

10031-3

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SEP 15 2004

Mr. Dennis D. King, NSDBA #12220
Smith, King and Freudenberg, P.C.
P.O. Box 302.
Gordon, NE 69343-0302

Dear Mr. King:

Subject: PETERSEN'S POCKET GOPHER KILLER III FOR POCKET GOPHER
CONTROL ONLY
EPA Reg. No. 10031-3
Your Submission dated July 15, 2003

The proposed revised labeling submitted for this product on July 15, 2003, is acceptable, provided that the change indicated below is made.

Change the first sentence of the "**HAND APPLICATION:**" directions on the sheet entitled "**Plains Pocket Gophers (*Geomys bursarius*) & Northern Pocket Gophers (*Thomomys talpoides*)**" so that it reads as follows:

Remove burrow plug from flat side of burrow fan or locate main underground runway by probing about 15 inches away from mound, starting on flat side of burrow fan.

The current version of the sentence tells users to "locate the main runway by probing several inches away from the main runway." We apologize for not having caught this error earlier.

Acceptance of the labeling does not constitute product reregistration. Reregistration cannot occur until the product chemistry issue pertaining to this product is resolved. That issue is addressed in our letter for EPA Registration No. 10031-6 which discusses submissions for that product dated July 15, 2003, December 17, 2003, April 30, 2004, and July 30, 2004.

After the storage stability study for EPA Registration No. 10031-6 has been completed and submitted, submit 5 copies of the labeling for this product (10031-3). If the chemistry data are acceptable, we likely will be in a position to reregister this product as well and to stamp labels to reflect the date of product reregistration.

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)



DANGER
CONVULSIVE - POISON
FATAL IF SWALLOWED
DO NOT BREATHE DUST



KEEP AWAY FROM PETS AND DOMESTIC ANIMALS
DO NOT CONTAMINATE FEED AND FOODSTUFFS

PRECAUTIONARY STATEMENTS

HAZARD 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, or using a 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.

When loading more than 3 lbs (1.4 kg) of bait into mechanical application equipment and when disposing of non-rigid containers (e.g., bags), handlers must wear:

- long-sleeved shirt and long pants;
- waterproof gloves;
- shoes plus socks;
- goggles or face shield; and
- dust-mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, P, R, or HE filter.

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

USER SAFETY RECOMMENDATIONS

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

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

PHYSICAL or CHEMICAL HAZARDS

Do not use or store near heat or open flame.

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 where runoff is likely to occur. Do not contaminate water by the cleaning of equipment or disposal of wastes. Do not apply directly to food or feed crops.

ENDANGERED SPECIES CONSIDERATIONS

Notice: The killing of an endangered species during strychnine baiting operations may result in a fine and/or imprisonment 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 USEPA: Gray wolf and grizzly bear.

FIRST AID

IF SWALLOWED: CALL A PHYSICIAN OR POISON CONTROL CENTER IMMEDIATELY. If less than ten (10) minutes have passed since the person was taken, give 1 or 2 glasses of water and induce vomiting by touching the back of the throat with finger. Repeat until vomit fluid is clear. Have patient lie down in 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.

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 may only be used in underground applications to control Plains Pocket Gophers (*Geomys bursarius*) and Northern Pocket Gophers (*Thomomys talpoides*) in subterranean applications on rangeland, pasture, cropland, and noncrop areas. This product must be applied, using methods prescribed on this label, directly into pocket gophers' underground tunnels or into artificial burrow systems made by burrow-builder machines. **DO NOT PLACE BAIT ON OR ABOVE THE GROUND SURFACE. DO NOT APPLY THIS PRODUCT OVER FOOD OR FEED CROPS.** Do not apply this product in a way that will contact workers, other persons, pets, or domestic animals. Keep pets and other people out of the area during application. Do not use this product in California.

HAND APPLICATION: Remove burrow plug from the flat side of the burrow fan or locate main runway by probing several inches away from the burrow plug. A sudden drop in the soil's resistance indicates that the main runway has been found. Using a long-handled spoon or other suitable implement, insert one teaspoon of bait into the runway. Close opening with the soil, or a rock, taking care to block the entry of light. Do not patrol soil to cover bait. Depending upon pocket gopher population levels, one pound of bait applied by hand will treat one to eight acres. Before using, see further instructions pertaining to this application method on the sheet of paper attached to the end of the bag.

BURROW-BUILDER APPLICATION: Follow manufacturer's instructions for the equipment used to apply this bait. Make artificial burrows the same depth as natural tunnels. Space artificial burrows about 20 to 30 feet apart. Apply 1 to 2 pounds of bait per acre. Adjust machine so that it rides the ground with wheels barely packing soil. Apply only when soil condition is proper to insure formation of a good artificial burrow. Spilled baits must be picked up or buried. When not in use, do not leave bait in the dispensing mechanism. Before using, see further instructions pertaining to this application method on the sheet of paper attached to the end of the bag.

STORAGE and DISPOSAL

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

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

CONTAINER DISPOSAL: Completely empty bag 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.

Mfg. PETERSEN SEEDS INC., 204 South Elm Street, Gordon, NE 69343 Phone: (308) 282-1523
EPA Reg. No. 10031-3 50 lbs. Net Wt. EPA Est. No. 10031-NB-1

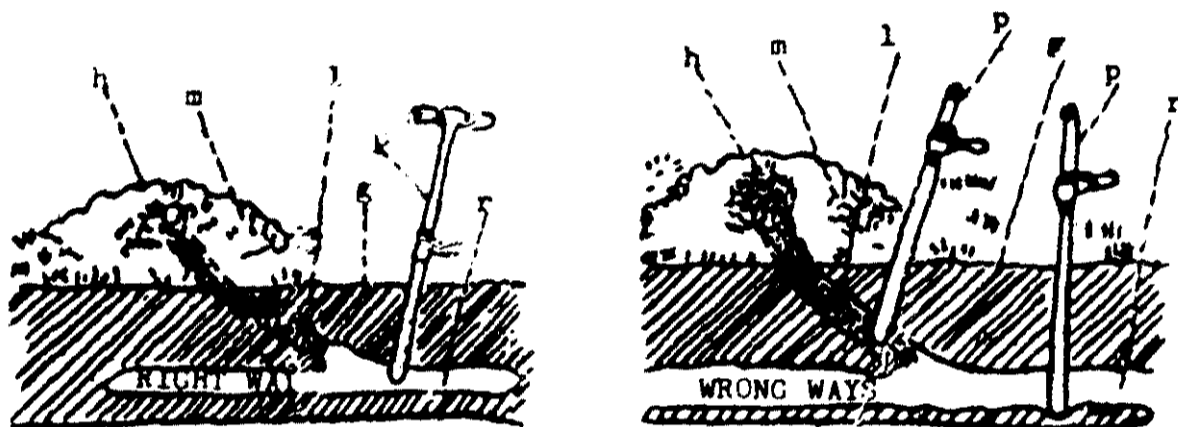
NOTICE

Bayer assumes no risks of use, storage or handling of this material but in strict accordance with directions given hereon.

Handwritten notes and stamps on the right side of the page, including a date stamp "SEP 15 2004" and a handwritten number "10031-3".

Plains Pocket Gophers (*Geomys bursarius*) & Northern Pocket Gophers (*Thomomys talpoides*).

HAND APPLICATION: Remove burrow plug from flat side of burrow fan or locate main runway by probing several inches away from the main runway. A sudden drop in the soil's resistance to the probe indicates that the main runway has been found. Using a long-handled spoon or other suitable implement, insert one level tablespoon of bait into the runway. Close opening with sod, soil, or a rock, taking care to block the entry of light. Do not permit soil to cover bait. Depending upon pocket gopher population levels, one pound of bait applied by hand will treat 1-8 acres.



Legend: h - horseshoe-like depression; m - mound; l - lateral runway; p - probe;
g - ground surface; r - main runway

Results of the poisoning can be checked after about four days by opening the burrow with a shovel. If there is a pocket gopher still alive, it will plug the opening with dirt within a few hours.

MACHINE APPLICATION: (burrow builder) The effectiveness of the burrow builder depends upon the gophers finding the artificial runways and the poisoned bait. Thus, the burrows should be made at a depth that will intercept the greatest number of natural gopher tunnels. Therefore, measure the depth of gopher runways and set the machine accordingly. Adjust the machine so that it rides the ground with the wheels barely packing the soil.

The artificial runways should be spaced about 20 to 30 feet apart to insure interception of the natural burrow.

The amount of bait placement required will depend upon the spacing of the bait in the runway. About one pound of bait will treat one acre.

Experience and trials with each model burrow builder will be necessary before optimum performance can be expected.

Do not reuse empty container. Dispose of container as prescribed on its label under "STORAGE AND DISPOSAL".