

P1.19

2393-522

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

178

MAR 08 1996

Judith A. Thompson
HACO, Inc.
P.O. Box 7190
Madison, WI 53707

S 501702

357/18

Subject: Zinc Phosphide Rodent Pellets
EPA Reg. No. 2393-522
Resubmission of Amended Labeling (per PR Notices 93-3 and 94-7) dated
December 14, 1995

Dear Ms. Thompson,

Your letter of December 14, 1995 requested that the Agency reconsider the requirement for the endangered species protection label statements that were specified in our letter dated June 20, 1995. You also submitted revised proposed labeling for the subject product that did not include the endangered species protection text, and requested a period of 6 months from the date of acceptance of revised proposed labeling to "use up" (i.e. release for shipment) current labels and obtain new labeling for your product.

Regarding the endangered species protection label amendments specified in our letter dated June 20, 1995, the specific label text contained in our letter will not be imposed at this time. The Agency is deferring a determination regarding specific label language until implementation of the Endangered Species Protection Program, which is discussed in further detail below.

We have reviewed the proposed amended labeling for the subject product, submitted on December 14, 1995 in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, and pursuant to PR Notices 93-3 and 94-7. The amended labeling is acceptable provided that you modify the labeling as indicated below.

CONCURRENCES

SYMBOL	7505C						
SURNAME	Perreault						
DATE	3/7/96						

- 1. The proposed label submitted for 2393-522 must be amended to include a notice pertaining to endangered species. The following paragraph must be added directly below the paragraph under the heading "ENVIRONMENTAL HAZARDS"

"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 use of this product may pose a hazard to Federally designated endangered/threatened species. Suggested measures to protect endangered species in your county may exist in an EPA "Interim Measures" pamphlet. You may call EPA's Endangered Species Hotline, 1-800-447-3813, to find out if an "Interim Measures" pamphlet exists for your county and have one sent to you. You can also consult your local county extension office or pesticide state lead agency to determine whether they have imposed any requirements in your area to protect endangered and threatened species."

Due to Agency concerns about exposure to threatened and endangered species, the Agency is currently developing a program (The Endangered Species Protection Program) to identify all pesticides whose use may cause potential adverse impacts on threatened and endangered species and to implement mitigation measures that will eliminate the adverse impacts. The program will require users to consult county-specific bulletins. These bulletins will provide information about specific use restrictions to protect threatened and endangered species in the county of specific pesticide use. Consultations with the Fish and Wildlife Service will be necessary to assess risks to newly listed species or from proposed new uses.

The Agency plans to publish a description of the Endangered Species Protection Program in the Federal Register and have enforceable county-specific bulletins. Because the Agency is taking this approach for protection of threatened and endangered species, it is not imposing specific label modifications at this time. Rather, any requirement for product use modifications will occur in the future under the Endangered Species Protection Program.

In addition, we note that industry has established a Task Force to develop mapping data on threatened and endangered species. Industry initiatives to address endangered species concerns are being coordinated by the American Crop Protection Association (ACPA).

- 2. On the front panel of the proposed label for EPA Reg. No. 2393-522, since there is no inside booklet label for this product, the sentence under the signal word "CAUTION" must be changed to read

"See side panels for additional precautionary statements and directions for use."

- 3. Under "DIRECTIONS FOR USE", the subheadings "MOLES AND POCKET GOPHERS" and "RATS AND MICE" must be left-justified so that it is clear that these subheadings and the paragraphs which follow them are parts of the "DIRECTIONS FOR USE".
- 4. Delete the sentence of directions for "DISPOSAL" and add directions for "STORAGE AND DISPOSAL" as follows

"STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

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

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Completely empty container. Then dispose of empty container in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke."

- 5. The revisions to this product's labeling that were proposed for the purposes of compliance with PR Notices 93-3 and 94-7 are acceptable.

Regarding your request that you be allowed to release your product for shipment with current labels for 6 months after the date of acceptance of your revised labeling, this request is **not** acceptable. As specified by PR Notice 94-7, products subject to the PR Notice and released for shipment after March 16, 1996 **must** bear accepted amended labeling. As an alternative, you may submit proposed supplemental labeling with the amendments required by PR Notice 94-7 that would be included as an attachment to your current labeling until final labeling is printed. Please note, however, that final printed labeling must be obtained as soon as possible.

4/7/8

Please submit one copy of your final printed labeling before you release the product for shipment. We caution you to refrain from adding any claims or directions to the final printed labels that were not part of the stamped accepted labels. 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 bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the labeling is enclosed for your records. If you have any questions regarding this letter, please contact Peg Perreault at (703) 305-5409 or (703) 305-6600.

Sincerely yours,

Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (7505C)

578

**ZINC PHOSPHIDE
RODENT PELLETS**

Kills Moles, Gophers, Rats and Mice

ACTIVE INGREDIENT:		
Zinc Phosphide	2.0%	
INERT INGREDIENTS:	98.0%	
	Total	100.0%

EPA Reg. No. 2393-522

EPA Est. No. 61282-WI-1

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See Inside Booklet for additional precautionary
statements and directions for use.

Manufactured For:
HACO, Inc.
P.O. Box 7190, Madison, WI 53707

NET WEIGHT: 1 LB.

ACCEPTED
with COMMENTS
in EPA Letter Dated

3/8/96

2393-522

678

STATEMENT OF PRACTICAL TREATMENT

Any persons applying zinc phosphide product and experiencing signs and symptoms such as nausea, abdominal pain, tightness in the chest, or weakness, should be seen by a physician immediately.

IF SWALLOWED: Immediately call a Poison Control Center or physician, or transport the patient to the nearest hospital. Do not drink water. Do not administer anything by mouth or make the patient vomit unless advised to do so by a physician.

IF IN EYES: Flush with plenty of water. Get medical attention if irritation persists.

IF ON SKIN: Remove contaminated clothing and wash affected areas with soap and water.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Keep away from humans, domestic animals and pets. May be fatal or harmful if swallowed. Avoid eye or skin contact. Wear rubber gloves when handling this product. Do not breathe dust. Wash thoroughly with soap and water after handling. Avoid contamination of feed or foodstuffs. Avoid contact with acids.

ENVIRONMENTAL HAZARDS

This product is toxic to birds and other wildlife. Do not allow pellets to be exposed on soil surface. Do not apply where runoff is likely to occur. Do not apply this product directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Check for and dispose of excess or spoiled pellets and carcasses daily until the pellets are expended or are removed.

DIRECTIONS FOR USE

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

Read this Label: Read this entire label and follow all use directions and use precautions.

MOLES AND POCKET GOPHERS

Use Restrictions: For use against moles and pocket gophers in lawns, golf courses, and other noncrop areas. Do not apply in gardens and areas where food or feed may be contaminated. Only apply the bait underground. Collect and bury all dead animals found above the ground. This product is to be used in manual applications only. Do not apply this product by use of an artificial burrow builder.

Specific Direction for Moles: The presence of moles may be ZINC indicated by a network of surface ridges in the turf, by a series of conical mounds of earth pushed up from deep burrows, or by damage to bulbs.

Surface Ridges: Prior to treatment determine which burrows are active according to one of the following two methods. Either press down a small section of the tunnel or remove a one inch

148

section of the tunnel's roof. Mark these sections and recheck in 24 hours. The burrow is considered active if the flattened runway has been raised up or if the roof has been repaired. Only treat active burrows.

Carefully punch a hole in the top of active tunnels, drop a teaspoon amount of this product and carefully close the hole with sod or stone. Do not collapse the runway again or allow loose soil to cover the bait. After a few days check to see if the burrows are still active according to one of the two methods described above. If so, repeat treatment.

Conical Mounds: Remove center plug from the conical mounds with aid of a long-handled spoon and drop a teaspoon amount of this product into the underground tunnel. Close opening with rock or sod. Do not allow loose dirt to cover bait.

Bulb Protection (Fall Planted): Pack about one-quarter inch of soil against each bulb. Place several pellets at sides of and around the bulb. Then cover.

Specific Directions for Pocket Gophers: 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. With a long-handled spoon carefully remove the plug. Insert a teaspoon of this product as far down as possible. Reclose opening being careful not to cover bait with soil.

RATS AND MICE

Important: Do not expose children, pets, or other nontarget animals to rodenticides. To help to prevent accidents:

1. Store product not in use in a location out of reach of children and pets.
2. Apply bait in locations out of reach of children, pets, domestic animals and nontarget wildlife, or in tamper-resistant bait stations. These stations must be resistant to destruction by dogs and by children under six years of age, and must be used in a manner that prevents such children from reaching into bait compartments and obtaining bait. If bait can be shaken from stations when they are lifted, units must be secured or otherwise immobilized. Even stronger bait stations are needed in areas open to hooved livestock, raccoons, bears, other potentially destructive animals, or in areas prone to vandalism.
3. Dispose of product container, and unused, spoiled, and unconsumed bait as specified on this label.

Use Restrictions: Use against Norway rats, roof rats and house mice, in and around homes, industrial, agricultural and ZINC commercial buildings and similar manmade structures. Do not place this product in areas where there is a possibility of contaminating food or surfaces that come in direct contact with food.

Selection of Treatment Areas: After removing as much food as possible, determine dry acid-free areas where rats and mice will

898

most likely find and consume the bait. Generally, these areas are along walls, by gnawed openings, in or beside burrows, in corners and concealed places, between floors and walls, or in locations where rats and mice or their signs have been seen. Protect bait from rain or snow. Remove as much alternative food as possible.

Application Directions:

RATS: Apply 1 to 2 teaspoon amounts of this product per placement. Maintain an uninterrupted supply of fresh bait until all signs of feeding have stopped.

MICE: Apply 1 teaspoon amount of bait at 8- to 12-foot intervals. Maintain an uninterrupted supply of fresh bait until all signs of feeding have stopped.

RATS AND MICE: Replace contaminated or spoiled bait immediately. Collect and dispose of all dead animals and leftover bait properly. To prevent reinfestation, limit sources of rodent food, water and harborage as much as possible. Do not treat the same area with this product at less than 30 day intervals.

DISPOSAL

Do not reuse empty container. Wrap container and put in trash collection.

NOTICE OF WARRANTY

Seller warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in accordance with directions under normal use conditions. It is impossible to eliminate all risks inherently associated with this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Seller. In no case shall the Seller be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the buyer. Seller makes no warranties of merchantability or fitness for a particular purpose nor any other express or implied warranty except as stated above.