

909-2

5/23/2003

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MAY 23 2003

**CERTIFIED MAIL**

Ms. Molly Hickman  
Registration Specialist  
Lilly Miller Brands  
16201 SE 98<sup>th</sup> Avenue  
Clackamas, OR 97015

Dear Ms. Hickman:

Subject: COOKE QUICK ACTION GOPHER MIX  
EPA Reg. No. 909-2  
Your submission of September 19, 2002

We have reviewed the materials that you submitted on September 19, 2002. Our specific comments on the "data" items from that submission are enumerated below.

1. The Confidential Statement of Formula (CSF) dated "9/19/2002" is acceptable.
2. Due to the difficulties mentioned in your letter, you were unable to document the composition of the bait batch that was used in the Storage Stability study assigned MRID No. 448215-1. As you have now changed formulators, you must have a new Storage Stability study run on this product and submit the results along with documentation of the test batch when that study is completed.
3. We note your citation of MRID No. 433167-01 to meet the Density data requirement for this product.
4. We also note your citation of MRID Nos. 409851-01, 409851-02, 409851-03, 423272-02, 423272-01, 410968-01, 413705-01, 419842-01, 417376-01, 418789-01, 416231-01, and 420272-01 to meet the efficacy data requirements for this product.

Because a new storage stability study is needed for this product, it cannot be reregistered at this time. You have 18 months from the date of this letter to submit a new storage stability run with a bait formulated by your current formulator according to the CSF of record for this product.

Although this product cannot be reregistered at this time, the proposed revised label submitted on September 19, 2002, is being accepted conditionally. The changes enumerated below must be made to that label.

1. In the "**PERSONAL PROTECTIVE EQUIPMENT (PPE)**" section, insert the sentence "Keep and wash PPE separately from other laundry" below "-shoes plus socks."
2. Delete the second sentence ("Wash the outside of gloves before removing") from the second paragraph of the "**USER SAFETY RECOMMENDATIONS**" section. That sentence is not an appropriate direction for a person wearing cotton gloves.
3. In "**DIRECTIONS FOR USE**" section of the label, note that names of animal Genera must be underlined or italicized (e.g., Geomys spp. and Thomomys spp. or *Geomys* spp. and *Thomomys*). These names must appear in the "USE RESTRICTIONS" but need not be repeated in the "BAITING" subsection.
4. You are correct that the text indicated in our letter of May 28, 2002, for the "**FIRST AID**" and "**STORAGE AND DISPOSAL**" sections is to be used rather than the generic text indicated in PR Notices 2001-1 and 2001-6.
5. Delete all references to your web site from the label for this product. We understand why you do not want to put your company's telephone number on the label. However, we are not sure to what extent interactions with customers via you web site would perform the same function as a hotline number. As Strychnine incidents are apt to need extremely rapid attention, waiting for a reply to an e-mail might not be the best way to go. We feel that users would be better off calling local numbers (including "911") and following the other "**FIRST AID**" steps indicated on the label.

Reference to the web site on your label also would make the web site's contents "labeling" as defined in §2(p)(2)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, and would make your web site's content subject to all of FIFRA's requirements pertaining to labeling. Although your web site is relatively "clean" in this regard, it contains a few statements that would be judged to be "false or misleading" under FIFRA and 40 CFR §156.10 (a)(5) if they appeared on a pesticide's label or labeling. In addition to text of the sort that we have recently discussed for 909-2, there are occasional safety claims plus an explanation of the mode of action for a castor-oil mole repellent which seems rather unlikely to us. While we have seen some reports of trials purporting to show efficacy for such products, we are

not aware that anyone has determined precisely how such products might work. Even if we found nothing questionable in your web site as it is today, its contents could be altered in the future without our knowledge or approval.

Aside from the changes prescribed above, retain the content and format of the proposed revised label submitted on September 19, 2002, when you print labels. Submit one copy of the final printed label, revised as indicated above, before releasing this product for shipment.

When the storage stability study has been completed, submit three copies of the storage stability study plus five copies of the product's label so that we can review them for product reregistration.

This product is registered only for the control of *Geomys* spp. and *Thomomys* spp. pocket gophers. Collectively, such organisms are reported to occur in the following States: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. These are the States where use of this product would be legal (if also registered with the individual States) and, therefore, the only States in which it should be sold.

If these conditions are not met, this registration will be subject to cancellation in accordance with FIFRA section 6(e). If you have any questions about this letter you may reach Dr. William W. Jacobs by phone (703-305-6406), by FAX (703-305-6596), or by E-Mail (Bill Jacobs@epa.gov).

Sincerely,

Meredith Laws, Chief  
Insecticide-Rodenticide Branch  
Registration Division (7505C)

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**COOKE QUICK ACTION GOPHER MIX**

**FOR CONTROL OF POCKET GOPHERS  
READY-TO-USE  
POISON GRAINS**

**ACTIVE INGREDIENT:**

Strychnine alkaloid . . . . . 0.50%

**INERT INGREDIENTS . . . . . 99.50%**

Keep out of reach of children  
**POISON  
DANGER**

[SKULL AND CROSSBONES]

**POISONED**  
**CALL 909-228-2865**  
Member the National Association  
of Poison Control Centers  
and Drug Poisoning  
Prevention Center  
909-228-2865

**FIRST AID**

**IF SWALLOWED:** CALL A PHYSICIAN OR POISON CONTROL CENTER IMMEDIATELY. If less than ten (10) minutes have passed since the poison was taken, give 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Repeat until vomit fluid is clear. Have patient lie down in a quiet, darkened room and keep him warm and quiet. If person is unconscious, do not give anything by mouth and do not induce vomiting.

**IF INHALED:** Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.

**IF IN EYES:** Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

**IF ON SKIN:** Wash with plenty of soap and water. Get medical attention.

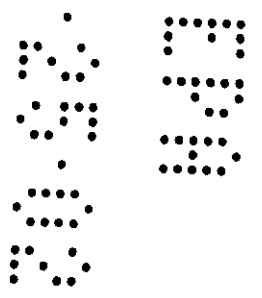
**NOTE TO PHYSICIAN**

Administer 100% Oxygen by positive pressure to provide as much pulmonary gas exchange as possible, despite seizures. Administer ANTICONVULSANT DRUGS intravenously to control convulsions.

**NOTICE:** It may be difficult or impossible to stop the seizure activity without stopping respiration. Be prepared to maintain pulmonary ventilation mechanically. Tracheotomy may be necessary if seizures are prolonged.

See side panel for additional precautionary statements.

NET WT. 1 LB. (454 g)



**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**DANGER: Convulsive Poison!** Fatal if swallowed or inhaled. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Do not breathe dust. Do not apply this product in a way that will contact any person or pet. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

- Applicators and other handlers must wear:
- long-sleeved shirt and long pants
  - cotton gloves
  - shoes plus socks

**USER SAFETY RECOMMENDATIONS**

Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

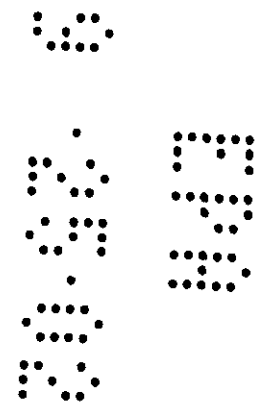
Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**ENVIRONMENTAL HAZARDS**

This product is toxic to fish, birds, and other wildlife. Do not allow bait to be exposed on soil surface. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply directly to food or feed crops. Do not contaminate water when disposing of equipment washwaters.

**ENDANGERED SPECIES CONSIDERATIONS**

**NOTICE:** The killing of a member of an endangered species during strychnine baiting operations may result in a fine under the Endangered Species Act. Before baiting, the user is advised to contact the Regional U.S. Fish and Wildlife Service (Endangered Species Specialist) or the local Fish and Game Office for specific information on endangered species. Strychnine baits should not be used in the geographic ranges of the following species except under programs and procedures approved by the U.S. EPA: San Joaquin kit fox, Morro Bay kangaroo rat, salt marsh harvest mouse, gray wolf and grizzly bear.



### DIRECTIONS FOR USE

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

### USE RESTRICTIONS

This product may only be used to control pocket gophers (*Geomys* spp. and *Thomomys* spp.) in underground applications in outdoor residential areas, including lawns. Bait must be manually applied directly into pocket gophers' underground burrow systems. Do not apply this product by use of a mechanical burrow builder. Do not apply this bait on or above the ground surface. Immediately pick up any bait that spills on the ground. Keep pets and other people out of the area during application.

### BAITING

Burrowing pocket gophers (*Thomomys* spp. and *Geomys* spp.) throw out low, fan shaped mounds on either side of their underground tunnel. These lateral tunnels coming to the surface are on the flat side of the fan and are plugged with soil. Remove burrow plug from the flat side of the burrow fan. Use long-handled spoon and insert 1 teaspoon of bait into main runway system. Close tunnel with soil. Do not permit soil to cover bait. Depending upon pocket gopher population levels, one-quarter (1/4) cup applied by hand will treat 4500 to 35000 square feet.

### STORAGE AND DISPOSAL

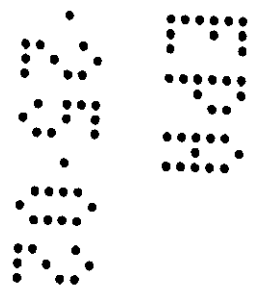
**Pesticide Storage:** Store only in original container, in a dry place inaccessible to children, pets, and domestic animals.

**Pesticide Disposal:** Recover any spilled product, securely wrap it in several layers of newspaper, and discard in trash. Do not pour any unused product down any indoor or outdoor drain.

**Container Disposal: If empty:** Discard container in trash. **If partially filled:** Call your local solid waste agency for disposal instructions.

Filled by weight not by volume. Product may settle after packaging.

**NOTICE:** Seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risk of use



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and/or handling of this material when such use and/or handling is contrary to label instructions.

LILLY MILLER BRANDS  
PO BOX 2289  
CLACKAMAS, OREGON 97015  
www.lillymiller.com  
EPA Reg. No. 909-2  
EPA Est. 66196-CA-01

EPA draft 9/17/2002

