

53883-23

5/2/2000

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MAY 2 2000

Mr. Joe Blake, General Manager  
Regulatory Affairs  
Control Solutions, Inc.  
2739 Pasadena Boulevard  
Pasadena, TX 77502

Dear Mr. Boyd:

Subject: Martin's Gopher Bait 50  
EPA Registration No. 53883-23  
Your submission of April 18, 2000

The proposed revised label for this product submitted on April 18, 2000, is acceptable provided that each of the changes prescribed below is made.

1. Delete "ESTABLISHED 1883" from below "*Martin's*" in the name of the product.

This product was not "ESTABLISHED" in 1883, and I doubt that your current company was either. You may keep "*Martin's*" in the name of the product (for "brand recognition"), but not the false and misleading "ESTABLISHED 1883" text.

2. On the center panel of the label, the word "**POISON**" must be in red on a background of distinctly contrasting color. While "POISON" appears in red on the label that you submitted on April 18, 2000, it is hard to see against the orange-to-red background that is used on the center panel of that label. Use a white background for the precautionary text on the center panel.

The signal word "**DANGER**" must appear in at least 18 point type. The skull and crossbones must appear in immediate proximity to "POISON".

- 3. As there is no "antidote statement" on the label, modify the cross reference to other precautionary statements to read

See back panel for additional precautionary statements.

- 4. The "**DIRECTIONS FOR USE**" section of the proposed revised label submitted on April 18, 2000, must be modified exactly as indicated below.
  - a. Center the heading "**DIRECTIONS FOR USE**" in the column (and drop the colon) so that it is clear that "**USE RESTRICTIONS:**" and "**BAITING:**" are subsections of the "**DIRECTIONS FOR USE**".
  - b. Insert the word "only" between "may" and "be" in the first sentence of the "**USE RESTRICTIONS:**" subsection of the "**DIRECTIONS FOR USE**".
  - c. Change the sixth (and next-to-last) sentence of the "**BAITING:**" subsection to read

One pound of bait will treat 1-8 acres, depending on the number of burrow systems to be treated.

- 5. Center the heading for the "**STORAGE AND DISPOSAL**" section and modify its content to read as indicated below.

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Store in original container in a dry place. Store in a locked area out of reach of children.

**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 the nearest EPA Regional Office for guidance.

**CONTAINER DISPOSAL:** Do not reuse empty container. Empty container through use according to label instructions. Then, dispose of container in a sanitary landfill or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

- 6. Center the heading to the "**PRECAUTIONARY STATEMENTS**" section.
- 7. Change the heading "**STATEMENT OF PRACTICAL TREATMENT**" to "**FIRST AID**" and center the heading on the label panel.

- 8. Center the heading "**NOTE TO PHYSICIAN**" on the label panel.
- 9. Center the heading to the "**ENVIRONMENTAL HAZARDS**" section and insert, as its second sentence, the following text:

Do not allow bait to be exposed on soil surface.

Before releasing this product for shipment, submit one copy of a final printed label revised as indicated above.

Some of the changes indicated above also will apply to the proposed revised label that the C.J. Martin Company submitted for this product (when it was 299-212) in response to the Strychnine Reregistration Eligibility Decision (RED). We are completing our reviews of the RED responses pertaining to Strychnine baits and expect to be writing to you about the responses made for your Strychnine products within the next few months. Additional label changes are likely to be required for reregistration, especially in the area of precautionary labeling.

We have reason to believe that, in addition to Mississippi, this product has recently been registered in several States where pocket gophers are not known to occur (e.g., Kentucky, Ohio, and South Carolina). Any use of this product in those States would be use not prescribed by its current label and not permitted by its label as amended by this letter.

Over-the-counter sale of Strychnine currently is limited to formulations which may only be manually applied to existing underground burrow systems. The only uses claimed for such products currently are for the control of various types of pocket gophers. Strychnine baits formerly claimed to control moles either have been canceled or the mole claims have been deleted from their labels because no one emerged to support such claims with efficacy data (as required by data call-ins issued in the 1980's). This was not surprising as moles are insectivores and would have little interest in grain-based products.

I have received documentation from Kathleen Fagerstone of the Strychnine consortium concerning your membership therein but have not heard from anyone else concerning use of other data relevant to this product.

If you have any questions about the content of this letter, you may call me at 703-305-6406 or reach me my e:mail at Bill Jacobs @epa..

Sincerely yours,



William W. Jacobs, Ph. D.  
 Insecticide-Rodenticide Branch  
 Registration Division (7505C)

CONTROL SOLUTIONS  
IN THE STATE OF TEXAS  
is EPA Label Listed ←

MAY 2 2000

Under the State  
Pesticide Control  
Act, this product  
is registered with  
the State of Texas  
53883-23

**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 be used to control pocket gophers (*Geomys spp.*, *Thomomys spp.*, and *Pappogeomys spp.*) in subterranean applications only in rangelands, pastures, croplands and non-crop areas. Do not apply this product above ground over agricultural crops or anywhere else. Do not apply directly to food or feed crops.

**BAITING:** Remove burrow plug from flat side of the burrow fan or locate the main runway by probing with a metal rod or wooden stick. Resistance on the probe will decrease when you are in the main runway. Insert one tablespoon of bait into the burrow system, using a long-handled spoon if necessary. Close the tunnel with soil. Do not permit soil to cover the bait. One pound of bait will treat 1-8 acres depending on the number of acres to be treated. Retreat according to above directions if new gopher activity is noticed.

**STORAGE AND DISPOSAL:**

**Storage:** Store in original container in a dry place. Store in a locked area out of reach of children, pets and animals. Do not contaminate water, food or feed by storage or disposal.

**Pesticide Disposal:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, 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 the nearest EPA Regional Office for guidance.

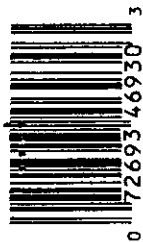
**Container Disposal:** Do not reuse empty container. Completely empty then dispose of in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

E.P.A. Reg. No. 53883-23  
E.P.A. Est. No. 53883-TX-002

Control Solutions, Inc.  
2739 Pasadena Blvd.  
Pasadena, TX 77502

Made in USA

MARTIN'S is a registered  
trademark of C-J. Martin Co.



M  
Martin's  
ESTABLISHED 1883

# GOPHER BAIT 50

Strychnine treated grain bait  
for subsoil application only

NET WT 4.1 LB (454g)

**PRECAUTIONARY STATEMENTS**

**HAZARDS TO HUMANS AND DOMESTIC ANIMALS - DANGER: Convulsive Poison!** Poisonous if swallowed. Do not breathe dust. Do not contaminate feed and food stuffs. Keep away from children, pets and domestic animals. Wash thoroughly with soap and water after handling and before eating or smoking. Clean clothing should be used daily. Do not touch bait with bare hands. Applicators and other handlers must wear a long-sleeved shirt and long pants, water-resistant gloves, shoes plus socks, and dust mask. This product is to be used only for subsoil application as directed.

**STATEMENT OF PRACTICAL TREATMENT: If swallowed, CALL A PHYSICIAN OR POISON CONTROL CENTER IMMEDIATELY.** If less than ten (10) minutes have passed since the poison was taken, give 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Repeat until vomit fluid is clear. Have patient lie down in quiet, darkened room and keep warm and quiet. Do not induce vomiting or give anything by mouth to an unconscious person. **If inhaled,** remove victim to fresh air. Apply artificial respiration if indicated. **If on skin,** remove contaminated clothing and wash affected areas with soap and water. **If in eyes,** flush eyes with plenty of water. Get medical attention if irritation persists.

**NOTE TO PHYSICIAN:**

- A. Administer 100% Oxygen by positive pressure to provide as much pulmonary gas exchange as possible despite seizures.
- B. Administer ANTICONVULSANT DRUGS intravenously to control convulsions.

**NOTICE:** It may be difficult or impossible to stop seizure activity without stopping respiration. Be prepared to maintain pulmonary ventilation mechanically. Tracheotomy may be necessary if seizures are prolonged.

**ENVIRONMENTAL HAZARDS:** This product is toxic to fish, birds and other wildlife. Do not apply directly to water, or 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.

**ENDANGERED SPECIES CONSIDERATIONS - Notice:** The killing of a member of an endangered species using strychnine baiting operations may result in a fine under the Endangered Species Act. Before baiting, the user is advised to contact the Regional U.S. Fish and Wildlife Service (Endangered Species Specialist) of the local Fish and Game Office for specific information on endangered species except under the programs and procedures approved by the U.S. EPA: California Condor, San Joaquin Kit Fox, Aleutian Canada Goose, Morro Bay Kangaroo Rat, Salt Marsh Harvest Mouse, Gray Wolf and Grizzly Bear.

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