56228-3

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

NOV 0 3 2009

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Stephanie Stephens USDA APHIS Environmental Services, Unit 149 4700 River Road Riverdale, MD 20737

Subject: Notification: Updated Storage and Disposal Statement PR Notice 2007-4 Zinc Phosphide on Wheat For Mouse Control EPA Reg. No. 56228-3 Submission Dated: August 20, 2009

Dear Ms. Stephens:

The Agency is in receipt of your Application for Pesticide Notifications under Pesticide Registration Notice (PRN) 2007-04 dated 8-20-09 for the product EPA Reg. No 56228-3. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 2007-04 and finds that the action(s) requested fall within the scope of PRN 2007-04. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me @ 703-305-5314 or metzger.autumn@epa.gov.

Sincerely

Autumn Metzger Biologist Insecticide-Rodenticide Branch Office of Pesticide Programs

United States Environmental Protection Agen Washington, DC 20460	· -	Registrati Amendme × Other	
Application for F	Pesticide - Sectio	on l	
1. Company/Product Number 56228-3, 56228-6, 56228-14	2. EPA Product Manage	87	3. Proposed Classification
4. Company/Product (Name) ZnPh on Wheat, ZnPh Concentrate, ZnPh on Oats	PM#07		None X Restricted
5. Name and Address of Applicant <i>(Include ZIP Code)</i> USDA APHIS Environmental Services, Unit 149 4700 River Road, Riverdale, MD 20737	6. Expedited Revie	similar or identica	e with FIFRA Section 3(c)(3) al in composition and labeling OTIFICATION
Check if this is a new address	Product Name		INV
Sect	tion - II		3 20ng
Resubmission in response to Agency letter dated         X       Notification - Explain below.         Explanation:       Use additional page(s) if necessary. (For section I and Sectin I and Sectin I and Section I and Section I and Sectin	- Me Too" App Other - Explain ction II.)		
Notification of changes to Storage and Disposal language to comp	ly with Pesticide Regis	stration Notice 20	007-4
1. Material This Product Will Be Packaged In:	ion - III	stration Notice 20	007-4
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EPA Form 8570-1: Application for Pesticide Company/Product Numbers: 56228-3, 56228-6, 56228-14 August 21, 2009

#### Page 2

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.



United States Department of Agriculture

Marketing and Regulatory Programs

Animal and Plant Health Inspection Service

Policy and Program Development

Environmental Services, Unit 149 4700 River Road Riverdale, MD 20737 John Hebert Insecticide-Rodenticide Branch Registration Division (7504P) U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Ave. N.W. Washington, DC 20460

# SUBJECT:Notification of Label Change to Comply with PR Notice 2007-4:Zinc Phosphide 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 Zinc Phosphide labels:

- EPA Reg. No. 56228-3: Zinc Phosphide on Wheat (2 labels: full product label and container label);
- EPA Reg. No. 56228-6: Zinc Phosphide Concentrate; and
- EPA Reg. No. 56228-14: Zinc Phosphide on Oats (2 labels: full product label and container 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 Zinc Phosphide registrations listed above, with the new label language highlighted for your reference.



Safeguarding American Agriculture APHIS is an agency of USDA's Marketing and Regulatory Programs

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ENQL 7-1 CY09 PERMANENT Retire 08/14

August 20, 2009

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#### PRECAUTIONARY STATEMENTS HAZARD 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 use.

#### 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 NIOSHapproved respirator with any 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 personal protective equipment (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.

# **RESTRICTED USE PESTICIDE**

#### DUE TO INHALATION HAZARDS TO HUMANS AND HAZARDS TO NONTARGET SPECIES

For retail sale to and use only by Certified Applicators or person under their direct supervision and only for those uses covered by the Certified Applicator's Certification.

# ZINC PHOSPHIDE ON WHEAT FOR MOUSE CONTROL

For use in orchards, groves, nurseries, vineyards, ornamentals, and nonbearing fruit trees; reforestation and rangeland seeding areas; and alfalfa, barley, wheat, dry beans, potatoes and sugar beets to control voles and whitefooted mice.

#### ACTIVE INGREDIENT:

Zinc Phosphide	1.82%
OTHER INGREDIENTS:	
TOTAL	

# KEEP OUT OF REACH OF CHILDREN WARNING

FIRSTAID

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 -Immediately call a poison control center, doctor, or 1-800-858swallowed 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 -Take off contaminated clothing. or 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.

	l f 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	-Hold eye open and rinse slowly and gently with water for 15-20		

eyes 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.

### 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**

This product may have effects on Federally listed threatened or endangered species or their cirtical 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 "Endangered Species Considerations" provided on this label and in the EPA Endangered Species Bulletin for the County or Parish in which you are applying this product. To determine whether your County or Parish has a Bulletin, consult www.epa.gov/espp before each season's use of this product. Additional Endangered Species Considerations are included on the last page of this label.

> UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE Riverdale, MD 20737-1237 EPA Est No. 56228-ID-1 EPA Reg. No. 56228-3 Net Contents:

> > Batch Code No .:

EPA Reg. No. 56228-3 Amended 08/2009 Page 1 of 4

NOV 0 3 2009

NOTIFICATION

# DIRECTIONS FOR USE

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

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

GENERAL USE RESTRICTIONS (For All Uses): Do not apply this product by any method or use not specified on this label. Do not apply bait on roads, over water, or, 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.

#### ORCHARDS, GROVES, NURSERIES, VINEYARDS, ORNAMENTAL PLANTINGS, AND NONBEARING FRUIT TREES (to control Voles and White-Footed Mice)

**Use Restrictions**: Use this product to control meadow voles (*Microtus pennsylvanicus*), prairie voles (*M. ochrogaster*), and pine voles (*M. pinetorum*) and white-footed mice (*Peromyscus leucopus*) in orchards, groves, horticultural nurseries, vineyards, ornamental plantings, and nonbearing fruit trees. Do not apply bait to bare ground.

**Special Use Restrictions for Orchards and Groves:** Applications (except aerial) must be made at a rate 6 to 10 pounds of 2% zinc phosphide bait per acre. Aerial applications must be made at 4 to 9.5 pounds of 2% zinc phosphide bait per acre. Applications can be made after harvest or anytime during the dormant season, but before tree growth begins in the spring. Do not broadcast over non-orchard, non-grove crops. Do not graze animals on treated areas.

Special Use Restrictions for Vineyards: Baits may be applied only during the non-bearing season. Do not apply bait over the growing crop. Do not apply bait by air. Do not graze animals on treated areas. Ground broadcast applications must not exceed 10 pounds of bait per acre.

# DIRECTIONS FOR USE, CONTINUED

#### APPLICATION DIRECTIONS

HAND BAITING: Near the base of each infested tree, place one teaspoonful quantities of bait at 2 to 4 locations, either on surface or at the mouth of each of the holes leading to underground burrow systems. Cover bait artificially (e.g., mats, boards) or by pulling overhanging grass back into place. Do not disturb the runway system. Apply 3 to 5 pounds of 2% zinc phosphide bait per acre of infested trees.

**TRAILBUILDER BAITING**: Drop teaspoonful quantities of bait at 4 to 5 foot intervals in the artificial trail made by the machine just inside the drip line on both sides of the trees. Apply 2 to 3 pounds of 2% zinc phosphide bait per acre.

**GROUND BROADCAST BAITING:** Under infested trees broadcast evenly by cyclone seeder or by hand. Concentrate in areas with the heaviest vegetative cover. Apply at a rate of 6 to 10 pounds of 2% zinc phosphide per acre.

**AERIAL APPLICATION:** Broadcast bait at a rate of 6 to 10 pounds of 2% zinc phosphide per acre. Bait applications should be made immediately after harvest and before leaf fall, when the grass is not yet matted. Do not make broadcast applications of bait over growing crops when the bait may lodge on the plant. Do not apply to bare ground.

#### RANGELANDSAND REFORESTATION SEEDING AREAS (to control Voles and White-Footed Mice)

**Use Restrictions:** Use this product to control meadow, prairie, and pine voles (*Microtus spp.*) and white-footed mice (*Peromyscus leucopus*) in rangeland and reforestation areas. Apply only to areas with less than 50% ground cover. For **hand baiting:** Apply at a rate of 1 teaspoon per mound or burrow at a maximum of one application per year. Do not graze animals in treated areas. Do not apply where plants are grown for food or feed or in areas inhabited by livestock. For **broadcast treatment:** Apply at a rate of 6 to 10 pounds of 2% zinc phosphide per acre in the fall before the seeds fall or seeding efforts. Treatment may be necessary in spring to protect emergent seedlings.

#### APPLICATION DIRECTIONS

**BAITING:** For hand baiting, place 1 teaspoon of bait in surface runways or in burrow entrances. If a trailbuilder is used, apply at a rate of 1 teaspoon of bait at 4 to 5 foot intervals.

# DIRECTIONS FOR USE, CONTINUED

For broadcast baiting, apply in 20 foot swaths evenly by hand or with a cyclone seeder at a rate of 5.5 to 9 pounds of 2% zinc phosphide bait per acre. For aerial application, broadcast bait at a rate of 6 to 10 pounds of 2% zinc phosphide per acre per treated swath acre.

#### ALFALFA, BARLEY, DRY BEANS, POTATOES, SUGAR BEETS, AND WHEAT (to control Voles and White-Footed Mice)

**USE RESTRICTIONS:** Use this product to control meadow voles (*Microtus pennsylvanicus*), prairie voles (*M. ochrogaster*), pine voles (*M. pinetorum*), and whitefooted mice (*Peromyscus leucopus*) on alfalfa, barley, dry beans, potatoes, sugar beets, and wheat. **PREBAITING:** Prebaiting with untreated wheat may lead to more consistent acceptance of the toxic bait. Prebaits should be applied, at rates identical to toxic baiting, beginning 2 to 3 days before toxic baits are to be used.

# APPLICATION DIRECTIONS

**Use Restrictions:** All applications must occur shortly after a cutting of the hay, and/or prior to new growth attaining a length of 2 inches. Alfalfa forage from treated areas must not be harvested until it reaches maturity. Do not apply this product to alfalfa within 30 days of harvest. This use is restricted to Calfornia, Idaho, Oregon and the state of Washington.

**Broadcast Baiting:** This product may be broadcast by air or ground driven dispensing devices. Apply Zinc Phosphide bait at a rate up to 10 lbs (0.2 lb active ingredient) per acre. A second application may be made after 10 days. A maximum of 20 lbs (0.4 lb active ingredient) per acre may be applied per year. Do not apply by air when wind velocity exceeds 10 mph. Do not apply in piles or permit piles to be formed by equipment.

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# DIRECTIONS FOR USE, CONTINUED

#### BARLEY

**Use Restrictions:** Do not apply bait post-harvest or preplant. Do not apply this product to barley within 50 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

**Broadcast Baiting:** This product may be broadcast by air or by ground driven dispensing devices. Apply Zinc Phosphide bait at a rate up to 6 lbs (0.12 lb active ingredient) per acre. Two applications may be made at a minimum interval of 25 days. A maximum of 12 lbs (0.24 lb active ingredient) per acre may be applied per year. All applications must be made prior to the boot stage.

#### POTATOES

Use Restrictions: Do not apply bait post-harvest or preplant. Do not apply this product to potatoes within 30 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

**Broadcast Baiting:** This product may be broadcast by air or ground driven dispensing devices. Apply Zinc Phosphide bait in one application at a rate up to 10 lbs (0.2 lb active ingredient) per acre or two applications at the rate of up to 5 lbs (0.1 lb active ingredient) per acre. The maximum application rate per year is 10 lbs (0.2 lb active ingredient).

#### SUGAR BEETS

**Use Restrictions:** Do not apply bait post-harvest or preplant. Do not apply this product to sugar beets within 30 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

**Broadcast Baiting:** This product may be broadcast by air or ground driven dispensing devices. Apply Zinc Phosphide bait at a rate up to 10 lbs (0.2 lb active ingredient) per acre at planting. A second application may be made at this rate. The maximum application rate per year is 20 lbs (0.4 lb active ingredient).

#### WHEAT

Use Restrictions: Do not apply bait post-harvest or preplant. Do not apply this product to wheat within 50 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

**Broadcast Baiting:** This product may be broadcast by air or ground driven dispensing devices. Apply Zinc Phosphide bait at a rate up to 6 lbs (0.12 lb active ingredient) per acre. A second application may be made within 25 days. The maximum application rate per year is 12 lbs (0.24 lb active ingredient).

# DIRECTIONS FOR USE, CONTINUED

#### DRY BEANS

**Use Restrictions:** Do not apply by air. Do not apply this product to dry beans within 30 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington. **Broadcast Baiting:** This product may be broadcast by hand or ground driven dispensing devices at a rate of 6 lbs (0.12lb active ingredient) per acre. No more than one application per growing season is permitted.

#### NONCROP AREAS (RIGHTS-OF-WAYS, PARKS, HIGHWAY MEDIANS, NONRESIDENTIAL LAWNS, TURF, GOLF COURSES, AIRPORT GRASSES) (to control Voles and White-Footed Mice)

Use Restrictions: Use this product to control meadow voles (*Microtus pennsylvanicus*), prairie voles (*M. ochrogaster*), pine voles (*M. pinetorum*), and white-footed mice (*Peromyscus leucopus*) in non-crop areas (rights-of-ways, nonresidential lawns, parks, turf, golf courses, airport grasses, highway medians). Do not apply bait to bare ground. Do not apply bait by air.

**PREBAITING:** Prebaiting with untreated wheat may lead to more consistent acceptance of toxic bait. Prebaits should be applied, at rates appropriate for toxic baiting, beginning 2 to 3 days before toxic baits are to be used.

#### **APPLICATION DIRECTIONS**

HAND BAITING: Place 1 teaspoon (4 grams) of bait in surface runways or at mouths of holes leading to underground burrow systems. Apply the bait at rates of 3 to 5 pounds (0.06 to 0.1 pounds of active ingredient) per acre.

TRAILBUILDER BAITING: Follow manufacturer's instructions for type of equipment used. Set equipment to drop 1 teaspoon (4 grams) of bait at 4- to 5- foot intervals in the artificial trail made by the machine. Apply the bait at rates of 2 to 3 pounds (0.04 to 0.06 lbs active ingredient) per acre.

**GROUND BROADCAST BAITING:** Broadcast bait evenly by cyclone seeder or by gloved hand. Apply the bait at rates of 6 to 10 pounds (0.12 to 0.2 pounds of active ingredient) per acre.

# 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 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:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty bag by shaking and tapping sides and bottom to loosen dinging particles. Empty residue into application equipment. If container is not to be recycled, then dispose of bags in a sanitary landfill or by incineration if allowed by State and local authorities.

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ENDANGERED SPECIES CONSIDERATIONS

Whooping Crane (*Grus americana*): Do not use this product 30 days prior to arrival and 30 days after the whooping crane leaves its known critical habitat.

Attwater's Greater Prairie Chicken (*Tympanuchus cupido attwateri*): Do not use this product in critical habitat of the Attwater's greater prairie chicken in the following Texas counties: Aransas, Austin, Brazoria, Colorado, De Witt, Ft. Bend, Galveston, Goliad, Harris, Refugio, Victoria, Waller, and Wharton.

Yellow-Shouldered Blackbird (Agelaius xanthomus) and Puerto Rican Plain Pigeon (Columba inornata wetmorei): Do not use in critical habitat except in tamper-proof bait boxes: within 6.3 miles of central Aquirre Lago Cidra, Ceiba, San German; 9.4 miles of La Esperanza; south of highway 2 from city at Mayaquez to the city of Ponce, and all of Mona Island, Puerto Rico.

**Utah Prairie Dog** (*Cynomys parvidens*): Do not use this product in critical habitat of the Utah prairie dog. (Utah)

Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*): Do not use this product in critical habitat within 0.5 mile of salt marsh vegetation and/or brackish water wetlands which are located: 1) near or adjacent to San Pablo Bay and San Francisco Bay, or 2) in the Sacramento River below or adjacent to the confluence of the Sacramento River and the San Joauqin River. (California)

**Morro Bay Kangaroo Rat** (*Dipodomys heermanni morroensis*): Do not use this product in critical habitat within 2.5 miles of Baywood Park which is located on Morro Bay. (California)

**Northern Idaho Ground Squirrel** (*Spermophilus brunneus brunneus*): Do not use this product within 0.5 mile of the critical habitats of the Northern Idaho Ground Squirrel in Adams and Valley counties, Idaho.

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