

56228-12

4-29-2003

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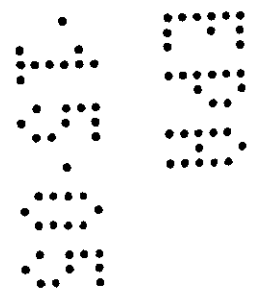


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

APR 29 2003

CERTIFIED MAIL



Mr. Carl P. Bausch
Deputy Director
Environmental Sciences
Policy and Program Development
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 152
Riverdale, MD 20737-1237

Dear Dr. Bausch:

Subject: 0.5% STRYCHNINE POCKET GOPHER OAT BAIT FOR USE IN
BURROW BUILDERS
EPA Reg. No. 56228-12
Your Submission of March 7, 2003

Our specific comments on your submission of March 7, 2003, are enumerated below.

1. The proposed revised Confidential Statements of Formula (CSFs), dated March 7, 2003, are not acceptable at this time. The grain component indicated on them differs from the one that is claimed in the name of the product. The product would be misbranded if it were named as it is and formulated as you propose. You either must change the name of this product or list the grain claimed in the product's name on the CSFs for the "Basic" and "Alternative" formulations. If you choose to formulate this product to be consistent with its name and recent history, be sure to insert the correct "Density" datum in box "7." on each of the CSFs.
2. The proposed revised "gophers-only" label is acceptable, provided that it is modified as indicated below. This is the only label that may be used for this product.

COPY

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5-12-03

- a. On the center panel, immediately after the end of the "NOTE TO PHYSICIAN" insert the following text (centered on the panel):

SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

The label submitted on March 7, 2003, is accepted only as an amended label. Due to the aforementioned problems with the proposed "Basic" and "Alternative" formulations, this product cannot be reregistered at this time. The CSFs dated "23 Sept 96" for the "Basic" and "Alternate" formulations remain current.

A stamped copy of the accepted label is enclosed for your records. Submit two (2) copies of the final printed label before you release this product for shipment under the label accepted via this letter.

Within 30 days of the date of this letter, submit 5 copies of a proposed label revised as indicated under item "2.a." above. If you elect to change the product's formulation to be consistent with the CSFs dated "March 6, 2003", the product's name also must be changed so as not to conflict with its proposed new formulations. If you elect to retain the product's name, submit proposed revised CSFs that are consistent with that name. You also might wish to revise the "PERSONAL PROTECTIVE EQUIPMENT (PPE)" text as indicated later in this letter.

This product is registered only for the control of certain pocket gopher species of the Genera *Geomys*, *Thomomys*, and *Pappogeomys*. Collectively, the species claimed on the label are reported to occur in the following States: Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. These are the States where use of this product would be legal (if it also was registered with the individual States) and, therefore, the only States in which it should be distributed or sold.

In July and August of 2002, we discussed protective clothing requirements for Strychnine baits with Kathleen Fagerstone, an APHIS employee who also heads the Strychnine data submitters' consortium. We reached agreement on alternative "PPE" text. That text is shown immediately below.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Applicators and other handlers must wear:
- long-sleeved shirt and pants,
 - cotton gloves, and
 - shoes plus socks.

When loading more than 3 lbs (1.4 kg) of bait into mechanical application equipment and when disposing of non-rigid containers (e.g., bags), handlers must wear:

- long-sleeved shirt and pants,
- waterproof gloves,
- shoes plus socks,
- goggles or face shield, and
- dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, P, R, or HE filter.

Follow manufacturer's instructions for cleaning and maintaining PPE. If there are no such instructions for washables, use detergent and hot water. ~~Keep~~ and wash PPE separately from other laundry.

If you elect to use this text rather than the text on the label accepted via this letter, incorporate that text onto the labels that you are required to submit for reregistration of this product. On such labels, you also must insert "waterproof" between "of" and "gloves" in the second sentence of the second paragraph under "USER SAFETY RECOMMENDATIONS". As revised, that sentence would read, "Wash the outside of waterproof gloves before removing." That requirement must apply only to waterproof gloves as it would be counterproductive to wash cotton gloves before removing them.

If you have any questions about this letter you may reach Dr. William W. Jacobs by phone (703-305-6406), by FAX (703-305-6596), or by E-Mail (Bill.Jacobs@epa.gov).

Sincerely,



Meredith Laws, Chief
Insecticide-Rodenticide Branch
Registration Division (7505C)

cc: Kathleen Fagerstone

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

DANGER

DANGER: Convulsive Poison! Fatal if swallowed or inhaled. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Do not breathe dust. Do not apply this product in a way that will contact any person or pet. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:
-long-sleeved shirt and long pants,
-chemical-resistant gloves,
-shoes plus socks,
-goggles or face shield, and
-dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, P, R, or HE filter.

Follow manufacturer's instructions for cleaning and maintaining PPE. If there are no such instructions, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Remove clothing immediately if pesticide gets inside. Then, wash thoroughly and put on clean clothes.

Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This product is toxic to fish, birds and other wildlife. Do not allow bait to be exposed on soil surface. 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 the disposal of wastes. Do not apply directly to food or feed crops.

RESTRICTED USE PESTICIDE

Due to Hazards to Non-Target Organisms

For retail sale to, and use only by, certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicators certification.

**0.5% STRYCHNINE
POCKET GOPHER OAT BAIT
FOR USE IN BURROW BUILDERS**

Active Ingredient:
Strychnine alkaloid: 0.5%
Inert Ingredients: 99.5%
TOTAL: 100.0%

**KEEP OUT OF REACH OF CHILDREN
DANGER-PELIGRO
POISON**



FIRST AID

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 the back of the throat with finger. Repeat until vomit fluid is clear. Have victim lie down in a quiet, darkened room and keep victim warm and quiet. If victim is unconscious, do not give anything by mouth and do not induce vomiting.

IF INHALED: Remove victim to fresh air. If not breathing, give artificial respiration. Get medical attention.

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For leaks, fire, and medical emergencies **only**, call 1-800-535-5053.

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 the seizure activity without stopping respiration. Be prepared to maintain pulmonary ventilation mechanically. Tracheotomy may be necessary if seizures are prolonged. Pulmonary ventilation mechanically. Tracheotomy may be necessary if seizures are prolonged.

ENDANGERED SPECIES CONSIDERATIONS

NOTICE: The killing of an endangered species during strychnine baiting operations may result in a fine and/or imprisonment under the Endangered Species Act. Before baiting, the user is advised to contact the regional U.S. Fish and Wildlife Service (Endangered Species Specialist) or the local Fish and Game Office for specific information on endangered species. Strychnine baits should not be used in the geographic ranges of the following species except under programs and procedures approved by the US EPA: California Condor, San Joaquin Kit Fox, Morro Bay Kangaroo Rat, Gray Wolf, Grizzly Bear and Salt Marsh Harvest Mouse.

STORAGE AND DISPOSAL

DO NOT CONTAMINATE WATER, FOOD, OR FEED BY STORAGE OR DISPOSAL.

PESTICIDE 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: Completely empty 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.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
4700 River Road, Unit 152
Riverdale, MD 20737
EPA Est. No. 56228-ID-1
EPA Reg. No. 56228-12

Net Weight ____ lbs.

rev. 3/2003

APR 27 2003
Under the Federal Insecticide, Fungicide, and Rodenticide Act, this pesticide is registered for the use of gophers and domestic animals under EPA Reg. No. 56228-12

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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. Sale, distribution and use of this product must be in accordance with the provisions of the final order on Strychnine by the Administrator of the U.S. Environmental Protection Agency.

USE RESTRICTIONS

This product may be only be used in below-ground applications to artificial burrows in rangelands, pastures, croplands, forests, and non-agricultural areas to control plains pocket gophers (*Geomys bursarius*), yellow-faced pocket gophers (*Pappogeomys castanops*), northern pocket gophers (*Thomomys talpoides*), southern pocket gophers (*Thomomys umbrinus*), Mazama pocket gophers (*Thomomys mazama*), mountain pocket gophers (*Thomomys monticola*), Townsend's pocket gophers (*Thomomys townsendii*), valley pocket gophers (*Thomomys bottae*), and/or Camas pocket gophers (*Thomomys bulbivorus*). All applications of this product must be made directly into subterranean artificial burrow systems by use of machine-drawn mechanical burrow builders. Do not apply this product above ground level, to the ground surface, or on any food or feed crop.

Do not apply this product in a way that will contact workers, other persons, or domestic animals. Keep pets and other people out of the area during application.

BATING

Burrow Builder Applications: Apply only when soil condition is proper to insure formation of a good artificial burrow. Follow manufacturer's instructions for the equipment used to apply bait. Apply 1 to 2 pounds of bait per acre. Space "rows" of artificial burrows 20 to 30 feet apart.