

56228-10

10/26/2009

1/8



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

October 26, 2009

US Department of Agriculture
APHIS Environmental Services, Unit 149
4700 River Road,
Riverdale, MD 20737

332 5-857395

1300

Decision #
857395

Attention: Dr. Kenneth R. Seeley

Subject Compound DRC-1339 Concentrate – Feedlots
EPA Reg. No. 56228-10
Compound DRC-1339 Concentrate – Gulls
EPA Reg. No. 56228-17
Compound DRC-1339 Concentrate – Pigeons
EPA Reg. No. 56228-28
Compound DRC-1339 Concentrate – Livestock, Net & Fodder
Depredations
EPA Reg. No. 56228-29
Compound DRC-1339 Concentrate – Staging Areas
EPA Reg. No. 56228-30
Your Notifications of August 20, 2009
Your amendments of October 23, 2009

Purpose The Agency has received your submissions for Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 to revise the container disposal labeling for this product.

Review The Registration Division (RD) has conducted a review of these requests for its applicability under the above PR notice and has found that the actions fall within the scope of this PR Notice.

Note As stated in 40CFR156.140(a)(4), a batch code must be included on the label or package for container and containment for nonrefillables.

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0080



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|---|--|--|
| 1. Company/Product Number 56228-10, -17, -28, -29, and -30 | 2. EPA Product Manager | 3. Proposed Classification <input type="checkbox"/> None <input checked="" type="checkbox"/> Restricted |
| 4. Company/Product (Name) DRC-1339 Concentrate Section 3 labels (5 separate labels) | 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

Amendment - Explain below. Final printed labels in response to Agency letter dated _____
 Resubmission in response to Agency letter dated _____ "Me Too" Application.
 Notification - Explain below. Other - Explain below.

NOTIFICATION

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

OCT 26 2009

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:

| | | | |
|---|---|---|--|
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt. No. per container | 2. Type of Container <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

| | | |
|--|-----------------------------|---|
| 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
 Lithograph
 Paper glued
 Stenciled 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) OCT 26 2009 |
| 4. Typed Name Kenneth R. Seeley, Ph.D. | 5. Date 8/21/09 | |

EPA Form 8570-1: Application for Pesticide
Company/Product Numbers: 56228-10, 56228-17, 56228-28, 56228-29, 56228-30
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.



4/8

United States
Department of
Agriculture

ENQL 7-1 CY09
PERMANENT
Retire 08/14

Marketing and
Regulatory
Programs

August 20, 2009

Animal and
Plant Health
Inspection
Service
Policy and Program
Development

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

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

**SUBJECT: Notification of Label Change to Comply with PR Notice 2007-4:
DRC-1339 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 DRC-1339 labels:

- EPA Reg. No. 56228-10: Compound DRC-1339 Concentrate – Feedlots
- EPA Reg. No. 56228-17: Compound DRC-1339 Concentrate – Gulls
- EPA Reg. No. 56228-28: Compound DRC-1339 Concentrate – Pigeons
- EPA Reg. No. 56228-29: Compound DRC-1339 Concentrate – Livestock, Nest & Fodder Depredations
- EPA Reg. No. 56228-30: Compound DRC-1339 Concentrate – Staging Areas

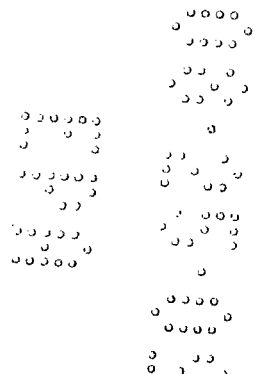
The enclosed labels have been revised to incorporate disposal language required by EPA's Pesticide Registration Notice 2007-4. No other changes have been made to the labels.

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 DRC-1339 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
An Equal Opportunity Provider and Employer

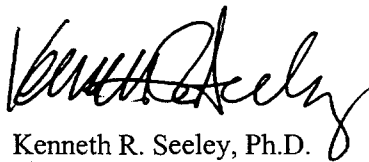


5/8

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.

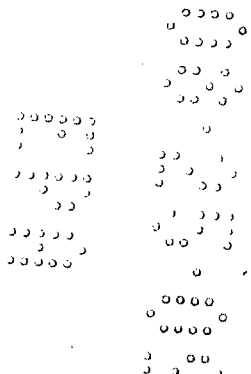
If you have any questions regarding this submission, please contact Stephanie Stephens at (435) 658-5134 or e-mail Stephanie.H.Stephens@aphis.usda.gov.

Sincerely,



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

Enclosures



**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND
DOMESTIC ANIMALS**

DANGER

Acute Hazards: Fatal if inhaled. Corrosive. Causes irreversible eye damage and skin burns. May be fatal if swallowed. Harmful if absorbed through skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some people.

Hazard Avoidance: Do not get in eyes, on skin, or on clothing. Do not breathe dust. Wear protective clothing, protective eyewear, and respiratory protection as listed under "Personal Protective Equipment." Wash thoroughly with soap and water after handling and before eating, drinking, or smoking. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT:

Handlers who mix packages containing 1 lb or more of this product must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves (such as waterproof or rubber gloves)
- Chemical resistant footwear plus socks
- Protective eyewear (goggles or face shield)
- Respirator with a dust/mist filtering respirator (MSHA NIOSH approval number prefix TC-21C or NIOSH approved respirator with any N, R, P, or HE filter)

Handlers who mix packages containing less than 1 lb of this product must wear:

- Chemical resistant gloves (such as waterproof or rubber gloves)
- Protective eyewear (goggles or face shield)

Applicators who handle bait must wear:

- Chemical-resistant gloves (such as waterproof or rubber gloves)

RESTRICTED USE PESTICIDE

Due to High Acute Inhalation Toxicity and Eye and Skin Corrosiveness to Humans; High Acute Toxicity to Nontarget Birds and Aquatic Invertebrates; and the Need for Highly Specialized Applicator Training.

For retail sale to, and use only by, USDA APHIS Certified Applicators trained in bird control or by persons under their direct supervision.

**COMPOUND DRC-1339
CONCENTRATE - FEEDLOTS**
For bird control in feedlots

Active Ingredient:
Starlicide, 3-chloro-p-toluidine hydrochloride: 97.0%
Inert Ingredients: 3.0%
TOTAL: 100.0%

KEEP OUT OF REACH OF CHILDREN

**DANGER-PELIGRO
POISON NOTIFICATION**



OCT 26 2009

FIRST AID

Have label with you when obtaining treatment advice.

| | |
|------------------------|--|
| If swallowed | - Call a poison control center or doctor immediately for treatment advice. - Have person sip a glass of water if able to swallow. - Do not induce vomiting unless told 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 or doctor immediately for treatment advice. |
| If inhaled | - 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 or doctor 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. - Call poison control center or doctor immediately for treatment advice. |

NOTE TO PHYSICIAN

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

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.

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 very highly toxic to birds and aquatic invertebrates. **Do not** use in any manner that may endanger desirable and protected bird species. Runoff may be hazardous to aquatic organisms in neighboring areas. Do not apply when runoff is likely to occur. Do not apply 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 the cleaning of equipment or disposal of waste.

ENDANGERED SPECIES CONSIDERATIONS

Before undertaking any control operations with the product, consult with local, State, and Federal Wildlife authorities to ensure the use of this product presents no hazard to any endangered species. **DO NOT** apply in areas where the product may be consumed by Endangered Species.

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

4700 River Road, Unit 149
Riverdale, MD 20737

EPA Reg. No. 56228-10
California Reg. No. 56228-10-AA
EPA Est. No. 56228-ID-1
Net Contents: _____

Batch Code No.: _____

6/8

DIRECTIONS FOR USE

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

READ THIS LABEL:

Read the entire label. This product must be used strictly in accordance with this label's precautionary statements and use directions, as well as with all applicable State and Federal laws and regulations.

Before using this product, contact the U.S. Fish and Wildlife Service and the applicable state wildlife agency and obtain all necessary kill or collecting permits.

GENERAL INFORMATION:

This product contains a slow acting avicide which kills target bird species (see lists below) in 1 to 3 days. As many types of nontarget bird species are potentially vulnerable to DRC-1339, it is necessary to use care and to follow the requirements of this label to minimize impacts to nontarget species.

For purposes of this label, feedlots are considered to be areas of commercial livestock operations where beef cattle, dairy cattle, swine, or poultry are confined primarily for the purpose of fattening for market. Fenced pastures, multiple-use confined areas and areas where one or a few animals are kept or tethered are not considered to be feedlots.

USE RESTRICTIONS

Baits made from this product may only be used in beef cattle feedlots, dairy cattle feedlots, swine feedlots, or poultry feedlots and may only be used to control the types of blackbirds, cowbirds, grackles, and starlings that are specifically listed on this label. Baits must be applied as specified on this label. **DO NOT** apply baits made from this product by air or by use of any mechanical equipment designed to broadcast baits or other pesticides.

Users of this product must follow all limitations indicated on this label regarding the placement of treated baits near or within feedlot areas. **DO NOT** place bait in pens that are occupied by livestock.

DIRECTIONS FOR USE (continued)

DO NOT apply treated baits within 50 feet of bodies of water.

Before baits made from this product are applied, sites that are to be treated **must be observed** for evidence of nontarget activity **and prebaited** (see specific instructions for these activities). **DO NOT** apply bait(s) in areas where there is danger of consumption by Threatened or Endangered species.

DO NOT exceed a maximum application rate 0.08 lb of active ingredient per treated acre. That rate is consistent with use of a bait that is 2% active ingredient, diluted 1:10 with untreated bait, and applied at a rate of 1 lb of diluted bait per 1000 ft². (See "APPLICATION DIRECTIONS").

Do not apply bait in a way that will contact workers or other persons.

ENTRY RESTRICTIONS:

Keep persons other than authorized handlers, as well as pets and livestock, away from the bait at all times. Only protected handlers may be in the area during bait application.

TARGET SPECIES:

Brewer's blackbird (*Euphagus cyanocephalus*)
Brown-headed cowbird (*Molothrus aeter*)
Common grackle (*Quiscalus quiscula*)
Red-winged blackbird (*Agelaius phoeniceus*)
European Starling (*Sturnus vulgaris*)

When in mixed flocks with one or more of the species listed above, the following species shall be considered to be target species: boat tailed grackle (*Quiscalus major*), great-tailed grackle (*Cassidix mexicanus*), tri-colored blackbird (*Agelaius tricolor*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), rusty blackbird (*Euphagus carolinus*), and bronzed cowbird (*Molothrus aeneus*).

DIRECTIONS FOR USE (continued)

PRETREATMENT OBSERVATIONS:

Prior to application of treated bait to any problem area, carefully observe feeding habits of target birds to (1) locate preferred feeding sites which can be baited in accordance with this label, (2) determine the optimum time of day for applying bait, and (3) evaluate hazards of the application to desirable or protected animals.

SELECTING BAIT MATERIALS:

Use only cracked corn, rolled whole corn, whole or rolled milo, or poultry pellets as bait materials, unless prebaiting observations have demonstrated that these baits are not accepted well by the target species or present undue risk to nontarget animals. Poultry pellets and rolled or cracked corn are generally accepted by starlings. Cracked corn and rolled or whole milo are generally accepted by blackbirds.

If you are uncertain as to which bait materials to select, expose the target population to small amounts of two or more of the following: cracked corn, rolled whole corn, whole or rolled milo, and poultry pellets to determine a suitable material. If none of these materials is well accepted, test for acceptance of rolled barley, whole raisins, and/or cull French fries. These latter bait materials may only be used if it is demonstrated that they are preferred by the target species and the nontarget risks associated with them are equal to or less than those for cracked corn, whole rolled corn, whole or rolled milo or poultry pellets.

PREBAITING:

Prebaiting with untreated bait material of the type to be used for toxic baiting is required. Apply prebait at the locations that are to be used for toxic baiting using the same application method and application rate that is to be used for toxic baiting.

FORMULATION DIRECTIONS:

See separate "FORMULATION DIRECTIONS" table on the following page for specific directions for preparing baits from this product.

APPLICATION DIRECTIONS:

NOTE: In the State of California, scoops must be long-handled.

Beef Cattle Feedlots: Wear rubber gloves when handling bait. Place bait into feeding stations or, using a scoop or other appropriate utensil, manually scatter diluted bait thinly and uniformly at a rate of 1 lb/1000 ft² (0.5 kg/100 m²) over dry and frozed areas in unoccupied pens and alleyways before target birds arrive in the morning. Apply bait only in areas that are inaccessible to livestock during the time when bait is to be exposed. **DO NOT** bait pens within the feedlot that are occupied by cattle.

Poultry, Swine and Dairy Cattle Feedlots: Wear gloves when handling bait. Place bait into feeding stations or, using a scoop or other appropriate utensil, manually scatter diluted bait thinly and uniformly at a rate of 1 lb/1000 ft² (0.5 kg/100 m²) over dry or frozen areas on the PERIMETER of the lot OUTSIDE the pen areas occupied by poultry, swine, or dairy cattle. **DO NOT** bait pens within the feedlot that are occupied by poultry, swine, or dairy cattle.

POSTTREATMENT CLEAN-UP:

Beginning one day after bait application, search treated areas, animal pens, and immediate surrounding areas. Collect carcasses of dead or dying birds and bury or burn them according to applicable laws. Repeat carcass searches at 1-2 day intervals as long as bait is exposed and likely to remain toxic.

At the end of the baiting period, recover as much unconsumed bait material as possible and dispose of it in accordance with this label and applicable Federal, State, and local laws.

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 bags by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. If bags are not to be recycled, dispose of bags in a sanitary landfill or by incineration if allowed by State and local authorities. If burned, stay out of smoke.

Revised 08/2009