

OCT 23 1995

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Mr. Dennis D. King,
Attorney for Petersen Seeds, Inc.
Smith and King, P.C.
111 West Second Street
P.O. Box 302
Gordon, NE 69343-0302

Dear Mr. King:

Subject: PETERSEN'S POCKET COFFEE KILLER IV
EPA Registration No. 10031-4
Your Submissions Dated January 1 and July 31, 1995

The proposed revised label submitted on January 1, 1995 is acceptable, subject to the comments immediately below.

1. Delete from the "HAZARDS to HUMANS and DOMESTIC ANIMALS" section the sentence

"Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

According to PR Notices 93-3 and 93-8, this text is supposed to go under "ENVIRONMENTAL HAZARDS".

2. Do not add the sentence quoted above to the "ENVIRONMENTAL HAZARDS" section at this time. The wording of the 1989 Strychnine Settlement Agreement appears to preclude modification of that section of the required label text without an amendment to the agreement itself. Thus, the changes required by PR Notices 93-3 and 93-8 are "on hold" indefinitely for Strychnine products. We apologize for this situation and any inconveniences that it might cause.

The Confidential Statement of Formula (CSF) dated January 1, 1995, is acceptable for the purpose of completing the conversion of this product from a 0.39% to a 0.50% Strychnine concentration. As discussed below, this CSF almost certainly will have to be amended in the near future.

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

The Density data (Guideline No. 63-7) submitted for this product on July 31, 1995, are acceptable. When you amend your Confidential Statement of Formula (CSF), as indicated below, insert the value "0.66 g/ml" into the block (7.) designated for Bulk Density.

While the conduct of the Storage Stability (Guideline No. 63-17) study was acceptable, the results of the initial analyses were highly variable; and the results of the final analysis consistently estimated the Strychnine concentration to be well above the upper certified limit and well above the nominal concentration claimed for this product. The chemist who reviewed the data felt that the 4.1% weight loss of the product during storage contributed to the high estimates for the 12-month's samples and suggested that a plastic liner be used in paper bags in which this bait is marketed and stored. Although this theory may have merit, we note that 12-month's values still are rather high even when a mathematical adjustment for this weight loss is made.

The results of the Storage Stability test leave us in a "good news/bad news" situation. The good news is that this bait has been shown to contain an adequate amount of Strychnine to poison the target animals that it is intended to kill. The bad news is that the Strychnine concentration appears to increase over time, which likely would result in violations if market samples of the product were collected and analyzed by pesticide enforcement agencies. Strychnine concentrations at or above 0.6% also should not be considered to be within acceptable limits of the 0.5% concentration which is the upper nominal concentration limit for Strychnine pocket gopher baits that are not automatically classified as "RESTRICTED USE PESTICIDES" — a circumstance which applies directly to 10031-4 under its new labeling. Note also that the 12-month's assays for this product produced results which were 20-27.6% above the nominal concentration. These discrepancies greatly exceed the + 10% variation from the nominal concentration that EPA suggests as "standard certified limits" for pesticide products in which the nominal concentration of the active ingredient is less than 1.0%.

To address these issues, Petersen Seeds, Inc., must reassess the processes used in the manufacturing and packaging of this bait formulation and incorporate any improvements which appear to be needed to reduce variability in Strychnine content and to ensure that the concentration of this active ingredient will remain relatively constant over time. Once this assessment has been completed, a new Storage Stability study must be initiated. A report of the completed Storage Stability study is due 18 months from the date of this letter (i.e., by or before April 20, 1997). If the new Storage Stability study indicates that the active ingredient concentration stays within appropriate limits of the nominal concentration of 0.50% Strychnine Alkaloid, you then will be required to amend the CSF for this product to reflect the results of the new Storage Stability data. At that time, the value obtained in the Bulk Density study already conducted with fresh bait should be entered into the appropriate block on the CSF form.

Until such time as the Storage Stability issue is resolved, the requirement for submitting quarterly progress reports for this product will remain in force.

If you have any questions regarding the matters discussed in this letter, you may call Dr. William Jacobs or my staff at 703-305-6406.

Sincerely yours,

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

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FOR HAND APPLICATION ONLY

ACCEPTED
COMMENTS
EPA Letter Date

PETERSEN'S

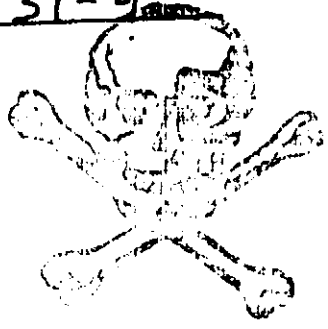
Pocket Gopher Killer IV For Pocket Gopher Control Only

OCT, 23 1995

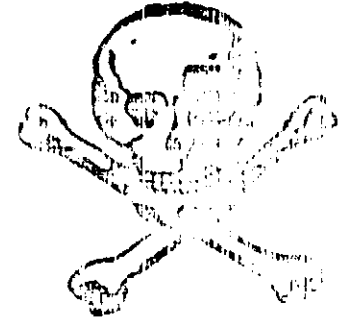
Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

Active Ingredient - Strychnine	0.50%
Inert Ingredients	99.50%
TOTAL	100.00%

10031-4



**KEEP OUT OF REACH
OF CHILDREN
DANGER
CONVULSIVE - POISON
POISONOUS IF SWALLOWED
DO NOT BREATHE DUST**



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

PHYSICAL or CHEMICAL HAZARDS

STATEMENT OF PRACTICAL TREATMENT

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.
USE RESTRICTIONS: For plains pocket gophers, (*Geomys bursarius*) and northern pocket gophers (*Thomomys talpoides*) in rangeland, pasture, cropland, and noncrop areas. Do not use this product to control animals other than pocket gophers. This product must be applied directly into pocket gophers' underground burrow systems. Do not apply this product on or above the surface of the ground in any crop or noncrop area. Do not use this product in California.
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. (See further directions attached to end of bag before applying.)

Mfg. PETERSEN SEEDS INC., Gordon, Nebr 69343

EPA Reg. No. 10031-4

10 lbs. Net Wt.

EPA Est. No. 10031-NB-1

STORAGE and DISPOSAL

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 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 Waste representative at your 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.

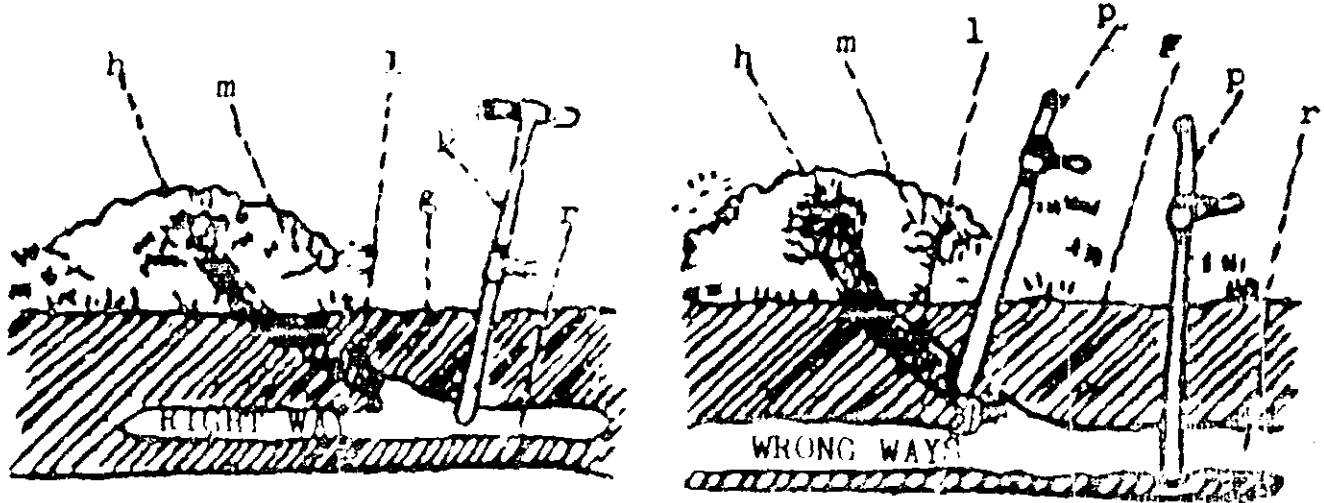
NOTICE

Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith.

BEST COPY AVAILABLE

Plains Pocket Gophers, GEOMYS BAPCARIUS & 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 table-spoon of bait into the unway. 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 1-2 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.

Do not reuse empty container. Destroy it by burying with wastes.

