

56228-2

09/30/2009

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

SEP 30 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Kenneth R. Seeley, Ph.D.
USDA APHIS Environmental Services
Unit 149
4700 River Road, Riverdale, MD 20737

Subject: Updates to the Storage and Disposal Statement Language

Dear Dr. Seeley:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 19, 2009 for:

EPA Registration 56228-2

Gas Cartridge

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

If you have any questions, call me at 703 305-5409 or electronically at daniel.dani@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Dani Daniel".

Dani Daniel
Registration Division (7505P)
Insecticide/Rodenticide Branch



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

| | | | | | |
|---|--|------------------------|--|--|--|
| 1. Company/Product Number 56228-2 and 56228-21 | | 2. EPA Product Manager | | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted | |
| 4. Company/Product (Name) Gas Cartridge and Large Gas Cartridge | | PM# 07 | | | |
| 5. Name and Address of Applicant (Include ZIP Code) USDA APHIS Environmental Services, Unit 149 4700 River Road, Riverdale, MD 20737 <input type="checkbox"/> Check if this is a new address | | | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: <input checked="" type="checkbox"/> EPA Reg. No. _____ Product Name _____ | | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of changes to Storage and Disposal language to comply with Pesticide Registration Notice 2007-4

Section - III

| | | | | | |
|---|---|--|--|----------------------|--|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | | |
| * Certification must be submitted | If "Yes" Unit Packaging wgt: _____ No. per container _____ | If "Yes" Package wgt: _____ No. per container _____ | | | |
| 3. Location of Net Contents information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container | 5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | <input type="checkbox"/> Other _____ | | |

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

| | | |
|----------------------------|-----------------------------------|---|
| Name Stephanie Stephens | Title Biological Scientist, ES | Telephone No. (Include Area Code) 435-658-5134 |
|----------------------------|-----------------------------------|---|

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

| | | |
|---|---|--|
| 2. Signature | 3. Title Chief, Environmental Services | 6. Date Application Received (Stamped) |
| 4. Typed Name Kenneth R. Seeley, Ph.D. | 5. Date 8/19/08 | |



United States
Department of
Agriculture

ENQL 7-1 CY09
PERMANENT
Retire 08/14

Marketing and
Regulatory
Programs

August 19, 2009

Animal and
Plant Health
Inspection
Service

John Hebert
Insecticide-Rodenticide Branch
Registration Division (7504P)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, DC 20460

Policy and Program
Development

Environmental
Services, Unit 149
4700 River Road
Riverdale, MD
20737

**SUBJECT: Notification of Label Change to Comply with PR Notice 2007-4:
Gas Cartridge Labels**

Dear Mr. Hebert:

The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) is hereby submitting materials supporting a notification relating to the following Gas Cartridge labels:

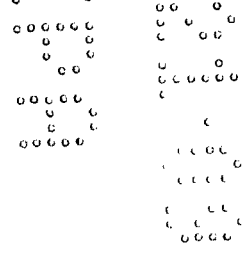
- EPA Reg. No. 56228-2: Gas Cartridge (3 separate labels: carton, mini-label and detachable label); and
- EPA Reg. No. 56228-21: Large Gas Cartridge (2 separate labels: carton and mini-label).

The enclosed labels have been revised to incorporate disposal language required by EPA's Pesticide Registration Notice 2007-4. No other changes have been made to the labels.

Attached are the following documents in support of this notification:

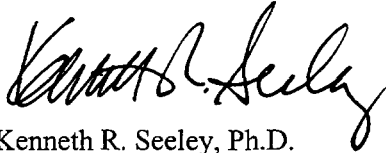
- EPA Form 8570-1;
- Two (2) copies of each of the final printed labels for the Gas Cartridge registrations listed above, with the new label language highlighted for your reference.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.



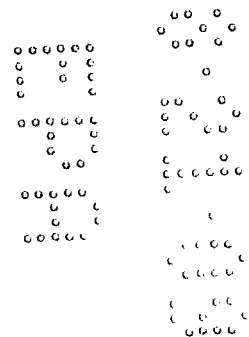
If you have any questions regarding this submission, please contact Stephanie Stephens at (435) 658-5134 or e-mail Stephanie.H.Stephens@aphis.usda.gov.

Sincerely,



Kenneth R. Seeley, Ph.D.
Chief, Environmental Services

Enclosures



NOTIFICATION

SEP 29 2009

GAS CARTRIDGE

For control of woodchucks, yellow-bellied marmots, ground squirrels, and prairie dogs

NOT FOR SALE TO PERSONS UNDER 16 YEARS OLD

ACTIVE INGREDIENTS:

Sodium Nitrate 53.0%
Charcoal 28.0%
TOTAL 81.0%

INERT INGREDIENTS 19.0%
TOTAL 100.0%

ENVIRONMENTAL HAZARDS

This product is highly toxic to wildlife. Check all burrows for signs of nontarget species. If present, do not treat burrows.

ENDANGERED SPECIES CONSIDERATIONS

General Considerations

NOTICE: It is a Federal offense to use any pesticide in a manner that results in the death of a member of an endangered species.

The killing of a member of an endangered species due to the use of gas cartridges may result in a fine and/or imprisonment under the Endangered Species Act. All users of this product must determine whether endangered species are known to occur or might occur in the intended use areas.

Consult the nearest U.S. Fish and Wildlife Service regional office or the appropriate State agency for current information on habitats occupied by endangered species.

Use this product according to the enclosed "Endangered Species Considerations" printed on the back of the label attached to each cartridge, to protect endangered species.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Riverdale, MD 20737

EPA Est. No. 56228-ID-7

EPA Reg. No. 56228-2

California Reg. No. 56228-2-AA

Net Weight 5.1 oz (144.6 grams)

PRECAUTIONARY STATEMENTS HAZARD TO HUMANS AND DOMESTIC ANIMALS WARNING

After ignition, cartridge produces toxic gases.
Fumes may be harmful if inhaled.

CHEMICAL HAZARDS

Once ignited by the fuse, this cartridge will burn vigorously until completely spent and is capable of causing severe burns to exposed skin and clothes, and of igniting dry grass, leaves and other combustible material.

DO NOT USE IN OR UNDER BUILDINGS.

KEEP OUT OF REACH OF CHILDREN WARNING

FIRST AID

Have label with you when obtaining treatment advice.

IF INHALED:

and person has:

no breathing,
headache, nausea,
dizziness, weakness

-Move person to fresh air.
-If person is not breathing, call an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.
-Call a poison control center, doctor or 1-800-222-1222 immediately for treatment advice.

NOTE TO PHYSICIAN

If breathing has stopped, give pure oxygen.

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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 woodchucks (*Marmota monax*), yellow-bellied marmots (*M. flaviventris*), ground squirrels (*Spermophilus spp.*), black-tailed prairie dogs (*Cynomys ludovicianus*), white-tailed prairie dogs (*L. leucurus*), and Gunnison prairie dogs (*C. gunnisoni*) in open fields, non-crop areas, rangelands, reforested areas, lawns and golf courses. This product may only be used underground in burrow systems. It may not be used to fumigate buildings or other man-made structures. Do not use in or under buildings or near flammable material, or when either the soil or the vegetation in the area to be treated are in extremely dry conditions. USE THIS PRODUCT ONLY IN BURROW SYSTEMS KNOWN TO BE IN ACTIVE USE BY THE TARGET SPECIES.

APPLICATION DIRECTIONS: GENERAL PROCEDURES

Locate and plug all entrances to the burrow system except the entrance selected for treatment. Obtain material needed to plug the entrance once the cartridge is applied.

Using a nail at least 1/8" in diameter, puncture the fuse-end cap of the cartridge at the points marked on it. Insert fuse in the center hole into the cartridge. Insure that there is a minimum of 3 inches of exposed fuse.

NOTE: The minimum burn time for these fuses is 5 seconds.

Hold cartridge away from face and body, then light fuse. Place cartridge, fuse-end first, as far into the burrow as possible. Close entrance to burrow immediately. Cover all cracks in soil where smoke escapes.

APPLICATION DIRECTIONS: TARGET-SPECIFIC DIRECTIONS

Woodchucks and yellow-bellied marmots: Consult state wildlife agency before using this product for woodchuck or marmot control. Examine burrows to be sure that they are in active use by woodchucks or rockchucks. Burrows are 25 to 30 cm (10 to 12 inches) in diameter. Active burrows have a mound of fresh soil at the main entrance and trails leading to feeding areas. Do not gas if nontarget species are observed entering or using the burrow. It is preferable to control woodchucks or marmots in February or March before young are born and leave the burrows. Fewer nontarget species use the burrows in the spring. Use extra caution when treating woodchuck or marmot burrows in October through January when burrows may be inhabited by cottontail rabbits. **DO NOT** treat unoccupied burrows.

Locate all burrow entrances if possible. Select one for treatment and close all others with rock and soil. Light fuse and insert cartridge fuse-end first as far as possible into burrow. Immediately cover opening with rock and soil, being careful not to smother cartridge.

DIRECTIONS FOR USE, continued

APPLICATION DIRECTIONS: TARGET-SPECIFIC DIRECTIONS, continued

Ground squirrels and Prairie Dogs: Ground squirrel burrow design varies with the species, soil type, habitat, and climate. Burrows may be as deep as 3 m (9 feet). Diameter varies with the body size of the species and may range from 5 to 25 cm (2 to 10 inches). Prairie dog burrows have large holes and cone-shaped mounds and may extend to 5 m (15 feet) below the surface. It is preferable to treat burrows of either genus during the spring breeding season. Observe the area in early morning and late evening during 24 hours before treating burrows to confirm that prairie dogs or ground squirrels are actively using the site. **DO NOT** treat unoccupied burrows. **DO NOT** treat burrows with evidence that a snake or weasel has entered in pursuit of prey.

Burrowing owls occasionally use prairie dog burrows for breeding from May through July. Check with the local wildlife agency before using this product to determine the possible presence of burrowing owls in the area to be treated and inspect the colony for signs of burrowing owls. The presence of owls is indicated by the presence of guano or shredded cow and horse dung around the burrow from May through mid-June. If burrowing owls are known or suspected to be present in a colony, **DO NOT** use the gas cartridge in the colony from May to July.

Collect soil and other material to close burrow openings. Treat each burrow opening by lighting fuse and inserting cartridge into burrow, fuse end first (make sure burrow is large enough for easy insertion of cartridge before lighting fuse). Cover burrow immediately, taking care not to smother cartridge with loose soil. Immediately cover all nearby cracks in soil or openings from which smoke escapes. Proceed to nearest open burrow and follow same procedure.

STORAGE AND DISPOSAL

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

STORAGE: Store only in original container, in a cool, dry place inaccessible to children and pets and away from fire, heat and direct sunlight.

PESTICIDE DISPOSAL: To dispose of unused cartridges, soak in water, crush and bury at least 6" deep in loose soil. Never place unused product down any indoor or outdoor drain.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. If recycling is not available, place in trash.

Batch Code No.: _____

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