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58035-7: D214760

IN 4/28/95 ~~OUT~~ 8/1/95

EFFICACY

FILE OR REG. NO. as above

PETITION OR EXP. PERMIT NO. _____

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TYPE PRODUCTS(S): I, D, H, F, N, R^x, S _____

DATA ACCESSION NO(S) no new efficacy data

PRODUCT MER. NO. 14

PRODUCT NAME(S) ReJeX-iT AP-50 58035-6
ReJeX-iT TP-40

COMPANY NAME RJ Advantage, Inc.

SUBMISSION PURPOSE Amend labels

CHEMICAL & FORMULATION 58035-6: 50% Methyl Anthranilate dry concentrate

58035-7: 40% Methyl Anthranilate liquid concentrate

Efficacy Review: ReJeX-iT™ AP-50, 58035-6
ReJeX-iT™ TP-40, 58035-7
RJ Advantage, Inc.
Cincinnati, OH 45217

200.0 INTRODUCTION

200.1 Uses

58035-6 is a 50% Methyl Anthranilate dry concentrate Federally registered

"to repel ring-billed gulls, Canada geese, and mallards from temporary pools of standing water and landfills that are not in or bordering airports."

58035-7 is a 40% Methyl Anthranilate liquid concentrate Federally registered

"to repel starlings, brown-headed cowbirds, ring-billed gulls, Canada geese, and mallards from non-fishbearing bodies of water, and landfills that are not in or bordering airports."

200.2 Background Information

See efficacy reviews of 5/24/93 and 3/25/95 (you might have to look for them in jacket for 58035-8), the efficacy review of 2/7/95, and other information in the jackets for RJ Advantage's Methyl Anthranilate (MA) products. These products were accepted for registration with somewhat weakly organized "DIRECTIONS FOR USE" sections.

This review discusses proposed revised labels submitted on 4/11/95 in response to feedback on efficacy trials of MA formulations used to treat standing water at JFK International Airport. These labels were submitted to EPA on 8/8/94 by Judith M. Hushon, "Principal" of ERM Program Management Company of McLean, VA. The intent of the label amendments seems to be to permit use of this product at and near airports.

201.0 DATA SUMMARY

No new efficacy data were submitted.

The field efficacy trials which were discussed in my review of 2/7/95 pertained to earlier formulations tested in the development of these products. I accepted the data in support of the airport claims for these products because the types of formulations were roughly similar (a dry concentrate and a liquid concentrate having been tested), rate

conversions between the formulations in 58035-6 and 58035-7 and the formulations tested appeared to be straightforward, and subsequent changes to the formulations appeared, if anything, likely to have improved product performance. The accepted data are filed with EPA under the MRID# 433310-01.

RJ Advantage proposes to allow use of the product at airports simply by removing the labels' current prohibitions against it. To do this for 58035-6, the company proposes to replace the site-and-pest text quoted above with

"to repel ring-billed gulls, Canada geese, and mallards from landfills and temporary pools of standing water."

Evidently, the pools of standing water could be anywhere. I do not feel it likely that significant problems would arise if mud puddles and other temporary pools of standing water which might arise on human-created substrates in the U.S. were treated with these products. The temporary pools which occur periodically in deserts and other more "pristine" habitats are places where a variety of opportunistic organisms (e.g., certain types of amphibians) must reproduce while the opportunity is presented. Use of this "slightly toxic to fish" product in such areas would be unlikely but also potentially disastrous. It might be a good idea to consult EEB for descriptions of the types of temporary pools where it would be counterproductive, ecologically, to use these products. We then could add an appropriate sentence to the "USE RESTRICTIONS" portion of the label.

In the meantime, I propose to limit the use in "temporary pools of standing water" to urban and suburban areas and sites associated with airports or industrial or municipal structures or with utilities.

Aside from the change to the "USE RESTRICTIONS", the text on the label for 58035-6 appears not to have been changed. However, the type size in paragraph text may have been reduced in size, perhaps in an effort to squeeze as many letters as possible on each line. In any event, nine previously unhyphenated words now are broken up at the ends of lines. As there is a great deal of empty space on the label, these changes in presentation of text, which make reading the label somewhat more difficult, seem to be needless. The only change in wording proposed on the label submitted on 4/11/95 would result in a net loss of text.

For 58035-7, RJ Advantage proposes to change the "USE RESTRICTIONS" to read

"This product may be used to repel starlings, brown-headed cowbirds, ring-billed gulls, Canada geese, and mallards from bodies of water, and landfills."

Despite its retention of the superfluous comma, this text no longer would state that the presence or absence of fish would determine whether a body of water could be treated. In the treatment section for aquatic uses, the site text

"Non-fishbearing bodies of water: (tailing ponds and commercial/industrial impoundments)"

would be replaced by

"Bodies of water: (tailing ponds and commercial/industrial impoundments)".

As with the current label, the "USE RESTRICTIONS" text would be less restrictive than the application directions regarding where the product could be used. The application directions do not even suggest that treatments could be made at or near airports, but the "USE RESTRICTIONS" would permit any body of water to be treated.

I am not particularly frightened by the thought of government employees trained in bird control using Methyl Anthranilate to repel birds from small areas where they pose problems. However, this product is not a "Restricted Use Pesticide", and Hushon's letter states

"Based upon consumer comments, RJ Advantage feels that these changes are supported by the general public."

I am a bit frightened by the prospect of any vertebrate control agent being promoted in the manner that might be used to push a new candy bar or automobile.

The proposed revised "USE RESTRICTIONS" would not prohibit use of 58035-7, by anyone, anywhere where water accumulates, including seasonal pools in deserts, prairie potholes, Puget Sound, Lake Superior, and the Pacific Ocean. While the product's cost might limit its use, the label should limit permissible sites consistently. I feel that the limited sites indicated in what should be the "APPLICATION DIRECTIONS" subsection are far more responsible than the unqualified expression "bodies of water".

The number of hyphenated words on the label for 58035-7 would increase from 0 to 10 if the label submitted on 4/11/95 were accepted. As with 58035-6, there is ample space on the label

for 58035-7, and the proposed new label includes fewer words than the current accepted label (stamped on 12/19/94).

202.0 CONCLUSIONS

58035-6

The comments immediately below apply to the proposed revised label submitted for 58035-6.

1. The proposed revised label submitted for this product on April 11, 1995, would permit use of the product in temporary pools of water wherever they might exist in the U.S. Thus, you propose to add use in such pools near airports not by claiming it directly on the label, but by not prohibiting it, as the product's current label does. A problem with the current label that is shared by the proposed revised label is that neither would prohibit use of the product in natural areas where the temporary filling of small pools is extremely important to the survival of resident organisms. [NOTE TO PM: See discussion of this issue under "DATA SUMMARY".] To resolve this problem, the "USE RESTRICTIONS" paragraph must be changed to read

"USE RESTRICTIONS: This product may be used to repel ring-billed gulls, Canada geese, and mallards from landfills and from temporary pools of standing water located at or near airports, at industrial or utility plants, at municipal sites, or in developed urban and suburban areas."

2. Insert the subheading "APPLICATION DIRECTIONS:", left-justified, below the end of the "USE RESTRICTIONS" paragraph and above the "Temporary Pools of Standing Water" paragraph.
3. There are many hyphenations at the ends of lines of text on the label submitted on April 11, 1995, whereas there are none at all on the current label. We feel that these hyphenations are unnecessary, as ample open space exists on the label, and make the label more difficult to read.

58035-7

The comments immediately below apply to the proposed revised label submitted for 58035-7.

1. The "USE RESTRICTIONS" portion of the proposed revised label submitted for this product on April 11, 1995, would permit use of the product by anyone in any body of water

anywhere in the U.S. In contrast, the next paragraph of the "DIRECTIONS FOR USE" seems to limit the "Bodies of water:" use to "tailing ponds and commercial/industrial impoundments". Thus, use of the product near airports and many other uses seemingly are added in the "USE RESTRICTIONS", but no directions for such uses are presented. As the expression "bodies of water" seems to be causing the problem, it should be removed from the label and replaced by less open-ended language which indicates acceptable use sites. The most precise expression of acceptable use sites appearing on the label should be in the "USE RESTRICTIONS" paragraph. Amend the "USE RESTRICTIONS" portion of the "DIRECTIONS FOR USE" to read as indicated below.

"USE RESTRICTIONS: This product may be used to repel starlings, brown-headed cowbirds, ring-billed gulls, Canada geese, and mallards from landfills, tailing ponds, commercial or industrial water impoundments, and temporary pools of standing water located at or near airports."

2. Insert the subheading "APPLICATION DIRECTIONS:", left-justified, below the end of the "USE RESTRICTIONS" paragraph and above the paragraph which pertains to the water uses.

Change the heading for the paragraph pertaining to water uses to read

"Tailing Ponds, Impoundments, and Temporary Pools at Airports:".

3. There are many hyphenations at the ends of lines of text on the label submitted on April 11, 1995, whereas there are none at all on the current label. We feel that these hyphenations are unnecessary, as ample open space exists on the label, and make the label more difficult to read.

William W. Jacobs
Biologist
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August 1, 1995