

192-49

11-17-2010

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 17, 2010

Decision # 436369
300 5-885681
1955

Value Garden Supply, LLC
P.O. Box 585
St. Joseph, MO 64502

Attention: Ms. Diana Williams

Subject **Dexol Gopher Gasser**
 EPA Reg. No. 192-49
 Amended application of June 7, 2010

Purpose This submission revises the label of this product, under sec 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to update the "Storage and Disposal" and environmental hazards text.

Label The labeling submitted with the above letter is acceptable, provided you submit one (1) copy of final printed labeling to us, before you ship your product.

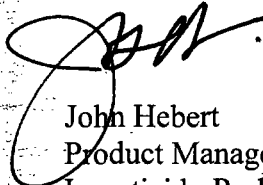
Note Should you wish to add a reference to the company's website on your label, please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, **regardless of whether a website is referenced on your product's label**, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

Existing stocks Stocks of product with existing labels may be used until August 16, 2011, to comply with the enclosed, revised Final Rule, published in the October 8, 2010, Federal Register.

Consequence for non-compliance 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.

Questions If you have questions about this letter, please contact me at 703-305-5407 (phone); 703-305-6596 (fax); or peacock.dan@epa.gov (E-Mail).

Sincerely,



John Hebert
Product Manager (07)
Insecticide-Rodenticide Branch
Registration Division (7505P)

- Enclosures**
1. Stamped Label
 2. Minimum Type Sizes for Final Printed Labels
 3. 75 FR 62323-6, October 8, 2010

File Location Dan Peacock, Flash Drive, 16gb, E:\4G Dan\Doc\Word\Gas Cartridges\Registration Activity\192-49\192-49,6-7-2010 Adm, EPA ltr 11-15-2010.Final.doc

[FRONT PANEL - BOX]

DEXOL

GOPHER GASSER

Kills Gophers & Ground Squirrels

Active Ingredients:

Potassium Nitrate.....	45.0%
Sulphur.....	45.0%
Carbon.....	8.0%
Other Ingredients:.....	2.0%
Total:.....	100.0%

ACCEPTED
With COMMENTS
In EPA Letter Dated:

NOV 17 2010

Keep Out Of Reach Of Children

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

See back panel for additional precautionary statements 192-49

NET WT. 4.5 OZ. (127.6 g)

[BACK PANEL - BOX]

DIRECTIONS FOR USE

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

Dexol Gopher Gasser controls pocket gophers in lawns, golf courses and gardens and controls ground squirrels in lawns, golf courses and rangeland. The toxic gases produced will travel through unplugged burrow systems to kill the pests.

FOR OUTDOOR USE ONLY. Do not use under buildings, homes, porches, or any structure due to possible fire hazard. Dexol Gopher Gasser will not control tree squirrels.

SEE INSERT FOR COMPLETE DIRECTIONS FOR USE, USE RESTRICTIONS AND ENDANGERED SPECIES CONSIDERATIONS.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

WARNING: Causes eye irritation. Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling. After ignition, cartridge produces toxic gases. Fumes may be harmful if inhaled.

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FIRST AID	
If on skin or clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 – 20 minutes. • Call a poison control center or doctor immediately for treatment advice.
If inhaled:	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor immediately for further treatment advice.
If in eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 – 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. • Call a poison control center or doctor immediately for treatment advice.
<p>Have label with you when obtaining treatment advice, including calling the National pesticide Information Center at 1-800-858-7378. The National Pesticide Information Center (NPIC) provides information on medical emergencies, pesticide incidents and health concerns.</p>	

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 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.

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.

EPA Reg. No. 192-49

EPA Est. No. 73046-CHN-1 or 73046-CHN-2

Distributed by:
Value Garden Supply
St. Joseph, MO 64502

Made in China

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[LABEL INSERT]

DEXOL GOPHER GASSERS
Kills Gophers & Ground Squirrels

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Other Ingredients:.....	2.0%
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Keep Out Of Reach Of Children

WARNING

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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.

1. **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.

2. 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.

- a. **Fresno kangaroo rat (*Dipodomys nitratooides exilis*)** in Fresno and Merced Counties, California.
- b. **Giant kangaroo rat (*D. ingens*)** in Merced, Fresno, Kings, Tulare, Kern, San Luis Obispo, and Santa Barbara Counties, California.
- c. **Stephen's kangaroo rat (*D. stephensi*)** in Riverside, San Diego, and San Bernadino Counties, California.
- d. **Tipton kangaroo rat (*D. n. nitratooides*)** in Kings, Tulare, Kern, and Fresno Counties, California.
- e. **Point Arena mountain beaver (*Aplodontia rufa nigra*)** in Mendocino County, California.
- f. **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.
- g. **Desert tortoise (*Fopherus agrassizil*)** in Arizona, southern California, southern Nevada, and southern Utah.

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

- a. **Hualapal Mexican vole (*M. mexicanus hualpalensis*)** in Mohave Country, Arizona.
- b. **Morro Bay kangaroo rat (*D. heermanni morroensis*)** in San Luis Obispo County, California.
- c. **Utah prairie dog (*Cynomys parvidens*)** in Garfield, Iron, Kane, Piute, Sevier, and Wayne Counties, Utah.
- d. **Coachella Valley fringe-toed lizard (*Uma inornata*)** in the Coachella Valley area of southern California.
- e. **Island night lizard (*Xantusia riversiana*)** on Santa Barbara, San Clemente, and San Nicolas Islands, California.

4. **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).

5. **San Francisco garter snake (*Thamnophis sirtalis tetrataensis*):** 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 an approved programs or from April 1 though 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.

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

7. **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.

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.

DIRECTIONS FOR USE

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

USE RESTRICTIONS

This product is to be used to control pocket gophers in lawns, golf courses and gardens and controls ground squirrels in lawns, golf courses and rangeland. The toxic gasses produced will travel through unplugged burrow systems to kill the pests. **FOR OUTDOOR USE ONLY.** Do not use under buildings, homes, porches, or any structure due to possible fire hazard. Dexol Gopher Gasser will not control tree squirrels.

In order for gas-producing cartridges to be effective on the pest species, a sufficient concentration of gas must be retained in the burrow system over a sufficient period of time. Damp soil tends to retain toxic gasses within a burrow system better than dryer soil and, therefore, may enhance the effectiveness of this product. Use under conditions of extremely dry soil and vegetation also increases the risk of starting brush fires.

POCKET GOPHERS

Burrow Preparation – For best results with any toxic gas, the product should be released in the main runways in a sufficient number of locations to ensure that a lethal concentration of gas reaches the pocket gopher.

Pocket gopher burrow systems usually consist of a main burrow 4-20" (10-50cm) below the ground surface and variable numbers of lateral burrows off of the main underground runway. Deeper branches off of the main runway are used as nests and for food caches. Burrow diameter ranges from 2-5" (5-12cm) and varies with the size of species.

Locate characteristic fan-shaped soil mounds, which has signs of recent activity (e.g., recently excavated soil) at their plugged entrances. Remove 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 remained 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.

Burrow treatment –

Before Lighting the Fuse: Insure the cartridge will pass easily into opening and make sure that enough material is on hand to close burrows.

To light fuse, hold Dexol Gopher Gasser cartridge away from your body and ignite tip of fuse with a match or lighter with a small flame. The minimum fuse burn time is 5 seconds when it is lit at the tip. **DO NOT**

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INHALE TOXIC FUMES. When it is lit, carefully insert the cartridge, fuse-end first, into one side of the open runway. Immediately close the opening with a board or shovel of sod. Tamp lightly with soil to prevent gases from escaping. If smoke is seen escaping from other holes, plug them firmly with soil. Treat all active mounds. One cartridge placed in the end of a runway should be sufficient. One or more additional cartridges must be used if treatment takes place in the middle of runway or if a runway is "T-shaped". Otherwise, there is a 50% chance that the pocket gopher will be on the untreated side of the plugged runway. Within 5 days of treatment, check area for appearance of fresh mounds, which could be the work of survivors or gophers that have moved into the treated area. Retreat all systems with evidence of new pocket gopher activity.

GROUND SQUIRRELS

Ground squirrel burrow design varies with the species, soil type, habitat, and climate. Burrows may be as much as 9' deep (nearly 3m). Burrow diameter varies with the body size of the species (and other factors) and may range from 2-10" (2-25cm).

It is preferable to treat ground squirrel burrows during the spring breeding season. Observe the area in early morning before treating burrows to confirm that ground squirrels are actively using the site. **DO NOT** treat unoccupied burrows. **DO NOT** treat burrows with evidence that a snake or weasel has entered in pursuit of prey.

Collect plenty of dirt and other material for closing burrow opening. Make sure openings are large enough for easy insertion of lit cartridge. Treat each burrow opening by lighting fuse (minimum fuse time = 5 seconds) and inserting cartridge into hole fuse-end first. Cover hole immediately, taking care not to smother cartridge with loose dirt. Immediately cover all other openings from which gas escapes. Proceed to the next closest open burrow and treat it in the same manner. Within 5 days of treatment, check area for appearance of live ground squirrels or opened burrow systems which could be the work of survivors or squirrels that have moved into the treated area. Retreat all systems with evidence of residual activity.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with label directions.

EPA Reg. No. 192-49

EPA Est. No. 73046-CHN-1 or 73046-CHN-2

Distributed by:
Value Garden Supply
St. Joseph, MO 64502

Made in China

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[CARTRIDGE LABEL]

DEXOL

GOPHER GASSER

Kills Gophers and
Ground Squirrels

Active Ingredients:	
Potassium Nitrate.....	45.0%
Sulphur.....	45.0%
Carbon.....	8.0%
Other Ingredients.....	2.0%
Total.....	100.0%

Keep Out Of Reach Of Children

WARNING

IMPORTANT: SEE PRECAUTIONARY STATEMENTS ON BACK OF PACKAGE AND FOLLOW ENTIRE DIRECTIONS FOR USE AND USE RESTRICTIONS ON ENCLOSED INSERT BEFORE USING.

AFTER IGNITION, CARTRIDGE PRODUCES TOXIC GASSES. FUMES MAY BE HARMFUL IF INHALED.

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P.O. Box 585
St. Joseph, MO 64502

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11/15/10 – w/EPA review comments