

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

November 2, 2006

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5-800484

South Dakota Department of Agriculture
Rodent Control Fund
Foss Building
Pierre, SD 57501

Attention: Mr. Brad D. Berven

Subject **Zinc Phosphide Prairie Dog Bait**
 EPA Reg. No. 13808-6
 Your amended application of March 27, 2006
 Our response of June 27, 2006
 Your resubmission of September 6, 2006

Purpose This resubmission revises the label for this product, under sec 3 of the
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Labeling We have made all of the changes requested in your resubmission except
for adding the words, "until bait has been consumed or rendered inactive
by the elements" to the standard text found on similar labels and in the
Zinc Phosphide RED, "Do not graze animals in treated areas. The
labeling is acceptable, provided that you submit one (1) copy of final
printed labeling to us, before you ship the product.

**Existing
stocks** Stocks of product with existing labels may be used for eighteen (18)
months.

**Consequence
for non-
compliance** If this condition is not complied with, the registration will be subject to
cancellation in accordance with FIFRA section 6(e). Your release for
shipment of the product constitutes acceptance of these conditions.

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Questions If you have questions about this letter, please contact me at 703-305-5407 (phone); 703-305-6596 (fax); or peacock.dan@epa.gov (E-Mail).

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Enclosures 1. Stamped Label
2. Minimum Type Size Requirements for Final Printed Label

File Location Dan Peacock, Flash Drive, 1gb, J:\Zinc Phosphide\13808-6\13808-6, revised label, approval ltr, 10-23-2006.doc

[Front Panel]

RESTRICTED USE PESTICIDE [See type requirements]

Due to Inhalation Hazards to Humans and Hazards to Nontarget Species

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 Applicator's Certification.

Zinc Phosphide Prairie Dog Bait

For use in rangeland and pastureland to control black-tailed, white-tailed, and Gunnison's prairie dogs in North Dakota, South Dakota, Nebraska, Montana, and Wyoming.

Active Ingredient:		
Zinc Phosphide	2.0%	
Inert Ingredients:	98.0%	
TOTAL:	100.0%	

ACCEPTED with COMMENTS to EPA Letter Dated

NOV - 2 2006

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

13808-6

KEEP OUT OF REACH OF CHILDREN [See type requirements]

WARNING [See type requirements]

FIRST AID

Have label with you when obtaining treatment advice.

Any person who applies zinc phosphide products and experiences signs or 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"> •Immediately call a poison control center, doctor, or 1-800-858-7378 or transport the person to the nearest hospital. •DO NOT DRINK WATER. •Do not give anything by mouth or make person vomit 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 a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.
If inhaled	<ul style="list-style-type: none"> •Move person to fresh air. •If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. •Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.
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, doctor, or 1-800-858-7378 immediately for treatment advice.

NOTE TO PHYSICIAN

Probable mucosal damage may contraindicate the use of gastric lavage. See additional PRECAUTIONARY STATEMENTS on Left Panel.

South Dakota Department of Agriculture
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Foss Building
Pierre, SD 57501

EPA Reg. No. 13808-6
EPA Est. No. 13808-SD-1
Net Contents

[Left Panel]

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING

May be fatal if inhaled. Harmful if absorbed through the skin or swallowed. Causes eye irritation. Do not get in eyes, on skin or on clothing. Do not breathe dust. Keep away from humans, domestic animals and pets. Avoid contamination of feed or foodstuffs. Avoid contact with acids. Wash all utensils, spoons, or measuring devices thoroughly after using.

Personal Protective Equipment (PPE)

All applicators/mixers/loaders must wear:

- long sleeve shirt and long pants;
- shoes plus socks;
- chemical-resistant gloves (any waterproof material, Category A; and
- a dust/mist filtering respirator (MSHA/NIOSH) approval number prefix TC-21C or a NIOSH-approved respirator with an R, P, or HE filter.

All applicators and any person who and retrieves carcasses and unused bait must wear:

- gloves.

User Safety Requirements:

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions are provided for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Wash hands thoroughly after applying bait and before eating, drinking, chewing gum, using tobacco or using the toilet.

User Safety Recommendations:

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

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. As soon as possible, wash thoroughly and change into clean clothing.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or 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 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 bag in a sanitary landfill or by incineration if allowed by state and local authorities.

[Right Panel]

ENVIRONMENTAL HAZARDS

This product is toxic to wildlife and fish. Birds and other wildlife feeding on toxic bait may be killed. Use with care when applying in areas frequented by wildlife or adjacent to any body of water. 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. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not apply this product in areas inhabited by livestock or where a hazard exists to rare or endangered species. Dogs and other predatory and scavenging mammals might be poisoned if they feed upon animals that have eaten this bait.

ENDANGERED SPECIES CONSIDERATIONS

This product may have effects on Federally listed threatened or endangered species or their critical habitat in some counties. It is a violation of Federal law to kill, harm or harass listed animal species without authorization. The killing of a member of an endangered species may result in a fine and/or imprisonment under the Endangered Species act. To limit the potential for such impacts when using this product, consult and follow the instructions provided on this label and in the EPA Endangered Species Bulletin for the County in which you are applying this product. To determine whether your County has a Bulletin, consult <http://www.epa.gov/espp> before each season's use of this product.

The endangered species considerations listed in this attachment must be regarded as part of the label for **Zinc Phosphide Prairie Dog Bait**.

Do not use this product in habitats occupied or occasionally visited by **whooping cranes (*Grus americana*)** during the period from 30 days before the expected arrival of cranes to 30 days after the time of their usual departure, unless the bait is applied in tamper-resistant bait stations that appear to be capable of excluding cranes.

Do not use this product within 7 kilometers (4.34 miles) of any prairie dog town to limit risks to the **black-footed ferret (*Mustela nigripes*)** from exposure to Zinc Phosphide or destruction of its prey base, unless the colony is:

1. an isolated black-tailed prairie dog town less than 80 acres in size,
2. an isolated white-tailed or Gunnison prairie dog town less than 200 acres in size,
3. has been appropriately surveyed, using methods acceptable to the U.S. Fish and Wildlife Service, and found by the FWS not to be a suitable site for ferret reintroductions, or
4. has been exempt by the FWS from the survey requirement.

Unless the local U.S. Fish and Wildlife Service office has determined that there are no **gray wolves (*Canis lupus*)** or **grizzly bears (*Ursus actos horribilus*)** in the general vicinity of bait applications in Arizona, Colorado, Idaho, Michigan, Minnesota, Montana, New Mexico, Oregon, Wisconsin, and Wyoming, do not apply this product outdoors within occupied habitat of these species unless the bait is applied in tamper-resistant bait stations capable of excluding these species.

[Right Panel-continued]

DIRECTIONS FOR USE

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

AD THIS LABEL: Read entire label and follow all use directions, use precautions, and use restrictions which pertain to the bait application to be made.

GENERAL USE RESTRICTIONS

Do not apply this product by any method or use not specified on this label. Do not apply bait on roads, over water, except where specifically indicated in these directions, where plants are grown for food or feed. Wear all required personal protective equipment (PPE) when mixing, handling, and applying bait. See "PRECAUTIONARY STATEMENTS".

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only persons associated with the applications may be present in the area when the bait is being applied and such persons must wear required PPE. Keep all other persons out of the treated area during application.

RESTRICTIONS: This product may be used to control black-tailed prairie dogs (*Cynomys vicianus*), white-tailed prairie dogs (*C. leucurus*), and Gunnison prairie dogs (*C. gunnisoni*) on rangelands and pastures in North Dakota, South Dakota, Nebraska, Montana, and Wyoming where nontarget species, especially the black footed ferret, will not be at risk (see ENDANGERED SPECIES CONSIDERATIONS on this label. Do not use in other states.

Baits used to control prairie dogs must be applied by hand. Do not apply toxic bait by air or by ground broadcast equipment. Baits may only be applied from midsummer through midwinter (July through January of the following year). Do not apply zinc phosphide bait more than once during this period.

Field baiting applications may not exceed one teaspoon (4 grams) of 2% zinc phosphide bait per active mound or adjacent feeding area at a maximum rate of one application per year. The rate of application may not exceed 6 pounds of 2% zinc phosphide bait (0.12 pounds of active ingredient) per treated acre at a maximum of one application per year. Do not use zinc phosphide baits in areas grazed by livestock. Do not graze animals in treated areas. Do not apply zinc phosphide baits where crops are grown for food or feed.

BAITING: Prebaiting with untreated, steam-rolled oats is required to increase acceptance of toxic baits and to determine if nontarget species consume significant amounts of oats. Scatter one teaspoon (4 grams) of prebait on ground near each active mound 1 or 2 days before toxic baits are used.

[Right Panel-continued]

OBSERVATION: Before and during prebaiting, observe the infested area regularly and systematically to assess presence and potential for exposure of nontarget animals to toxic bait. If nontarget animals that might be harmed by the bait are observed in the infested area, do not apply toxic bait.

BAITING: After all or most of the prebait has been taken by prairie dogs, scatter one teaspoon (4 grams) of 2% zinc phosphide bait (0.08 grams of active ingredient) in 6-inch (diameter) bait area at the edge of each active mound or in adjacent feeding areas. Bury spilled or unused bait and observed animal carcasses within 3 days after bait application.

NOTICE

Seller makes no warranty, expressed or implied, concerning use of the product other than indicated on the label. Buyer assumes all risk of use and/or handling of product when such use and/or handling is contrary to label instructions.