

4271-16

06/07/2010

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JUN 07 2010

Mr. Mike Jackson
R&M Exterminators, Inc.
South 24212 D St.
Cheney, WA 99004

Subject: Notification of Change to Storage and Disposal per PR Notice 2007-4
Zinc Phosphide on Oats
EPA Registration No. 4271-16

Dear Mr. Jackson:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated May 17, 2010 for:

EPA Registration No. 4271-16 Zinc Phosphide on Oats

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-5967 or via e-mail at gaines.jennifer@epa.gov.

Sincerely,

Jennifer Gaines
Wildlife Biologist
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number R & M Exterminators, Inc./ 4271-16		2. EPA Product Manager Kable Davis, Acting PM	3. Proposed Classification <input type="checkbox"/> None <input checked="" type="checkbox"/> Restricted
4. Company/Product (Name) Zinc Phosphide on Oats		PM# 7	
5. Name and Address of Applicant (Include ZIP Code) R & M Exterminators, Inc. South 24212 D Street, Cheney, WA 99004 <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: NOTIFICATION JUN 07 2010 EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification per PR Notice 2007-4. One label copy with revised Container disposal (shaded text) and added batch code. Notification statement attached.
Not subject to PRIA fees.

Section - III

1. Material This Product Will Be Packaged In:					
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 25 lbs		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input checked="" type="checkbox"/> Other pressure _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Mike Jackson	Title President	Telephone No. (Include Area Code) 509/787-5942
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Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received
(Stamped)

2. Signature <i>Mike Jackson</i>	3. Title President
4. Typed Name Mike Jackson	5. Date 5-17-10

NOTIFICATION

JUN 07 2010

Notification per PR Notice 2007-4

**RESTRICTED USE PESTICIDE
DUE TO HAZARD TO NONTARGET ORGANISMS**

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicators certification.

**ZINC PHOSPHIDE
ON OATS**

For Control of voles (*Microtus* spp.) and deer mice (*Peromyscus* spp.) in orchards, groves, conifer and hardwood seedling plantations, noncrop areas, grape vineyards, macadamia nut orchards and sugarcane. For control of pocket gophers in rangelands, croplands, Christmas tree plantations and non-crop areas.

ACTIVE INGREDIENT: Zinc Phosphide.....	2.00%
INACTIVE INGREDIENTS:.....	98.00%
TOTAL	100.00%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**
See side panel for additional precautionary statements.

FIRST AID

Have label with you when obtaining treatment advice.

Any person applying zinc phosphide products 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	<ul style="list-style-type: none"> •Call a poison control center or doctor immediately for treatment advice or transport the patient to the nearest hospital. •Do not drink water. •Do not administer anything by mouth. •Do not induce vomiting unless told to do so by the poison control center or doctor.
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 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 an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.
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 eye. •Call a poison control center or doctor immediately for treatment advice.

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

Manufactured by: R & M Exterminators, Inc.
24212 South "D" Street
Cheney, WA 99004

EPA Reg. No. 4271-16
EPA Est. No. 4271-WA-1

NET CONTENTS 25 LBS.

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

CAUTION. Harmful if swallowed, absorbed through the skin, in eyes or inhaled. Keep away from humans, domestic animals and pets. Avoid eye or skin contact. Do not breathe dust. Avoid contamination of feed or foodstuffs. Prevent contact of bait with acids.

Personal Protective Equipment

All handlers, including loaders and applicators, must wear:

- long sleeve shirt and long pants,
- shoes plus socks, and
- gloves

In addition, persons loading the baits into aircraft or mechanical ground equipment and persons loading/applying with a hand-pushed or hand-held equipment, such as push-type spreader or cyclone spreader, must wear:

- dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C) and protective eyewear.

Any person who retrieves carcasses or unused bait following application of this product must wear:

- gloves.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Control Statements

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides[40CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- 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 wildlife and fish. Birds and other wildlife feeding in treated area may be killed. Dogs and other predatory and scavenging mammals might be poisoned if they feed upon animals that have eaten this bait. Use with care when applying in areas frequented by wildlife or adjacent to any body of water. Do not apply directly to water, or to areas where surface water is present or to intertidal area below the mean high water mark. This product shall not be applied over bodies of water, in areas inhabited by livestock or where a hazard exists to rare or endangered species. Do not contaminate water when disposing of equipment wash water or rinsate.

ENDANGERED SPECIES 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 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 lead agency to determine whether they have imposed any requirements in your area to protect endangered and threatened species.

Whooping Crane(*Grus americana*) Do not use this product 30 days prior to arrival and 30 days after the whooping crane leaves its known critical habitat.

Attwater's Greater Prairie Chicken(*Tympanuchus cupido attwateri*) Do not use this product in critical habitat of the Attwater's greater prairie chicken in the following Texas counties: Aransas, Austin, Brazoria, Colorado, DeWitt, Ft. Bend, Galveston, Goliad, Hams, Refugio, Victoria, Waller and Wharton.

Yellow-Shouldered Blackbird (*Agelaius xanthomus*) and **Puerto Rican Plain Pigeon** (*Columba inornata wetmorei*) Do not use in critical habitat except in tamper-proof bait boxes; within 6.3 miles of Central Aquirre, Lago Cidra, Ceiba, San German; 9.4 miles of La Esperanza; south of Highway 2 from city of Mayaquez to the city of Ponce, and all of Mona Island, Puerto Rico.

Utah Prairie Dog (*Cynomys parvidens*) Do not use this product in critical habitat of the Utah prairie dog (Utah).

Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*) Do not use this product in critical habitat within 0.5 miles of salt marsh vegetation and/or brackish water wetlands which are located: 1) near or adjacent to San Pablo Bay and San Francisco Bay, or 2) in the Sacramento River below or adjacent to the confluence of the Sacramento River and the San Joaquin River (California).

Morro Bay Kangaroo Rat (*Dipodomys heermanni morroensis*) Do not use this product in critical habitat with in 2.5 miles of Baywood Park which is located on Morro Bay (California).

Aleutian Canada Goose (*Branta canadensis leucopareia*) Do not use this product from October to March in the federally closed goose hunting areas in the State of California. See current duck and goose hunting game laws for current map.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store only in original container, in a dry, cool place inaccessible to children, pets and domestic animals.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spilled bait, or rinsate is a 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 Waster representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of bags in a sanitary landfill or by incineration if allowed by State and local authorities.

Right Side Panel

DIRECTIONS FOR USE

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

General Use Restrictions:

- Only apply this product by methods specified on this label.
- Do not apply this product in a way that will contact workers or other persons, either directly or through drift.
- Only handlers may be in the area during application.
- Keep all other persons out of the treated area during application.
- Wear rubber gloves while handling this product.
- Use proper scooping device for bait placement, broadcasting, or mixing. Do not use scooping device for any other purpose.

General Warnings and Limitations:

This bait may NOT be applied on roads, near residential areas, or over water. Do NOT broadcast over growing crops. Apply bait on warm, clear days. Do not graze animals in treated areas. Do not apply to bare ground and areas in which no vegetation occurs. Check for and dispose of excess or spoiled bait and carcasses daily until the baits are expended or are removed.

ORCHARDS AND GROVES

USE RESTRICTIONS: For control of meadow and pine voles (*Microtus spp.*) and deer mice (*Peromyscus spp.*) in orchards and groves. Apply bait after harvest or anytime during the dormant season, but before tree growth begins in the spring. Do not apply on bare ground or growing crops. Wear rubber gloves when handling bait. Do not broadcast over non-orchard/non-grove crops. Do not graze animals on treated areas.

APPLICATION DIRECTIONS:

TRAILBUILDER: Drop teaspoonful quantities of bait at 4-5 foot intervals in the artificial trail made by the machine just inside the drip line on both sides of the trees. Apply at the rate of 2-3 pounds per acre.

AERIAL APPLICATION: Broadcast bait at a rate of 6-10 pounds per acre or make 2 applications of 5 lbs. each per acre.

HAND BAITING: Near the base of each infested tree, place teaspoonful quantities of baits 2-4 locations, either on surface or at the mouth of holes leading to underground burrow systems. Cover bait artificially (e.g. mats, boards) or by pulling overhanging grass back into place. Do not disturb the runway system. Bait at the rate of 3-5 pounds per acre of infested trees.

BROADCAST BAITING: Under infected trees, broadcast evenly by cyclone seeder or by hand. Place tablespoon amounts into heavy cover along tree rows, rock outcrops, and fence lines. Apply at the rate of 6-10 pounds per acre.

CONIFER AND HARDWOOD SEEDLING PLANTATIONS

USE RESTRICTIONS: For control of meadow, prairie, and pine voles (*Microtus spp.*), and deer mice (*Peromyscus spp.*) in conifer and hardwood seedling plantations. Treatment at the rate of 5.5-9.0 lbs. per acre should occur in the fall before the seed fall of seeding efforts. Treatment may be necessary in spring to protect emergent seedlings. Do not apply in the areas where plants are being grown for food or feed or in areas inhabited by livestock.

BAITING: For hand baiting, place a teaspoonful of bait at surface runways or in burrow entrances. If a trail builder is used, apply at the rate of one teaspoonful of bait 4-5 foot intervals.

For broadcast baiting, apply in 20 foot swaths evenly by hand or with a cyclone seeder. For aerial application, broadcast bait at the rate of 5.5-9.0 pounds per acre.

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PRAIRIE DOGS

USE RESTRICTIONS: For control of Black-tailed prairie dogs (*Cynomys ludovicianus*), White-tailed prairie dogs (*C. leucurus*), and Gunnison's prairie dogs (*C. gunnisoni*) in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming on rangeland and reforestation seedlings and plantings. **PREBAITING:** To increase acceptance of treated bait by prairie dogs, prebait with one teaspoon of untreated oat groats per mound, one or two days prior to using toxic bait.

BAITING: After all or most of the prebait has been eaten, apply bait only to areas where prebait was consumed. Apply bait by hand as a six-inch bait spot on edge of each mound or in adjacent feeding area. Apply at the rate of one teaspoon per bait spot, during late summer or fall (July-December). Do not apply more than once during this period. Dispose of spilled or unwanted bait by burial.

GROUND SQUIRRELS

USE RESTRICTIONS: For control of Columbian (*Spermophilus columbianus*) and Richardson's (*S. richardsonii*) ground squirrels, on rangeland.

PREBAITING: To increase acceptance of treated bait by Columbian and Richardson's ground squirrels, prebait with one teaspoon untreated oat groats as a six-inch bait spot on edge of each mound or in adjacent feeding area.

BAITING: Apply bait by hand as a six-inch bait spot on edge of mound or in adjacent feeding area. Apply at the rate of one teaspoon per bait spot.

NONCROP AREAS

USE RESTRICTIONS: For control of meadow, prairie, and pine voles (*Microtus spp*) and deer mice (*Peromyscus spp.*) in noncrop areas including right-of-ways, lawns, parks, nurseries, and golf courses when damage or heavy mouse infestations occur. Prebaiting with 3-5 pounds per acre of untreated oats 2-3 days before applying toxic bait may provide more consistent toxic bait acceptance.

APPLICATION DIRECTIONS:

HAND BAITING: Place teaspoonful quantities of bait, either in surface runways or at mouth of holes leading to underground burrow systems. Bait at the rate of 3-5 pounds per acre in infested areas.

TRAILBUILDER: Apply teaspoonful quantities of bait 4-5 foot intervals in the artificial runways around infested areas.

BROADCAST BAITING: Apply evenly by cyclone seeder or by hand at the rate of 3-5 pounds per acre.

AERIAL APPLICATION (HELICOPTER): Make either a single application of 10 pounds per acre or make one 5 pounds per acre application followed two weeks later by a second 5 pounds per acre application.

GRAPE VINEYARDS

USE RESTRICTIONS: For control of meadow, prairie, and pine voles (*Microtus spp.*), deer mice (*Peromyscus spp*) and meadow jumping mice (*Zapus spp.*) Do not broadcast bait over growing crops when bait may lodge on the plant. Do not apply to bare ground.

APPLICATION DIRECTIONS:

BROADCAST BAITING: Apply evenly by cyclone seeder or by hand between the rows at a rate of 6-10 pounds per acre.

MACADAMIA NUT ORCHARDS

USE RESTRICTIONS: For control of roof rats (*Rattus rattus*).

APPLICATION DIRECTIONS:

SPOT TREATMENT: Baits may be placed in bait stations or in stations in trees. Place 1-2 teaspoonful quantities of bait in bait stations at the base of trees or in trees. Uneaten bait must be removed from trees prior to shaker harvest or from ground prior to mechanized harvest. Orchards may be treated up to 30 days prior to harvesting.

BURROW TREATMENT: Place 1-2 teaspoonful quantities of bait in each burrow. No preharvest interval is required, provided nuts are not retrieved from burrows.

BROADCAST BAITING: Apply evenly by cyclone seeder or by hand at the rate of 5 pounds per acre. Aircraft may be used to treat adjacent noncrop areas if recommended and supervised by the Hawaii Dept. of Health. The number of applications shall not exceed 4 per year. The total amount of bait applied shall not exceed 20 lbs/acre-year.

SUGARCANE

USE RESTRICTIONS: For control of Polynesian(*Rattus exulans*), Norway(*R.norvegicus*), Rice(*Oryzomys palustris*), Florida water(*Neofiber alleni*), Cotton(*Sigmodon hispidus*) and Roof Rats(*R. rattus*) in sugarcane fields. Do not apply within 30 days of harvest. Do not apply to adjacent non-crop areas. The number of applications shall not exceed 4 per year. The total amount of bait applied shall not exceed 20 lbs./acre-year.

APPLICATION DIRECTIONS:

PRE-BAITING: To increase acceptance of treated bait by rats, broadcast 3 pounds untreated oat groats per acre one or two weeks prior to using toxic bait.

BROADCAST BAITING: Apply 5 pounds of bait per acre per treatment. Bait may be broadcast by aircraft, ground driven equipment or by hand (wear rubber gloves during hand baiting).

RANGELAND, CROPLAND, CHRISTMAS TREE PLANTATIONS, LAWNS, GOLF COURSES, AND OTHER NONCROP AREA

USE RESTRICTIONS: For control of pocket gophers (*Geomys.spp*, *Thomomoyoys spp.*, or *Pappogeomys spp.*) in rangeland, cropland, Christmas tree plantations, lawns, golf courses, and other noncrop areas. Bait must be applied directly into underground burrow systems. Do not broadcast bait or apply it above ground in any way.

BAITING DIRECTIONS:

HAND BAITING: Bait must be placed into pocket gopher runways. Remove burrow plug from the flat side of the burrow fan. Using a long-handled spoon, insert one teaspoon of bait into the main runway system. Carefully cover the hole with sod, a rock, or soil to exclude light. Take care not to cover bait with soil. Place bait at 2-5 locations per burrow system. Recover and bury all spilled bait.

BURROW BUILDER: When treating extensive area, burrow builder method may be used. Follow manufacturer's instructions for the equipment used to apply gopher bait. Make sure that machine-built burrows intersect pocket gopher burrows at the depth at which gophers have been tunneling. For greater efficiency of treatment, machine-built burrows should intersect as many gopher tunnels as possible at right angles. Apply bait at a rate of 1-2 pounds per acre, using a 20' to 30' row spacing interval. Apply only when soil condition is proper to insure formation of a good artificial burrow. Recover and bury all spilled bait.

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WARRANTY

Seller warrants that this product conforms to the chemical description on the label and is reasonable for the purposes referred to in the directions for use. Seller makes no other warranties, express or implied, including FITNESS or MERCHANTABILITY. In no case shall the seller be liable for consequential, special, or indirect damages resulting from the use or handling of this product. The foregoing is a condition of sale by the Seller and is acceptable as such by the buyer.

BATCH CODE: _____