

Classified for
“RESTRICTED USE”
in New York State
under 6NYCRR Part 326

Supplemental Labeling

ACCEPTED
FOR REGISTRATION
JANUARY 9, 2012

New York State Department
of Environmental Conservation
Division of Materials Management
Pesticide Product Registration
Doc ID 529708

4-Poster Tickicide™ EPA Reg. No. 39039-12

EPA 24(c) Special Local Need Registration SLN NY-120001 (For Use Only in Nassau and Suffolk Counties, New York)

The feeding of wild deer in New York State requires a valid 6 NYCRR Part 189 permit. This product may only be used in conjunction with a valid deer feeding permit issued in accordance with 6 NYCRR Part 189.

This product is classified as “RESTRICTED USE” in New York State.

This product is not to be used within 300 feet of any dwelling, multiple dwelling or playground. In addition, this product is not to be used within 300 feet of any other place where children may be present without adult supervision. The only exception would be when placement of the 4-Poster device is needed within the 300 foot zone in order to achieve proper usage of the device. In these cases, placement would be allowed only with prior Department approval and only in conjunction with the construction of a fence around the device. The fence must be 28 to 30 inches high with a minimum diameter of 29 feet and constructed in accordance with the specifications outlined in New York State approved labeling for this product.

This product is not to be used within 300 feet of a public highway as required by ECL 11-0505(8).

ATTENTION

- **It is a violation of Federal law to use this product in a manner inconsistent with its labeling.**
- **This labeling must be in the possession of the user at the time of application.**
- **Read the label affixed to the container for 4-Poster Tickicide before applying. Carefully follow precautionary statements and applicable use directions.**

- **In the State of New York, 4-Poster Tickicide is registered under FIFRA Section 24(c) as a Special Local Need (SLN) registration. For the State of New York, this 24(c) supplemental labeling provides additional use precautions and limitations applicable to the use and setup of 4-Poster Tickicide.**
- **Use of 4-Poster Tickicide according to this supplemental labeling is subject to all use precautions and limitations imposed by the label affixed to the container and any applicable New York State accepted labeling for 4-Poster Tickicide.**

All required placarding on the device must indicate the name and telephone number of the certified applicator responsible for the specific 4-Poster device.

Only bait stations which are placed and monitored in conjunction with purposes and conditions specifically described in a valid Part 189 permit are allowed.



January 9, 2012

Michael G. Fletcher, Ph.D.
Y-Text Corporation
P.O. Box 1450
Cody, Wyoming 82414

Dear Dr. Fletcher:

**Re: Registration of 4-Poster Tickicide (EPA Reg. No. 39039-12) as a
Special Local Need Assigned SLN No. NY-120001**

The New York State Department of Environmental Conservation (Department) has reviewed your application, received June 14, 2011, to register 4-Poster Tickicide (EPA Reg. No. 39039-12) in New York State. The product represents a major change in labeling for the active ingredient permethrin. The application was deemed complete for purposes of review on August 12, 2011 and a legislatively mandated registration decision date of January 9, 2012 has been established.

The Department has reviewed all of the information submitted to date in support of the application and in order to mitigate various concerns identified during the review, hereby registers 4-Poster Tickicide in New York State only in conjunction with Special Local Need labeling which is assigned the registration number SLN No. NY-120001. The Special Local Need (SLN) labeling specifies the restrictions, geographical use limitations and conditions which must be followed in order for the 4-Poster Tickicide product to be legally used in New York State.

The pesticide product, 4-Poster Tickicide (EPA Reg. No. 39039-12), contains the currently registered active ingredient permethrin and is labeled as a ready to use acaricide for application in specific amounts to the applicator posts on 4-Poster deer treatment devices for control of the black-legged tick, *Ixodes scapularis* and the lone star tick, *Amblyomma americanum*. The 4-Poster device contains a large central receptacle which is filled with corn that is dispensed in close proximity to the permethrin-laden rollers. A deer contacts the rollers while eating the corn dispensed by the device. The use of the 4-Poster device involves the use of the 4-Poster Tickicide pesticide product (EPA Reg. No. 39039-12) and the feeding of wild deer. Currently, due to regulations regarding the spread of Chronic Wasting Disease in New York State, the feeding of wild deer is only allowed in conjunction with a 6NYCRR Part 189 Deer Feeding permit. An application was previously reviewed and denied in 2004 due to unmitigated potential public health concerns and the deer feeding prohibition.

The application and supporting information has been reviewed by the New York State Department of Health (DOH) and the Department's Division of Fish, Wildlife & Marine Resources' (DFW&MR) Bureau of Habitat (BOH) and Bureau of Wildlife (BOW).

The DOH stated during their original review in 2004 of 4-Poster Tickicide that several potential public health issues associated with the products' use would need to be examined prior to granting widespread registration. These issues included: permethrin residues in and on deer and other game animals, contact of children and pets with the permethrin in the 4-Poster device, risks to those applying the pesticide to the 4-Poster device and public notification and posting. The 2004 DOH review also indicated that while the 4-Poster device may pose some individual health risks, it also could provide some public health benefits, in that a reduction in the population of ticks could translate into a reduction in the risk of tick-borne diseases such as Lyme disease and babesiosis in the area of treatment.

In order to address the potential public health concerns, efficacy and other wildlife issues, a study was undertaken from 2008 to 2010 on Shelter and Fire Islands in Suffolk County by Cornell University and Cornell Cooperative Extension of Suffolk County, along with others, as a condition of the New York State Special Local Need registration (SLN NY-070005) for the 4-Poster Tickicide product. The three main objectives of the study were to 1.) address human and wildlife associated risks due to changes in deer movement and behavior following placement of the 4-Poster devices; 2.) address possible increased human exposure to permethrin from handling and consuming treated deer by quantifying residues in and on deer; and 3.) evaluate the efficacy of the 4-Poster technology for the control of black-legged and lone star ticks in human inhabited and visited areas.

The DOH expressed concern during the initial 4-Poster registration review about the potential health risks from exposure to permethrin. Due to the use of 4-Poster on Shelter Island (where deer hunting is permitted), hunters and others who eat the deer could potentially be exposed to permethrin that is in or on the meat or from contact with a deer's hide while handling and dressing the deer. To determine the levels of permethrin in and on deer, several deer known to feed at a 4-Poster device, in addition to deer from a comparison area (North Haven), were harvested and sampled during the hunting season during each year of the study. Permethrin residues were measured in coat swab and muscle samples from the neck region, muscle from the hindquarter region (for 2009 and 2010 only), and the liver from each of these deer. The sample collection procedures were modified during the study to reduce the possibility of cross-contamination and to help better address questions of risks to hunters.

Coat swab samples of deer hide taken from the neck region indicate that hunters could be exposed to permethrin residues from skin contact with the hide. Permethrin residues were detected on the hide of 98 percent of the sampled deer from the treatment area ranging from 2×10^{-5} to 5.3 milligrams (mg) per swab sample with an approximate average of 0.48 mg per swab. The amount of permethrin a hunter might actually be exposed to by this route is difficult to quantify, but if direct skin contact with a contaminated hide does occur, some skin absorption of permethrin is possible. The U.S. Environmental Protection Agency (U.S. EPA) estimated 5.7 percent dermal absorption for permethrin for use in its risk assessments.

In order to help reduce hunters' potential exposure to permethrin residues on deer hide, the DOH worked with Cornell University to create a fact sheet for hunters in the treatment areas with recommendations for safe harvest and handling. These recommendations addressed the fact that skin exposure to permethrin residues can be minimized by wearing rubber, vinyl or latex gloves when handling deer. In addition, it was also recommended that to further minimize direct exposure of themselves and to reduce potential contamination of meat, hunters should skin deer starting from the hindquarters going to the neck, and otherwise avoid letting the outer hide contact venison, during handling of the deer.

The DOH previously estimated the risks to people, using conservative assumptions, from eating venison harvested from deer on Shelter Island (see factsheet titled Shelter Island and Fire Island 4-Poster Deer and Tick Study, October 21, 2009). If a 70 kilogram (kg) adult hunter consumes about 136 grams (0.3 pounds) of venison in a meal which contains 0.270 mg permethrin per kg venison (the highest residue found in the study¹) and such a meal is consumed every day of the year (approximately 50 kg of venison per year), the hunter's permethrin exposure would be about 6×10^{-4} milligrams per kilogram body weight per day (mg/kg/day). This exposure level is about 450-fold lower than the chronic population adjusted dose (cPAD) of 0.25 mg/kg/day established by the U.S. EPA for permethrin. In addition, the U.S. EPA classified permethrin as "likely to be carcinogenic to humans" and established a cancer potency factor of 9.6×10^{-3} (mg/kg/day)⁻¹ based on lung tumor incidence in female mice. Using the highest permethrin residues, the daily venison consumption rate indicated above and a lifetime of exposure, the estimated increased lifetime cancer risk would be approximately 5×10^{-6} . This consumption exposure scenario is likely to overestimate risks, especially considering that only six deer had measurable permethrin residues in neck meat samples and the estimated venison consumption rate is rather high.

The DOH additionally had concerns about the potential contact of children and pets with the permethrin in the 4-Poster Tickicide product. The 4-Poster Tickicide label requires specific fencing (14.5 foot radius, 28 to 30 inches high) around the feeding station if the device is to be placed less than 300 feet from homes, playgrounds, apartments or other areas where unsupervised children might be present. This would exclude children and pets from easy access to the devices. As reported in the Shelter Island and Fire Island 4-Poster Deer and Tick Study: Final Report (May 2011), the random trail camera monitoring of the 4-Poster devices, undertaken to achieve Objective I, did not record any children or domestic pets coming into contact with the 4-Poster station (in areas with or without the fencing); other non-target wildlife such as raccoons, squirrels and birds were frequently recorded visiting the devices. The final report mentions that vandalism and/or disturbance of the devices was "low" during the study, but no further explanation or details are given.

The applicators working with the 4-Poster Tickicide product face potential health risks from exposure to permethrin during application of the pesticide and maintaining the devices. The 4-Poster Tickicide product is a self-treatment bait station that passively applies a permethrin based pesticide to deer as they rub against paint rollers while feeding on corn bait. The corn and pesticide need to be refilled and the devices need to be cleared of debris and repaired in

¹ The 0.270 mg/kg residue was from a neck meat sample; no permethrin residues were found in any hindquarter muscle or liver samples.

proportion to the frequency of use. Potential applicator exposure to permethrin could occur during pesticide application to the rollers and refilling the corn reservoirs. However, the product's label requires the use of gloves and specifies use directions for pesticide application to the device that should minimize exposure. The maintenance of the 4-Poster devices was also conducted by certified pesticide applicators in the Shelter Island and Fire Island study, who would presumably be familiar with proper pesticide handling techniques. In addition, Dan Gilrein, one of the study's principal investigators from Cornell Cooperative Extension of Suffolk County, observed workers using gloves when handling the pesticide and providing maintenance to the devices (personal communication). He also stated that none of the several applicators who worked on the study complained or commented about associated health effects from handling the pesticide.

Another potential public health related issue the DOH previously identified pertains to public notification and posting of warning signs associated with use of the 4-Poster Tickicide product. Since the 4-Poster device can be placed near dwellings and public areas, effective notification and posting is imperative to increase awareness of the public and to reduce the potential for their exposure. The public notification and awareness of the study was very extensive on Shelter and Fire Islands, however a determination of the adequacy of posting and public notification for other study areas would best be done on a case-by-case basis.

The Shelter Island and Fire Island 4-Poster Deer and Tick Study contained a large quantity of information and statistics demonstrating the effectiveness of the 4-Poster product to reduce tick levels. Overall, tick levels (of both species and all life stages) declined significantly at the study sites on Shelter and Fire Islands versus the North Haven control site from 2008 to 2009, and in most cases from 2008 to 2010. The study authors noted that 2010 was an unfavorable year for ticks in general, but significant decreases in tick levels were noted from 2008 levels at the study sites. The registration package additionally contained data from the open literature to evaluate the efficacy of the system in reducing tick populations. Although the DOH did not conduct a full review of this information, data was not identified that demonstrated a reduction in tick-borne disease (i.e., Lyme disease and babesiosis) incidence in communities where the 4-Poster apparatus was used. An accurate measure of such a reduction in incidence, however, was determined as not feasible for numerous reasons by study coordinators and involved experts. Therefore, reductions in tick populations, particularly nymphal populations, were chosen as a surrogate measure for disease risk reduction.

In summary, the Shelter Island and Fire Island 4-Poster Deer and Tick Study undertaken to demonstrate use of the 4-Poster product in the state adequately addressed the public health concerns previously stated by the DOH for this treatment system. Based on this study and other data, the DOH stated that proper use of the product should not pose unreasonable risks to the public or workers. Therefore, the DOH does not object to the registration of 4-Poster Tickicide in New York State as a "restricted use" product for use in Nassau and Suffolk Counties. The DOH also stated that if registered, the use of the 4-Poster Tickicide product in the state should be monitored and regulated through a permitting process similar to the Aquatic Pesticide Permit Program administered by the Department. The advice and recommendations developed by the DOH during the implementation of the study should be followed and included as part of the permitting process to further mitigate identified risks. The issues of community involvement,

notification and sign placement (determined by the device location) should also be included as part of the use permit and would be best evaluated on a case by case basis given the specific use conditions.

The BOH coordinated with the BOW to complete a comprehensive DFW&MR review of the Shelter and Fire Island 4-Poster Deer and Tick Study that was conducted by Cornell, and which is the support for the current registration application for the 4-Poster Tickicide system, for applying permethrin to deer to control deer and other ticks that potentially transmit Lyme disease and other tick-borne diseases. As a result of their review of the Cornell study, the DFW&MR continues to be opposed to the registration of the 4-Poster Tickicide product and the use of the 4-Poster device. The DFW&MR believes that if registered, the use of the 4-Poster system will have unacceptable impacts to the native, wild deer population of New York State. However, the DFW&MR also recognizes that there is considerable public and political pressure for at least limited use of the system. The DFW&MR stated that if the 4-Poster Tickicide product is registered in New York State, the following conditions should apply:

- 1) All of the restrictions that were applied to the SLN registration for the Shelter and Fire Island study (e.g., distance from roads, distance from structures, fencing requirements, etc.) should be applied to the registered New York State label;
- 2) The product should be registered as “Restricted Use”;
- 3) The product must be limited for use in Nassau and Suffolk Counties only; and
- 4) The label must require that the 4-Poster Tickicide product and device can only be used in conjunction with a deer feeding permit issued under the auspices of 6NYCRR Part 189, and the system can only be used during the period when that permit is applicable.

Additional conditions are identified in the BOW review, but those conditions are best implemented through the 6NYCRR Part 189 deer feeding permit process.

The following is the review of the BOW:

Based on findings presented in the report, other scientific literature, and consideration of applicable laws, regulations and policies pertaining to feeding of deer in New York State, the BOW has serious reservations about the registration of the 4-Poster Tickicide product and the use of the device in New York State. The BOW concerns relate primarily to the supplemental feeding of deer that occurs when 4-Poster Tickicide devices are deployed. The supplemental feeding of deer is in direct conflict with the intent of the regulations which prohibit the feeding of wild white-tailed deer in New York (6NYCRR Section 189.3). In addition, BOW is also concerned that deer harvests may be reduced in areas where more harvest is needed. This could occur due to hunter concerns about exposure to permethrin residues and legality of hunting with the aid of “bait”.

General Comments:

The study report was detailed and comprehensive, and the research addressed the principal questions and issues that were identified at the outset of the study. However, the findings of this research may not be directly applicable to other locations or configurations of 4-Poster devices, since the primary study area was an island (which limits deer immigration and emigration), and deer were already at such high densities that potential impacts to natural and planted vegetation were difficult to interpret or detect. Also, it was noted that many of the results were equivocal due to large statistical variance or error, and the relatively short time-frame of the study which limited ability to detect changes in local deer populations resulting from the supplemental feeding. Additionally, while the authors emphasized reductions in tick abundance at the Shelter Island treatment sites, inconsistent results from the Fire Island site highlight potential conditions in which the use of 4-Poster Tickicide system may not be suitable.

Deer Population Effects:

- Population estimates in the study were imprecise and may underestimate true populations. For example, the fall population estimates (286-440 deer in 2008 and 2009) barely exceeded reported deer harvest (245-423 deer) in the treatment area. Using another method, the population estimates for the same years tended to be higher, but had large confidence intervals (361-812 in fall 2008, 489-775 in fall 2009). The authors note that “The confidence intervals (95%)...were consistently wide, suggesting that actual deer densities could vary considerably from the estimated values.”
- Population estimates increased in both the control and treatment areas between 2008 and 2010. However, the rate of increase was substantially greater in the treatment area, despite having much higher mortality than in the control area (34% versus 9% of marked deer). The authors suggest that greater deer population growth in the treatment area stems from a substantial drop in annual deer harvest in the treatment site during the initial years of the study. While it is likely that reduced harvest played a large role in subsequent deer population increases in the treatment site, the authors note that deer harvests declined as the public reacted to detection of permethrin residue on deer hides and in neck muscle. Population growth may also have been influenced by supplemental feed provided at 4-Poster devices, though this effect may have been obscured by the larger influence 4-Posters had on hunting behavior.

Deer Reproduction:

- Doe/fawn ratios were reported as having remained stable but sample sizes were small ($n = 9-26$ does per study area per year), and ratios were expressed as whole numbers (i.e., 1:1, 1:2, etc.), obscuring potential differences. In a similar study of 4-Poster devices in Connecticut, fawn recruitment rates were found to increase substantially in the treatment site (0.36 fawns per doe in 2008 to 1.5 fawns per doe in 2010) but decrease at the control site (unpublished data, Howard Kilpatrick, personal communication). The BOW cannot rule out the possibility that the use of 4-Poster devices may increase fawn production, and thereby increase deer numbers in a treated area.
- The over-winter survival of fawns was not determined, and use of 4-Poster devices during the fall could affect fitness and survival, resulting in higher population growth rates.

Deer Survival:

- Mortality rates due to deer-vehicle collisions were similar in the treatment area (5 of 109 marked deer, or 5%) and in the control area (2 of 55 marked deer, or 4%), consistent with limited changes in deer home ranges.
- Body weights of deer harvested in the treatment area were 5-15% higher in 2009-10 compared to 2007-08 (pre-treatment). This seems to be a plausible effect of the surplus food (i.e., ~290,000 pounds of corn consumed annually by ~400 deer during 2009 and 2010, or nearly 725 lbs/deer/treatment period) provided by the 4-Poster devices in addition to increased acorn availability noted in the report. This amount of corn consumption exceeds minimum daily energy requirements for an average sized deer. This level of supplemental feeding would very likely increase deer survival or fecundity if sustained over the long term.
- Similarly, Underwood (2010) reported that 4-Poster use in the Fire Island treatment site provided nearly 100% of food requirements for deer.

Deer Movements:

- Deer emigration and immigration were reported as “minimal” based on documented movements of males and females combined. However, based on direct observations alone, about 8% of marked males emigrated out of the treatment area, and 25% of marked males moved from the control area into the treatment area, in 2009. Others may have left the area but were never shot, found dead, or observed since they were not radio-tagged. Given that the treatment area was an island, male dispersal rates into and out of non-island environments may be much higher (e.g., >75%; Long et al 2010) and female dispersal rates may be roughly 5-15% (Porter et al 1991, Porter and Underwood 2001).
- The potential for high dispersal of permethrin-treated male deer needs to be considered with respect to hunters that may harvest deer from nearby areas.

Deer-Vehicle Collisions:

- Deer-vehicle collisions were apparently not influenced by 4-Poster devices but were principally affected by deer harvest levels. (This strengthens the BOW concern regarding the potential for less hunting in a 4-Poster treatment zone.) The setback distance from roads for 4-Poster deployment must remain in place, in order to increase the chances that their widespread use will not increase deer-vehicle accidents.

Deer Contact Rates:

- The report cites numerous references that indirect contact (deer present at the same place and time) can be an important pathway for disease transmission, yet the results and discussion emphasized the very low (and admittedly underestimated) direct (nose to nose) contact rates observed. For assessment purposes, what the study classified as direct or indirect contacts should all be considered high potential events for disease transmission, in which case the contact rates at 4-Poster devices or bait sites would be conservatively estimated at about 60-65%.
- In addition to direct or indirect contacts, the risk of disease transmission is directly associated with increased concentrations of feces and urine in the area surrounding the

feeder, since these are common means of infection (Elizabeth Bunting, Cornell University, personal communication). Therefore, virtually all deer that feed at a 4-Poster device should be considered to have had “indirect contact”, with increased potential for disease transmission.

Permethrin Residues in Meat:

- The potential for high dispersal of male deer needs to be considered with respect to hunters that may harvest permethrin-treated deer from nearby areas. It is unlikely that the processing standards for permethrin treated deer will be widely followed within a treated area, let alone in areas outside of a treatment zone. Moreover, there could be long-term consequences for deer hunter recruitment and retention if the use of 4-Poster systems becomes so widespread that virtually all deer in large portions of Suffolk County may potentially be exposed to permethrin.

Vegetation Damage:

- The study results suggested that 4-Poster devices did not lead to any substantial change in deer browsing or impacts on natural or ornamental vegetation. These findings were likely due in part to the fact that deer had been overabundant in the study and control areas for many years, perhaps decades. Consequently, the composition of natural vegetation as well as ornamentals selected by homeowners had already responded or adapted to high deer browsing pressure, which compromised the researchers’ ability to detect substantial change.

Tick Abundance:

The following are several observations concerning the measurements of tick abundance:

- Overall tick abundance declined in all treatment sites as well as the control site between 2008 and 2010. However, reductions in abundance of Black-legged Ticks (*Ixodes scapularis*), the principal vector of Lyme disease and babesiosis, were less pronounced than the reduction in Lone Star Ticks (*Amblyoma americanum*). For example, abundance of *Ixodes* nymphs declined 80-86% in the Shelter Island treatment sites between 2008 and 2010, but *Ixodes* nymph abundance also declined by 64% in the control area over the same period. Abundance of *Amblyoma* nymphs declined by >95% at the Shelter Island treatment sites, but also declined by 76% at the control site. Environmental variables can greatly influence tick populations, so the incremental effects of 4-Poster Tickicide treatment on tick abundance may have been much less (e.g., only 30% greater reduction) than was indicated by the raw tick abundance data.
- Tick sampling was conducted only during June and early July, whereas deer use of 4-Poster devices (and corn consumption) was highest during summer and fall. The report does not indicate how long an effective dose of permethrin remains on a deer's coat, although that information should be available. There may be a much shorter period of time (e.g., late summer –early fall) when 4-Poster devices could be used to treat the greatest number of deer and adult ticks before they overwinter and lay eggs in the spring. It is possible that, after 3 years of initial 4-Poster Tickicide use and substantial tick

reduction, 4-Poster system deployment could be curtailed within the season or possibly used in alternate years (P. Curtis, personal communication).

- 4-Poster Tickicide effect on tick abundance was not consistent among treatment sites, as tick abundance and species/developmental stages were similar between the treatment and control sites at Fire Island. This inconsistency may have stemmed from the low abundance of Black-legged Ticks on Fire Island and the limited deployment of 4-Poster devices on the island due to label requirements for setback distances from roads and homes (P. Curtis and D. Gilrein, personal communication). It is likely, then, that 4-Poster Tickicide system use may not be appropriate in areas with moderate to low tick densities or where housing and road density is too high for adequate 4-Poster device distribution.

Other Concerns:

- The study documented considerable use of 4-Poster devices by other wildlife, especially raccoons, which were observed in numbers comparable to deer. Although this study did not address the potential impacts on abundance of other species, frequent use of 4-Poster devices by raccoons could have public health implications, especially where raccoon rabies is established. Outbreaks of raccoon rabies have occurred in Nassau County.
- This study was conducted in an area without black bears. Use of 4-Poster devices in areas where bears are present have a high potential for increasing human-bear conflicts by attracting bears to populated areas. Use of 4-Poster devices in areas with bears would be in direct conflict to regulations recently enacted by the Department (6NYCRR Part 187.1) which prohibit the feeding of bears. In addition, bears could also cause significant damage to 4-Poster devices, and reduce 4-Poster efficacy, due to food consumption and displacement of deer from the devices.

BOW Conclusion:

The Cornell study addressed many site-specific questions about impacts of 4-Poster Tickicide systems on the local deer population, tick abundance, and various human-deer interactions on Shelter Island. Nonetheless, many questions remain about applicability of the study results to other areas with different landscape configuration, habitat conditions, deer densities, tick populations, 4-Poster device deployment options, and non-target wildlife species. The BOW remains concerned about the high contact rates among deer resulting from any supplemental feeding; the potential impacts on deer population growth rates over the long term, especially in areas where deer are already overabundant; the short-and long-term impacts of the presence of permethrin residues on deer, an important game species, on hunting behavior (recruitment and retention) and harvest rates; the potential for a higher level of deer-vehicle accidents, and other deer-related behavioral changes; and the high rates of use by non-target wildlife species.

In light of these concerns, the BOW remains opposed to the approval of 4-Poster Tickicide registration in New York State, for many of the same reasons that registration was not supported in 2004. However, the BOW recognizes that public and political demand for use of the 4-Poster Tickicide system is strong. If the 4-Poster Tickicide product is to be registered, the following restrictions or conditions should be placed on its use:

- The 4-Poster Tickicide product should be classified as “Restricted Use” in New York State, and use limited to Nassau and Suffolk Counties. The use of 4-Poster Tickicide systems in upstate counties, where bears live and raccoon rabies is well established, would subject the public to an unacceptable risk.
- The product may only be used for purposes specifically authorized by the New York State Department of Environmental Conservation in accordance with 6NYCRR Part 189 and ECL 11-0505.
- 4-Poster Tickicide systems may only be used by a municipality, landowner association, or private individual/corporation that has control over at least 40 acres of deer habitat. This is necessary to comply with the current product label recommendation which states that 4-Poster devices should be initially deployed at a rate of one device per 40 acres of treatment area.
- 4-Poster Tickicide systems may only be used as a single component of a larger, deer management program, approved by NYSDEC, and aimed at reducing the overall abundance of deer within the location for which 4-Poster Tickicide use is requested.

According to the BOW, the above-listed conditions would provide reasonable opportunity for registration and use of 4-Poster Tickicide based on the information provided in the Cornell study and other sources. Deployment would still require issuance of Part 189 permits by the Department on a case-by-case basis. Specific criteria for issuance of such permits, and the conditions to be included in those permits, have not been determined at this time. Also, the issuance of permits allowing the use of 4-Poster Tickicide systems would be immediately suspended in the event of the detection of certain contagious diseases. Finally, 4-Poster deployment permits should only be authorized for properties that are implementing a program to manage deer populations. That is, the use of 4-Poster Tickicide systems should simply be one component of a comprehensive deer management program, including lowering deer numbers via regulated hunting, as reviewed and approved by the Regional Wildlife Manager. In order to implement this requirement, a site-specific deer management plan would need to be developed and submitted as part of the application process for the Part 189 permit. The BOW would require clear evidence that the harvest/removal of deer was a key part of the overall program, including the use of 4-Poster Tickicide systems. Other restrictions or conditions may be specified in any permits issued by the Department.

Registration Summary:

The DOH stated that the Shelter Island and Fire Island 4-Poster Deer and Tick Study and other data adequately addressed the public health concerns previously stated by the DOH for this treatment system. Proper use of the product should not pose unreasonable risks to the public or workers. The treatment of deer may provide some public health benefits, in that a reduction in the population of ticks could translate into a reduction in the risk of tick-borne diseases such as Lyme disease, babesiosis, human granulocytic anaplasmosis and human monocytic ehrlichiosis in the area of treatment.

The BOW has serious concerns regarding the feeding of deer. The population of deer on Long Island is extremely high. In order for the 4-Poster Tickicide to be as effective as possible, it should be deployed in conjunction with a comprehensive deer management program. The deer population must be decreased. Treatment of deer alone will not resolve the overabundance of ticks on Long Island. In order to truly reduce the number of ticks which could translate into a reduction of tick-borne diseases, the number of deer on Long Island must be reduced.

The Department concludes that the use of 4-Poster Tickicide should not have an adverse effect on the health of applicators or the general public, or the fish and wildlife resources of New York State when used as labeled with New York State Special Local Need (SLN) labeling and in conjunction with the conditions of a 6NYCRR Part 189 permit.

4-Poster Tickicide (EPA Reg. No. 39039-12) is registered in accordance with FIFRA Section 24(c) as a Special Local Need (SLN) registration. The Certificate of Pesticide Registration and a copy of the New York State stamped "ACCEPTED" SLN labeling for 4-Poster Tickicide (SLN No. NY-120001) are enclosed for your records.

The product, 4-Poster Tickicide (SLN No. NY-120001), as noted on the "restriction" column on the certificate, is classified as "restricted use" in New York State under rules and regulations 6NYCRR 326.2(g) and 6NYCRR 326.23(e). As such, this product is restricted in its purchase, distribution, sale, use, and possession in New York State.

According to New York State Department of Environmental Conservation Regulations 6NYCRR 326.3(a): "It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit."

Should you require information to obtain a commercial permit, please contact the Pesticide Reporting & Certification Section, at (518) 402-8748.

The Pesticide Reporting Law (PRL) in the Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. **Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production.** If no sales are made within New York State, a report still must be filed with the Department indicating this is the case.

If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department's website at <http://www.dec.ny.gov/chemical/27506.html> or call (518) 402-8748.

The SLN labeling specifies the restrictions, geographical use limitations and conditions which must be followed in order for the 4-Poster Tickicide product to be legally used in New York State. All precautionary statements, applicable use directions, use precautions and limitations of the labeling affixed to the 4-Poster Tickicide product container must be followed.

Please be reminded that a copy of the accepted SLN label and any applicable New York State accepted supplemental labeling for 4-Poster Tickicide must be in the possession of the user at the time of pesticide application.

Please contact Jeanine Broughel, Chief of our Product Registration & Pest Management Alternatives Section, at (518) 402-8768, if you have any questions.

Sincerely,

Scott Menrath

Scott Menrath, P.E.
Director
Bureau of Pest Management