

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Peter L. Joseph, DVM  
Deputy Director  
USDA/APHIS/BBEP  
Unit 150  
4700 River Road  
Riverdale, MD 20737-1237

Subject: Zinc Phosphide on Steam-Rolled Oats for Prairie Dog Control  
EPA Registration No. 56228-14  
Zinc Phosphide on Steam-Rolled Oats for Mouse Control  
EPA Registration No. 56228-5  
Zinc Phosphide on Rolled Oat Groats for Ground Squirrel Control  
EPA Registration No. 56228-18  
Application for Amended (Consolidated) Registration dated May 16, 1994

Dear Dr. Joseph,

Your application for amended registration dated May 16, 1994 requests that the claims and use directions for the three subject products be consolidated onto one product label under EPA Reg. No. 56228-14, and that the product name be changed to "Zinc Phosphide on Oats." In addition, you indicated that you intend to cancel the registration for EPA Reg. No. 56228-5 upon acceptance of the proposed consolidated label. We note that registration for EPA Reg. No. 56228-18 was canceled in 1993 to avoid payment of maintenance fees. The proposed consolidated labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and pursuant to PR Notice 94-7, is acceptable provided that you modify the labeling as indicated below.

- 1. The proposed label submitted for 56228-14 must be amended to include a notice pertaining to endangered species. The following paragraph must be added directly below the paragraph on the proposed label under the heading "ENVIRONMENTAL HAZARDS"

"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 use of this product may pose a hazard to Federally designated endangered/threatened species. Suggested measures to protect

		CONCURRENCES		Suggested measures to protect	
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

endangered species in your county may exist in an EPA "Interim Measures" pamphlet. You may call EPA's Endangered Species Hotline, 1-800-447-3813, to find out if an "Interim Measures" pamphlet exists for your county and have one sent to you. You can also consult your local county extension office or pesticide state lead agency to determine whether they have imposed any requirements in your area to protect endangered and threatened species."

The specific "ENDANGERED SPECIES CONSIDERATIONS" on the proposed label are acceptable at this time. However, due to Agency concerns about exposure to threatened and endangered species, the Agency is currently developing a program (The Endangered Species Protection Program) to identify all pesticides whose use may cause potential adverse impacts on threatened and endangered species and to implement mitigation measures that will eliminate the adverse impacts. The program will require users to consult county-specific bulletins. These bulletins will provide information about specific use restrictions to protect threatened and endangered species in the county of specific pesticide use. Consultations with the Fish and Wildlife Service will be necessary to assess risks to newly listed species or from proposed new uses.

The Agency plans to publish a description of the Endangered Species Protection Program in the Federal Register and have enforceable county-specific bulletins. Because the Agency is taking this approach for protection of threatened and endangered species, it is not imposing specific label modifications at this time. Rather, any requirement for product use modifications will occur in the future under the Endangered Species Protection Program.

In addition, we note that industry has established a Task Force to develop mapping data on threatened and endangered species. Industry initiatives to address endangered species concerns are being coordinated by the American Crop Protection Association (ACPA).

- 2. The "DIRECTIONS FOR USE" and front-panel claim statements on the proposed revised label submitted for 56228-14 are acceptable. The scientific names for all Genera and species mentioned on the label should be italicized or underlined.

In addition, we have the following comments regarding your application for amended registration:

- 1. In our letter of December 28, 1995, we inadvertently accepted one version of the revised Confidential Statement of Formula (CSF) submitted for this

CONCURRENCES

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product on May 8, 1995, without having clarified the specific type of oats which comprises the bulk of the formulation. This CSF remains accepted with the understanding that the term "Oats" refers only to whole oats. Only one form of each grain component may be used under a single registration number.

- 2. All claims for control of pests of significance to public health must be supported by efficacy data. For this product, such data are needed to support claims that the product will control California ground squirrels and "white-footed mice (Peromyscus spp.)".

Efficacy data apparently were accepted in 1976 to support the California ground squirrel claim for 56228-18, but the bait(s) tested may not have been identical or substantially similar to that now being used for 56228-14. We will defer assessment of the applicability of existing data to the ground squirrel claims being made for this product until the time of product reregistration.

As the Peromyscus spp. claim appears not to have been supported at any time, any eventual acceptance of the proposed amended labeling for 56228-14 will be conditional on the submission of efficacy data from valid field trials run with P. leucopus and/or any of the major, non-endangered types of Peromyscus (e.g., P. maniculatus, P. polionotus) for which claims for control are desired.

Please submit one copy of your final printed labeling before you release the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

A stamped copy of the proposed labeling submitted May 16, 1994 is enclosed for your records. If you have any questions regarding this letter, please contact Peg Perreault at (703) 305-5409 or (703) 305-6600.

Sincerely yours,

Robert A. Forrest  
Product Manager (14)  
Insecticide-Rodenticide Branch  
Registration Division (7505C)

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

Keep away from humans, domestic animals, and pets. May be fatal or harmful if swallowed. Avoid eye or skin contact. Do not breathe dust. Avoid contamination of feed or food stuffs. Prevent the contact of bait with acids. Wash hands thoroughly with soap and water after use. Use rubber gloves if contact with skin occur when mixing or placing bait. Wash all utensils, spoons, or measuring devices thoroughly.

**ENVIRONMENTAL HAZARDS**

This product is toxic to wildlife and fish. Birds and other wildlife feeding in treated areas may be killed. Use with care when applying in areas frequented by wildlife or adjacent to any body of water. For terrestrial uses, do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. This product shall not be applied over bodies of water, in areas inhabited by livestock, or where a hazard exists to rare or endangered species. Do not contaminate water by cleaning of equipment or disposal of wastes.

**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 Cicra, 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 Joaquin 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).

**Aleutian Canada Goose (*Branta canadensis leucopareia*)**  
Do not use this product from October to March in the federally closed goose hunting areas in the State of California. See current duck and goose hunting game laws for current map.

**RESTRICTED USE PESTICIDE  
Due to hazards to nontarget species**

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.

**ZINC PHOSPHIDE  
ON OATS**

**FOR PRAIRIE DOG, GROUND SQUIRRELS,  
VOLES, AND WHITE-FOOTED MOUSE CONTROL**

For the control of black-tailed prairie dogs, white-tailed prairie dogs, and Gunnison's prairie dogs on rangelands in the following states: North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Colorado, Montana, Utah, and Wyoming.

For the control of California ground squirrels along noncrop rights-of-way in the following states: California, Nevada, and Oregon.

For the control of meadow and pine voles, and white-footed mice in orchards and groves.

<b>ACTIVE INGREDIENT:</b>	
Zinc Phosphide .....	2.0%
<b>INACTIVE INGREDIENTS:</b> .....	98.0%
<b>TOTAL</b> .....	<b>100.0%</b>

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

**STATEMENT OF PRACTICAL TREATMENT**

Any persons applying zinc phosphide products and experiencing signs or symptoms such as nausea, abdominal pain, tightness in the chest or weakness, should be seen by a physician immediately.

**IF SWALLOWED:** Immediately call a Poison Control Center or physician, or transport the patient to the nearest hospital. Do not drink water. Do not administer anything by mouth or make the patient vomit unless advised to do so by a physician.

**IF IN EYES:** Flush with plenty of water. Get medical attention if irritation persists.

**IF ON SKIN:** Remove contaminated clothing and wash affected areas with soap and water.

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Hyattsville, MD 20782  
EPA Reg. No. 56228-14  
EPA Est. No. 56228-ID-1

Net Weight                      lbs.

**STORAGE:**

Do not contaminate water. Store in inaccessible to children.

**STORAGE:** Store in inaccessible to children.

**PESTICIDE DISPOSAL:** This pesticide is highly hazardous. Improper disposal of empty containers may constitute a hazardous waste. Do not reuse or refill. Follow instructions on container for disposal. Do not burn. Contact your State Pesticide Control Agency, or the nearest EPA Office for more information.

**CONTAINER DISPOSAL:** Empty container into a sanitary disposal area. Do not reuse. Contact your State and local health department for more information.

**DIRTY CONTAINERS:**

It is a violation of Federal law to dispose of this pesticide in a manner inconsistent with the label.

**USE RESTRICTIONS:**

(*Cynomys ludovicianus*)  
Gunnison's prairie dog  
Western United States  
Nebraska, Kansas, Oklahoma, Arizona, Colorado, and New Mexico.  
non-target species.

**PREBAITING:**

untreated steam-baiting, to increase effectiveness.

**BAITING:**

Apply bait by hand. Do not eat or drink. Do not consume. Establish bait stations. Apply bait by hand. Do not exceed label directions. Treat during late season. Do not apply more than once. Dispose of spilled bait.

**SEE BACK PANEL FOR USE INSTRUCTIONS**

in EPA Reg. No. 56228-14

3/5/96

Under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, this pesticide is registered under EPA Reg. No. 56228-14.

56228-14

## **DIRECTIONS FOR USE (Continued)**

### **CALIFORNIA GROUND SQUIRRELS**

**USE RESTRICTIONS:** For control of California ground squirrels (*Spermophilus beecheyi*) on noncrop rights-of-way adjacent to canal and ditch banks and other noncrop borders during late Spring and Summer. Zinc phosphide must not be applied on roads, near residential areas, over water or where plants are grown for food or feed. Before undertaking ground squirrel control with this product, consult local, State, and Federal game authorities to insure use is in accordance with regulations.

**PREBAITING:** Prebait with 6 pounds of untreated oat groats per acre along rights-of-way 2-3 days prior to applying toxic bait to increase bait acceptance by ground squirrels.

**BAITING:** Treat only once during treatment period and only after prebait is consumed. Broadcast bait in a 10-15 foot swath along right-of-way. Using hand or ground-driven bait dispensing devices not to exceed 6 pounds per acre. Bait will be applied only to the canal right-of-way between the base of the levee and adjacent properties. The canal and levee will not be treated. Dispose of bait and carcasses by burial within 3 days after treatment.

### **VOLES AND WHITE-FOOTED MICE**

**USE RESTRICTIONS:** For control of meadow and pine voles (*Microtus* spp.) and white-footed mice (*Peromyscus* spp.) in orchards and groves. Apply bait after harvest while the orchard or grove is in a nonbearing phase. Do not apply on bare ground or growing crops. Wear rubber gloves when handling bait. Do not graze animals in treated areas.

**HANDBAITING:** Near the base of each infested tree, place teaspoonful quantities of bait at 2-4 locations, either on surface or at the mouth of 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. Bait at the rate of 2-3 pounds per acre of infested trees.

**TRAILBUILDER:** Drop teaspoonful quantity of bait at 4-5 foot intervals in the artificial trail made by the machine just inside the drip line on both sides of the trees. Apply at the rate of 2-3 pounds per acre.

**BROADCAST BAITING:** Under infested trees broadcast evenly by cyclone seeder or by hand. Concentrate in areas with the heaviest vegetation cover. Apply at the rate of 6-10 pounds per acre.

**AERIAL:** Broadcast bait at a rate of 6-10 pounds per acre.