

4-463

2/3/2010

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
Registration Division (7505P)  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

EPA Reg. Number:

4-463

Date of Issuance:

FEB 3 2010

NOTICE OF PESTICIDE:

Registration  
 Reregistration  
(under FIFRA, as amended)

Name of Pesticide Product:

SMOKE'em

Name and Address of Registrant (include ZIP Code):

Bonide Products Inc.  
c/o Products By Design, Inc.  
P.O. Box 1019  
Salem, VA 24153

Attention: Ms. Rebecca M. Horton

676      5-866750  
1275

Decision # 317997

~~676 5-866751~~  
~~1275~~      Decision # 322126

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

Based on your response to the 1991 Sulfur Re-Registration Eligibility Decision (RED), (Case 0031), 1991 Carbon/CO2 RED (Case 4019), and 1992 Nitrate RED, Case 4052 Reregistration Eligibility Decisions, EPA has reregistered the product listed above. This action is taken under the authority of section 4(g)(2)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. EPA may require submission of data at any time to maintain the registration of your product.

Generic data requirements that have been identified in the RED as confirmatory data for the active ingredient contained in the subject product will continue to be tracked and assessed in the Agency's continual reassessment of pesticides.

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable provided that you submit one (1) copy of your final printed labeling, with the changes below, before you release the product for shipment:

Signature of Approving Official:

*Meredith F. Laws*  
Meredith F. Laws, Chief  
Insecticide-Rodenticide Branch  
Registration Division (7504P)

Date:

FEB 3 2010

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1. Move the "**FIRST AID**" text to its proper location, under the subheading, "**Hazards to Humans and Domestic Animals**" after "Wash ... handling".
2. On the Cartridge Label, insert "AFTER IGNITION, CARTRIDGE PRODUCES TOXIC GASES (SUCH AS CARBON MONOXIDE)." before the sentence, "FUMES MAY BE HARMFUL IF INHALED".

The acceptable Confidential Statement of Formula (CSF) for this product is dated October 27, 2009. All other versions are obsolete.

Product may only be sold with labeling approved in this Notice.

Prior to marketing the product, conduct and review the burning characteristics data for this product. See Enclosure 1.

Within 6 months of re-registration, submit the burning characteristics data for this product.

Within 15 months of registration, submit the following data:

1. Storage Stability (830.6317)
2. Corrosion Characteristics (830.6320)

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed. If you have any questions, please contact Dan Peacock by phone (703-305-5407), or E-Mail ([peacock.dan@epa.gov](mailto:peacock.dan@epa.gov)).

Enclosures: 

1. Burning Characteristics Information
2. Stamped Label
3. Minimum type Sizes for Final Printed Label

Dan Peacock, Flash Drive, 16gb, E:\4G Dan\Doc\Word\Gas Cartridges\Re-Registration Activity\4-463\Notice of Re-Reg, 4-463, 1-28-2010.Final. doc

[OUTER PACKAGE LABEL]



**SMOKE'em**

ACCEPTED  
With COMMENTS  
In EPA Letter Dated: FEB 3 2010

Optional Marketing Statements:

Kills Woodchucks and Gophers  
For use on non-crop areas (including residential lawns, parks, golf courses, re-forested areas, open fields) and in rangeland.  
Smoke Penetrates Open Tunnels, Holes and Burrows

Under the Federal Insecticide, Fungicide and Rodenticide Act, As amended, for the pesticide Registered under EPA Reg. No: 4-463

**ACTIVE INGREDIENTS:**

Sodium Nitrate ..... 53.0%  
Charcoal ..... 28.0%

**OTHER INGREDIENTS:** ..... 19.0%  
**TOTAL**..... 100.0%

**Keep Out Of Reach Of Children**

**WARNING**

See back/side/other panel(s) for additional Precautionary Statements and First Aid.

**NET CONTENTS FOUR 1 OZ CARTRIDGES  
NET WEIGHT 4 OZ**

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### DIRECTIONS FOR USE

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

Before applying product, read entire labeling, including the Outer Package, Cartridge and Insert labels. The Insert includes the complete "Environmental Hazards" text, including the "ENDANGERED SPECIES CONSIDERATIONS."

#### USE RESTRICTIONS:

**FOR OUTDOOR USE ONLY.** This product may be used only to control woodchucks and pocket gophers in non-crop areas (including residential lawns, parks, golf courses, reforested areas, open fields) and in rangeland. Do not use where use of gas cartridges is prohibited by local ordinances. Do not use under buildings, homes, porches or any structure due to possible fire hazard. Only use inside of burrows and never inside of buildings. Product effectiveness may be limited in dry or porous soil which permits the escape of toxic gases from treated burrow.

Refer to the Insert for complete "DIRECTIONS FOR USE" and complete "ENVIRONMENTAL HAZARDS" text, including the "ENDANGERED SPECIES CONSIDERATIONS."

#### STORAGE AND DISPOSAL

**STORAGE:** Store only in original container, in a dry place inaccessible to children and pets.

**DISPOSAL:** Nonrefillable container. Do not reuse or refill this container. *If empty:* Place in trash or offer for recycling if available. *If partly filled:* To dispose of unused cartridges, soak in water, crush, and bury in at least 6" of loose soil. Never place unused product down any indoor or outdoor drain.

<b>FIRST AID</b>	
Have Label When Seeking Treatment Advice <sup>1</sup>	
<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>
<b>If Inhaled:</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>
<sup>1</sup> 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 and information for non-medical emergencies, such as general health concerns.	

**PRECAUTIONARY STATEMENTS**

**Hazards to Humans and Domestic Animals**

**WARNING:** Causes eye irritation. Harmful if absorbed through skin. After ignition, cartridge produces toxic gases (such as carbon monoxide). Fumes from ignited cartridge may be harmful if inhaled. Avoid contact with eyes, skin or clothing. Avoid breathing fumes. Wash thoroughly with soap and water after handling.

**Environmental Hazards**

This product is highly toxic to wildlife. Check all burrows for signs of non-target species. If present, do not treat burrows. See "INSERT" label for complete "Environmental Hazards" text, including the "ENDANGERED SPECIES CONSIDERATIONS."

**Chemical Hazards**

Once ignited by the fuse, this cartridge will burn vigorously until completely spent and is capable of causing severe burns to exposed skin and clothes, and of igniting dry grass, leaves and other combustible materials.

For information on pesticide products (including health concerns, medical emergencies, or pesticide incidents) call National Pesticide Information Center at 1-800-858-7378.

**Bonide Products, Inc.**  
**6301 Sutliff Road, Oriskany, NY 13424**

[batch code inserted at production]

[INSERT LABEL]



**SMOKE'EM**

See outer package label for ingredients and additional precautions.

Before applying product, read entire labeling, including the Outer Package, Cartridge and Insert labels. The Insert includes the complete "Environmental Hazards" text, including the "ENDANGERED SPECIES CONSIDERATIONS."

**DIRECTIONS FOR USE**

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

**USE RESTRICTIONS:**

**FOR OUTDOOR USE ONLY.** This product may be used only to control woodchucks and pocket gophers in non-crop areas (including residential lawns, parks, golf courses, reforested areas, open fields) and in rangeland. Do not use where use of gas cartridges is prohibited by local ordinances. Do not use under buildings, homes, porches or any structure due to possible fire hazard. Only use inside of burrows and never inside of buildings. Product effectiveness may be limited in dry or porous soil which permits the escape of toxic gases from treated burrow.

**PRIOR TO APPLICATION:**

Carefully observe areas to be treated. Apply cartridges only to burrow systems or dens currently being used by target species. Do not apply cartridges to burrows or dens known or believed to contain non-target vertebrate animals. Do not use cartridges where vegetation is dry and likely to catch fire.

**APPLICATION STEPS:**

1. Read and understand the specific directions for the type of animal that you intend to control.
2. Collect sufficient soil, rocks or other noncombustible materials to close burrow system after insertion of cartridge.
3. Make sure the burrow or den hole(s) are large enough for easy insertion of cartridge.
4. Position yourself so that you can light fuse and promptly insert cartridge into burrow. The minimum fuse burn time is 5 seconds. Avoid breathing cartridge smoke.
5. Prepare hole for treatment as specified below [on this label] for target animal control.

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6. Insert fuse into cartridge, making sure at least two inches of fuse protrudes from the cartridge (minimum burn time 5 seconds). Working quickly, light fuse and insert cartridge into hole fuse-end first. Never light the cartridge directly [or with less than 2 inches of fuse] nor hold a burning cartridge in your hand. Cover hole immediately with rock or sod, taking care not to smother cartridge. Immediately cover all openings from which gas escape is visible.

Woodchucks: Locate all entrances. Select one for treatment and close all other entrances with rock or dirt. Follow Application Steps 1-6 above [on this label]. Consult state game laws before using this product for woodchuck control.

Pocket Gophers: Burrow Preparation - Locate a characteristic fan-shaped soil mound with signs of recent activity (e.g., recently excavated soil) at plugged burrow entrances. Determine if burrow is active by removing soil plug from center of each burrow entrance. Return the next day to see if the burrow opening has been re-plugged, indicating active use by a pocket gopher. DO NOT treat burrows that remain unplugged. Find the horseshoe-shaped depression on one side of the plugged mound. Locate the main runway by probing the ground 15-18" (38-46cm) from the mound, starting on the same side as the depression. The main runway has been located when friction on the probe is released and it falls into the runway. Using a shovel or trowel, dig down to the main runway, taking care not to block it with soil, to create a hole. Follow Application Steps 1-6 above [on this label]. Treat all active mounds. One cartridge placed in the end of a runway should be sufficient. One or more additional cartridges should be used if treatment takes place in the middle of runway or if runway is "T-shaped" to reach pocket gophers that may be on the untreated side of the plugged runway. Re-treat in 5-7 days if new or residual activity appears.

#### **STORAGE AND DISPOSAL**

**STORAGE:** Store only in original container, in a dry place inaccessible to children and pets.

**DISPOSAL:** Nonrefillable container. Do not reuse or refill this container. *If empty:* Place in trash or offer for recycling if available. *If partly filled:* To dispose of unused cartridges, soak in water, crush, and bury in at least 6" of loose soil. Never place unused product down any indoor or outdoor drain.

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**PRECAUTIONARY STATEMENTS**

**Environmental Hazards**

This product is highly toxic to wildlife. Check all burrows for signs of non-target species. If present, do not treat burrows.

**ENDANGERED SPECIES CONSIDERATIONS**

**General Considerations**

NOTICE: It is a Federal offense to use any pesticide in a manner that results in the death of a member of an endangered species.

The killing of a member of an endangered species due to the use of gas cartridges may result in a fine and/or imprisonment under the Endangered Species Act. All users of this product must determine whether endangered species are known to occur or might occur in the intended use areas.

Consult the nearest U.S. Fish and Wildlife Service regional office or the appropriate State agency for current information on habitats occupied by endangered species.

**Specific Considerations**

Use this product according to these instructions to protect endangered species.

Black-Footed Ferret (*Mustella nigripes*): To limit risks to the black-footed ferret and to avoid destruction of its prey base, do not use this product within 4.3 miles (7 kilometers) of any prairie dog town unless the colony is an isolated black-tailed prairie dog town less than 80 acres in size or an isolated white-tailed or Gunnison prairie dog town less than 200 acres in size, or unless the town has been appropriately surveyed, using methods acceptable to the U.S. Fish and Wildlife Service, and found not to contain black-footed ferrets and found by the FWS not to be a suitable site for ferret reintroductions.

Use of this product within the occupied habitats of the organisms listed immediately below is limited to qualified individuals who have been trained to distinguish dens and burrows of target species from those of nontarget species. Such individuals may be wildlife biologists, certified applicators, representatives of California state or Federal agencies, or agents of county agricultural offices or university extension offices.

Fresno kangaroo rat (*Dipodomys nitratoides exilis*) in Fresno and Merced Counties, California.

Giant kangaroo rat (*D. Ingens*) in Merced, Fresno, Kings, Tulare, Kern, San Luis Obispo, and Santa Barbara Counties, California

Stephen's kangaroo rat (*D. stephensi*) in Riverside, San Diego, and San Bernadino Counties, California

Tipton kangaroo rat (*D. n. nitratoides*) in Kings, Tulare, Kern and Fresno Counties, California

Point Arena mountain beaver (*Aplodontia rufa nigra*) in Mendocino County, California

San Joaquin kit fox (*Vulpes macrotis mutica*) unless authorized by the U.S. Fish and Wildlife Service in Alameda, Contra Costa, Fresno, Kern, Kings, Merced, Monterey, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, or Tulare Counties, California.



Desert Tortoise (*Fopherus agassizil*) in Arizona, southern California, southern Nevada, and southern Utah.

Do not use this product within the occupied habitats of the endangered animals listed immediately below.

Hualapal Mexican vole (*M. mexicanus hualpalensus*) in Mohave County, Arizona.  
Morro Bay kangaroo rat (*D. heermanni morroensis*) in San Luis Obispo County, California.

Utah prairie dog (*Cynomys parvidens*) in Garfield, Iron, Kane, Piute, Sevier, and Wayne Counties, Utah.

Coachella Valley fringe-toed lizard (*Uma inornata*) in the Coachella Valley area of southern California.

Island night lizard (*Xantusia riversiana*) on Santa Barbara, San Clemente, and San Nicolas Islands, California

Blunt-nosed leopard lizard (*Gambelia silus*): Do not use this product within the occupied habitat of the blunt-nosed leopard lizard in Fresno, Kern, Kings, Merced, Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Clara and Stanislaus Counties, California, from October 1 to April 15 unless a specific blunt-nosed lizard protection plan for this period is approved by the U.S. Fish and Wildlife Service and fully implemented. Use of this product in occupied habitat of this species from April 15 through September 30 is limited to daylight hours when air temperatures are 77-95° F (20-30° C).

San Francisco garter snake (*Thamnophis sirtalis tetrataenis*): Do not use this product within the occupied habitat of the San Francisco garter snake in San Mateo, San Francisco, Santa Clara, and Santa Cruz Counties, California from November 1 to March 30 unless a specific San Francisco garter snake protection program for this period is approved by the U.S. Fish and Wildlife Service and fully implemented. Use of this product in occupied habitat of this species under such approved programs or from April 1 through October 31 is limited to qualified individuals who have been trained to distinguish dens and burrows of target species from those of nontarget species. Such individuals may be wildlife biologists, certified applicators, representatives of California State or Federal agencies, or agents of county agricultural offices or university extension offices.

Eastern Indigo snake (*Drymarchon corais couperi*): Do not use this product within habitat types and locales known to support the Eastern Indigo snake throughout Florida and the coastal plain of Georgia.

Gopher tortoise (*Gopherus polyphemus*): Do not use this product in or adjacent to known gopher tortoise occupied habitat west of the Mobile and Tombigbee Rivers in Alabama.

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Warranty: 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.

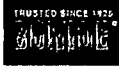
For information on pesticide products (including health concerns, medical emergencies, or pesticide incidents) call National Pesticide Information Center at 1-800-858-7378.

**Bonide Products, Inc.**  
**6301 Sutliff Road, Oriskany, NY 13424**

[batch code inserted at production]

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[CARTRIDGE LABEL]



**SMOKE'EM**

EPA Reg. No. 4-463

**Keep Out of Reach of Children**

**WARNING**

FUMES MAY BE HARMFUL IF INHALED

**ACTIVE INGREDIENTS:**

Sodium Nitrate .....	53.0%
Charcoal .....	28.0%

Minimum Fuse Burn Time: 5 seconds

SEE ACCOMPANYING BOX/INSERT FOR COMPLETE USE DIRECTIONS,  
PRECAUTIONS & RESTRICTIONS.