

13808-6

12/31/2007

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 31, 2007

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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 submission of December 11, 2007

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

Labeling The labeling submitted with the above letter is acceptable, provided you
submit one (1) copy of final printed labeling to us, with the following
changes, before you ship your product.

1. Under "USE RESTRICTIONS" (Para 2, Sentence 2), change "applu" to "apply".
2. Under "Special Use Restrictions for Rangeland Grasses:" (last sentence), change "Don" to Do".
3. Follow the minimal type size requirements for the signal word ("WARNING"), "KEEP OUT OF REACH OF CHILDREN", "RESTRICTED USE PESTICIDE" heading, "STORAGE AND DISPOSAL" heading, and other text as shown in our enclosure.
4. The text must appear on a clear contrasting background and clearly legible to a person with normal vision [40 CFR 156.10(a)(2)].

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

Consequence for non-compliance 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 constitutes acceptance of these conditions.

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, 2gb, P:\Documents\Word, WP, Excel, etc\Zinc Phosphide\13808-6\13808-6, revised label, approval ltr, 12-31-2007, final.doc

Material, Category A)
-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 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.

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. Dog and other predatory and scavenging mammals might be poisoned if they feed upon animal 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/esbp> 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-resistance bait stations that appear to be capable of excluding cranes.

Do not use this product with 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 an isolated black-tailed prairie dog town less than 80 acres in size or an isolated white-tailed or Gunnison prairie dog town less than 200 acres in size, or unless the town had been appropriately surveyed, using methods acceptable to the U.S. Fish and Wildlife Service, and found by the FWS not to be suitable site for ferret reintroductions.

Unless the local U.S. Fish and Wildlife Service office has determined that there are no gray wolves (*Canis lupus*) or grizzly bears (*Ursus arctos horribilis*) 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 tamper resistant bait stations capable of excluding these species.

Inert ingredients.....98.0%
Total.....100.00%

KEEP OUT OF REACH OF CHILDREN WARNING

STATEMENT OF PRACTICAL TREATMENT 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: 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 the patient vomit unless advised to do so by the poison control center or doctor.

IF ON SKIN OR CLOTHING: 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: 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: 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.

NOTE TO PHYSICIAN

Probable mucosal damage may contraindicate the use of gastric lavage. **ADVERTISED PRECAUTIONARY STATEMENTS** the Left Panel. **EPA Letter Dated:**

DEC 31 2007

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. **Under the Federal Insecticide, Fungicide, and Rodenticide Act**

is amended for the pesticide **STORAGE:** Store in original container in a dry place inaccessible to children, pets, and domestic animals. **13808-6**

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 Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Do not reuse container. 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.

SD Dept. of Agriculture
Rodent Control Fund
Foss Building
Pierre, SD 57501

Est. No. 13808-SD-1
EPA Reg. No. 13808-6
Net Weight 50 lbs.

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directly or through drift. Only persons associated with the application 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.

USE RESTRICTIONS: This product may be used to control of black-tailed prairie dogs (*Cynomys ludovicianus*), White-tailed prairie dogs (*C. leucurus*), and Gunnison prairie dogs (*C. gunnisoni*) on rangeland and pastures only in North Dakota, South Dakota, Nebraska, Montana, and Wyoming where nontarget species, especially the black footed ferret, will no 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 February of the following year). Do not apply zinc phosphide bait more than once during this period.

Special Use Restrictions for Rangeland

Grasses:

Hand baiting applications may not exceed one teaspoon (4 grams) of 2% zinc phosphide bait per treated mound or adjacent feeding area at a maximum rate of one application per year. The rate of treatment 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 inhabited by livestock. Do not graze animals in treated areas. Do not apply zinc phosphide baits where plants are grown for food or feed.

Special Use Restrictions for Pasture

Grasses:

Baits may be applied in hand baiting applications which may not exceed one teaspoon (4 grams) of 2% zinc phosphide bait (0.08 grams of active ingredient) per treated mound or adjacent feeding area at a maximum of one application per year. Do not use zinc phosphide baits in areas inhabited by livestock.

PREBAITING: Prebaiting with untreated steamrolled 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.

OBSERVATION: Before and during prebaiting, observe the infested area regularly and systematically to assess presence and potential for exposure of nontarget animal 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 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. Immediately collect bait that is spilled into piles, rather than scattered, to avoid primary poisoning. If collected bait is not suitable to be scattered, bury with other unusable bait.

NOTICE

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