketing Claims]***

- For Organic Gardening [LOGO]
- OMRI® Listed Organic Materials Review Institute [LOGO]

ACTIVE INGREDIENT:	BY WT.
Putrescent Whole Egg Solids.....	23.15%
OTHER INGREDIENTS: .....	<u>76.85%</u>
	TOTAL: 100.00%

**KEEP OUT OF REACH OF CHILDREN**

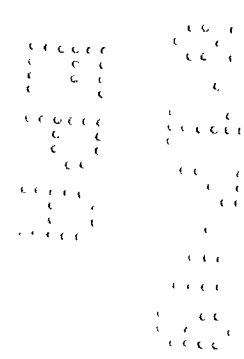
**CAUTION**

**(See back panel for additional precautionary statements and first aid)**

**For Residential Use Only**

**Do Not Spray Directly On Plants Intended for Human Consumption**

Net Contents: 1 Gallon (3.79 l) [1 QT. (0.946 l); 1 PT. (0.473 l)]



**MASTER LABEL – BACK PANEL (Page 1 of 5)**

**PRECAUTIONARY STATEMENTS**

**Hazards to Humans and Domestic Animals**

**CAUTION:** Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

<b>FIRST AID</b>	
<b>If in eyes:</b>	<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 for treatment advice.</li> </ul>
<b>If on skin or clothing:</b>	<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 for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. Contact 1-800-858-7378 for emergency medical treatment advice.</p>	

**ENVIRONMENTAL HAZARDS**

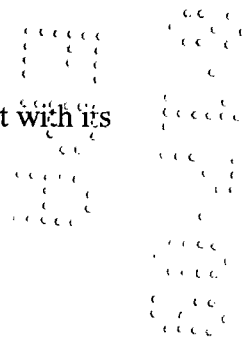
For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

**GENERAL INFORMATION**

Before applying, read and understand all label instructions. **SHAKE WELL BEFORE MIXING!** Do not spray directly onto plants intended for human consumption. This product can be applied using all types of hand or power sprayers. Read and carefully follow the instructions for the type of sprayer you use. Promptly clean all equipment after each use. Do not mix or apply this product with equipment that has been used for herbicidal applications. Properly dilute and spray this product on treatment area. Do not apply excessively to seedlings.

**DIRECTIONS FOR USE**

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



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**MASTER LABEL – BACK PANEL (Page 2 of 5)**

**USE RESTRICTIONS:**

For home & garden use only. **IMPORTANT:** This product contains egg solids, which may cause allergic reactions in some individuals. Not for direct use on plants intended for human consumption (i.e. food plants). Do not allow spray to drift onto plants intended for human consumption. Use this product to repel black-tailed deer (mule deer), white-tailed deer and Roosevelt elk that browse or uproot conifer seedlings. This product can be used to repel white-tailed deer from yew, Scotch pine, arborvitae, Douglas fir, flowering crabapple, hemlock, honeysuckle, azalea, rhododendron, landscape gardens and plantings, ornamental shrubs, garden vegetables, and fruit and citrus trees. Use this product to repel rabbits from ornamentals, landscape plantings and garden vegetables. Before applying, read specific application directions and use cautions below. Store at room temperature. Protect from heat and freezing. Freezing makes this product unusable. This product will stain structural surfaces. Do not apply to or allow spray to drift onto siding, roofing, decks, fences, driveways, painted surfaces or other structural material.

**MIXING AND DILUTION DIRECTIONS:**

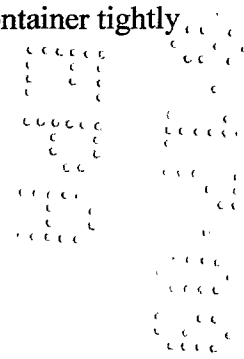
**Note:** Container is not filled to capacity, but is filled by weight.

**Mix before using:** This product must be mixed with water to produce ready-to-use spray. Before mixing, read and understand label instructions.

**Use promptly after mixing:** Mixed solution will spoil quickly above 40 ° F. Do not store mixed solution longer than one day. Carefully determine the quantity required for immediate application.

1. Before diluting, thoroughly shake or stir contents of concentrate container to completely re-suspend all solids.
2. In a suitable mixing container, mix 1 part concentrate with 4 parts warm water.
3. Pour dilute spray into sprayer and **use promptly**. Stir or shake the spray immediately before use to prevent settling in bottom of sprayer. Run agitator on large tank sprayers. If sprayer is to be re-used, clean it with cold water immediately after use.

**Seal tightly:** If saving part of unmixed concentrate for use later, close container tightly to prevent evaporation.



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**MASTER LABEL – BACK PANEL (Page 3 of 5)**

**APPLICATION DIRECTIONS:**

**Before applying, read and understand label instructions.**

Apply only in diluted form as specified. Do not apply excessively to seedlings.

**Weather Conditions:** Do not apply at temperatures below 40°F, or in wet, windy conditions. Apply only to dry (non-food) plants, and only under conditions favoring prompt drying of spray (lightly breezy, mild dry weather with low relative humidity). If spray is used on wet (non-food) plants or in damp, cold, foggy or misty weather, or if precipitation or freezing occurs before spray can dry, protection may be partially or completely lost.

**Care of Equipment:** Promptly discard leftover spray according to label directions. Rinse spraying equipment thoroughly with cold water immediately after use.

**New Conifer Seedlings:** New seedlings to be protected from winter browsing must be dormant and frost hardy before treatment. Once planted, retreat seedlings every 6 weeks during root establishment or as needed if previous treatment appears to be fading. Note: Browning and drop of old needles may occur on some evergreen species after using this product.

**Established Conifer Seedlings:** Treat each established seedling to be protected. Use a pressurized hand-held or backpack garden sprayer. Hold nozzle of spray wand about 10" vertically above tip of terminal shoot. Spray the terminal and first whorl to run-off. Treat each seedling to be protected.

**Yew, Scotch Pine, Arborvitae, Douglas Fir, Ornamental Crabapple, Hemlock, Honeysuckle, Azalea and Rhododendron:**

To protect against winter browsing: apply repellent upon onset of browsing. If browsing extends beyond two months, seedlings may be re-treated. Apply only to vegetation that is within animals reach. Apply to the point of run-off. Reapply as needed if the previous treatment appears to be fading.

To protect against spring browsing of new growth: apply repellent upon onset of browsing, but preferably after bud break and before new shoots exceed 1" in length. Do not re-treat new growth. If spring browsing reaches unacceptable proportions before bud break, repellent may be applied to unopened buds, but must then be re-applied after new growth averages 4" in length if browsing still persists. Apply to terminal to point of run-off. For large trees, apply this product only to lateral branches that are within animals reach. Reapply as needed if the previous treatment appears to be fading.



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**MASTER LABEL – BACK PANEL (Page 4 of 5)**

Note: Browning and drop of old needles may occur on some evergreen species after using this product.

**Ornamental Shrubs:** Do not apply during bud break or flower bloom, as foliage injury and petal drop may occur. Apply only to areas of vegetation that are within animals reach. Apply to the point of run-off. Reapply as needed if the previous treatment appears to be fading.

**Non-Bearing Fruit and Citrus Trees:** For use on non-bearing fruit & citrus trees only. Use when trees are dormant, not when actively growing. Do not apply during bud break or flower bloom, as foliage injury and petal drop may occur. Apply only to vegetation that is within animals reach. Apply to the point of run-off. Reapply as needed if the previous treatment appears to be fading.

**Landscape Gardens:** Do not apply to landscape plantings during bud break or flower bloom, as foliage injury and petal drop may occur. Apply to areas of vegetation that are within animals reach. Apply to the point of run-off. Reapply as needed if the previous treatment appears to be fading.

**Vegetable Gardens\*:** This product is not for direct application to plants intended for human consumption (i.e. food plants). For use as a perimeter spray around the area where food plants are grown. To create a repellent barrier, apply this product to soil, ground cover, bark mulch, perimeter vegetation and non-food vegetation adjacent to food plants. Do not allow spray to drift from application site onto any part of the plant that is intended for human consumption. Reapply as needed if the previous treatment appears to be fading.

\*Not registered for use as a perimeter spray in California.

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Store only in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.

**PESTICIDE DISPOSAL:** Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

**CONTAINER HANDLING DISPOSAL:** Non-refillable container. Do not reuse or refill this container. **If Empty:** Place in trash or offer for recycling if available.

**If Partly Filled:** Contact your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

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EPA Reg. No. 50932-15  
Notification of Label Action – Storage & Disposal Statements/Warranty Statements  
August 14, 2009  
Page 6 of 7

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**MASTER LABEL – BACK PANEL (Page 5 of 5)**

**Note:** Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

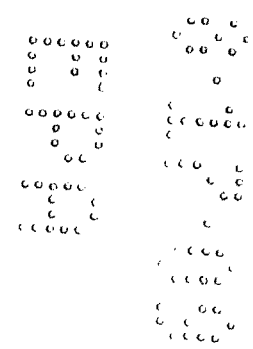
Manufactured By:



Woodstream Corporation  
69 North Locust Street  
Lititz, PA 17543  
For Information call 800-800-1819  
Made in USA  
Printed in USA

EPA Reg. No. 50932-15  
EPA Est. No. 63416-MN-001

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**MASTER LABEL – OPTIONAL CLAIMS (Page 1 of 1)**

**[Additional - Optional Marketing/Advertising Claims]**

- FOR ORGANIC GARDENING (logo)
- OMRI® LISTED - Organic Materials Review Institute (logo)
- For repelling black-tailed deer (mule deer), white-tailed deer and Roosevelt elk that browse or uproot conifer seedlings.
- Repels by odor
- Repels rabbits from ornamentals & garden vegetables
- Repels deer for up to 3 months
- Long-lasting repellent
- Creates an odor barrier to protect garden vegetables
- Creates a protective barrier to repel deer and rabbits
- Protects garden and landscape plantings
- Protects ornamental trees and shrubs
- (For 1 Gallon) Treats 300-360 ornamental shrubs 4 feet high.
- (For 1 Quart) Treats 75-90 ornamental shrubs 4 feet high.
- (For 1 Pint) Treats 36-45 ornamental shrubs 4 feet high.
- (For 1 Gallon) Concentrate! Makes 5 Gallons
- Guaranteed!
- Effective!
- It Works!
- Non-Toxic Mode of Action

