

New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials

Bureau of Pesticides Management

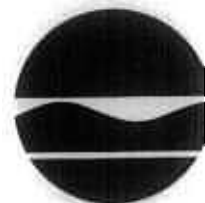
Pesticide Product Registration Section

625 Broadway, Albany, New York 12233-7257

Phone: 518-402-8768 FAX: 518-402-9024

Website: <http://www.dec.state.ny.us/website/dshmp/pesticide/pesticide.htm>

E-Mail: ppr@gw.dec.state.ny.us



Denise Sheehan
Commissioner

September 7, 2006

Mr. Daniel Gilrein
Cornell University Cooperative Extension of Suffolk County
Long Island Horticultural Research and Extension Center
3059 Sound Avenue
Riverhead, NY 11901

Dear Mr. Gilrein:

Re: FIFRA 2(ee) Recommendation for the use of Spotrete F (EPA Reg. No. 45728-26-1001)

The Department of Environmental Conservation has approved your FIFRA 2(ee) recommendation for the use of **Spotrete F (EPA Reg. No. 45728-26-1001)** allowing the use of a less than labeled rate when used as a deer repellent during the dormant season.

Enclosed is the stamped "accepted" copy of the recommendation as it is to appear in the Cornell Pest Management Guidelines. If you have any questions regarding this letter please contact me at 518-402-8768.

Sincerely,

Shaun M. Peterson
Environmental Chemist I
Pesticide Product Registration Section

enclosure

cc w/enc: William Smith, Cornell University, PMEP
Robert Mungari, NYS Department of Agriculture and Markets

**THE R.A. BARTLETT TREE RESEARCH LABORATORIES
13768 HAMILTON ROAD
CHARLOTTE, NC 28278
(704) 588 1150**

July 17, 2006

Proposed FIFRA 2(ee) Recommendation for Spotrete F

Dear Mr. Gilrein:

The F.A. Bartlett Tree Expert Company wishes to submit this application for a FIFRA 2(ee) Recommendation to the New York Department of Environmental Conservation for consideration. Enclosed please find the current label for Spotrete F, and the statement of the research supporting this request to allow the use of Spotrete F at lower than labeled rates when used as a deer repellent during the dormant season.

Proposed FIFRA 2(ee) Recommendation

Allow Spotrete F, EPA Number 45728-26-1001, to be used at lower than labeled rates when used as a deer repellent within the State of New York.

Researcher and Title

Dr. Bruce Fraedrich
Vice President of Research
The Bartlett Tree Research Laboratories, in Charlotte, North Carolina

Dr. Don Booth
Entomologist
The Bartlett Tree Research Laboratories, in Charlotte, North Carolina

Pesticide Name and EPA Registration Number

Spotrete F
EPA Registration Number 45728-26-1001

Target Crop

Presently, Spotrete F is labeled for the control of select foliar diseases in non-residential turf, and animal repellency on deciduous and evergreen trees and shrubs (and non-bearing vines and orchards) for use as an animal repellent.

Target Pest

Deer (repellent)

Proposed Application Rate

ACCEPTED

SEP - 7 2006

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PESTICIDE PRODUCT REGISTRATION

The F.A. Bartlett Tree Expert Company proposes the use of lower rates than the present label sets forth for use as an animal repellent in the dormant season. The Spotrete F label has been attached to this request. Also attached please find a summary of research verifying the use of Spotrete F at the lowered label rates is a safe and effective treatment when used as a deer repellent.

Nature of 2(ee) Variation from Product Label

The present label rate for Spotrete F, when used as an animal repellent during the growing season, calls for mixing one quart of Spotrete F with seven quarts of water. The present label rate for Spotrete F, when used as an animal repellent during the dormant season, calls for mixing one quart of Spotrete F with three quarts of water.

The F.A. Bartlett Tree Experts proposes the use of a rate of one quart of Spotrete F with ten quarts of water when used as an animal repellent during the dormant season.

Attached please find a summary of research demonstrating that Spotrete F mixed at the proposed rate of one quart to ten quarts has proven to be a highly effective animal repellent against deer browsing.

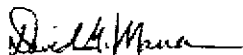
Complete Recommendation as it will Appear in Cornell Recommends

The F.A. Bartlett Tree Expert Company requests that the label be modified to allow the mixture rate of one quart of Spotrete F to ten quarts of water when used as an animal repellent during the dormant season. No further changes or modifications are requested.

Conclusion

Allowing Spotrete F to be used at the suggested mixing rates as an animal repellent during the dormant season will be consistent with the State's efforts to promote sound environmental management practices, and reduce the use of unnecessary amounts and quantities of pesticide products. In addition, the proposed rates are consistent with our efforts to promote reduced use of pesticide products on the properties of our clientele, while at the same time providing effective control of landscape problems. It should also be noted that in all other states in which using a pesticide at lower than labeled rates is legal, we have been using these rates effectively on our client's properties. There has been no issue of insufficient efficacy whatsoever.

Respectfully Submitted,



David G. Marren
Vice President
Safety and Regulatory Affairs
The F.A. Bartlett Tree Expert Company