

56228-15

09/30/2009

1/6



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. Steeley:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated August 21, 2009 for:

EPA Registration 56228-15

M-44 Cyanides Capsules

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

NOTIFICATION

Form Approved OMB No. 2070-0060

Print Form

Please read instructions on reverse before completing form.



United States
Environmental Protection Agency
Washington, DC 20460

SEP 25 2009

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 56228-15 and 56228-32	2. EPA Product Manager	3. Proposed Classification <input type="checkbox"/> None <input checked="" type="checkbox"/> Restricted
4. Company/Product (Name) M-44 Capsules and M-44 Capsules-Arctic Fox	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:

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	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		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
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<p align="center">Certification</p> <p>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.</p>		<p>6. Date Application Received (Stamped)</p>
2. Signature 	3. Title Chief, Environmental Services	
4. Typed Name Kenneth R. Seeley, Ph.D.	5. Date 8/21/09	



3/6

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

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: M-44 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 M-44 labels:

- EPA Reg. No. 56228-15: M-44 Cyanide Capsules
EPA Reg. No. 56228-32: M-44 Cyanide Capsules Arctic Fox

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 M-44 registrations listed above, with the new label language highlighted for your reference.

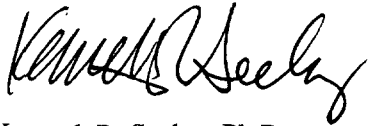
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false 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.

[Illegible text or stamp]

4/6

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

Handwritten marks and symbols at the bottom right of the page, including several rows of small, repetitive characters and symbols.

NOTIFICATION

SEP 29 2009

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Sodium cyanide may be fatal if swallowed or inhaled. Use only with adequate ventilation and do not breathe the gas or dust. When handling, setting out or checking M-44 cyanide capsules, always have at least six pearls of Amyl-Nitrite readily available in case sodium cyanide is swallowed or inhaled.

While handling sodium cyanide capsules, protect hands with gloves and shield eyes to prevent eye burns and skin irritation. Wash thoroughly before eating or smoking.

Do not use in areas frequented by humans or domestic dogs.

ENVIRONMENTAL HAZARDS

This pesticide is **TOXIC TO WILDLIFE**. Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposing of wastes. The M-44 ejector device may not be used in areas inhabited by endangered canids and felids.

CHEMICAL HAZARDS

Contact with acid liberates poisonous and flammable hydrogen cyanide gas.

ENDANGERED SPECIES CONSIDERATIONS

Use of this product is prohibited in areas where such used might jeopardize the continued existence of endangered species. Contact the local office of the U.S. Fish and Wildlife Service to determine the locations of habitats occupied by any endangered species listed below which occur in or near the intended area of product use.

Florida Panther

Do not use this product within 20 miles of the boundary of any federal or state lands (e.g., National Wildlife Refuges, National Parks, National Preserves, State Parks, State Preserves, State Wildlife Management Areas, etc.) and Indian Reservations that provide suitable Florida panther habitat south of Charlotte, Glades, and Martin Counties, Florida.

SEE REAR PANEL FOR ADDITIONAL ENDANGERED SPECIES CONSIDERATIONS.

RESTRICTED USE PESTICIDE

DUE TO INHALATION HAZARD TO HUMANS AND THE NEED FOR
HIGHLY SPECIALIZED APPLICATOR TRAINING

For retail sale and distribution to and use only by Certified Applicators who have taken the required additional training to use M-44 Sodium Cyanide Capsules in M-44 ejector units, and for whom USDA APHIS assumes a supervisory role with respect to the use of this product.

M-44 CYANIDE CAPSULES

For use in the M-44 ejector device to control coyotes (*Canis latrans*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), and wild dogs which are: (1) suspected of preying upon livestock and poultry; (2) suspected of preying upon Federally designated Threatened or Endangered Species; or, (3) vectors of communicable disease

ACTIVE INGREDIENT

Sodium cyanide	91.06%
INERT INGREDIENTS	8.94%
TOTAL	100.0%

KEEP OUT OF REACH OF CHILDREN

DANGER - PELIGRO POISON



STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: CALL A PHYSICIAN OR POISON CONTROL CENTER IMMEDIATELY!

IF SWALLOWED OR INHALED: Prompt treatment is of the utmost importance. Carry patient to fresh air, have him lie down. Patient should breathe the contents of an Amyl Nitrite pearl 15-30 seconds each minute if necessary, until five pearls have been used. Use artificial respiration if breathing has stopped. Remove contaminated clothing but keep patient warm.

CALL A PHYSICIAN IMMEDIATELY.

IF ON SKIN: Immediately flush with plenty of water.

IF IN EYES: Immediately flush with plenty of water and call a physician.

SEE LEFT SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

DIRECTIONS FOR USE

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

For use in specific situations to reduce canids (coyotes, red fox, gray fox, and wild dogs) that depredate livestock and poultry or federally designated threatened or endangered species or are vectors of communicable disease. For use on pastures, range land, and forest land only. Do not place in areas where food crops are planted.

IMPORTANT: Before handling or placing M-44 cyanide capsules or M-44 ejector devices, consult the Use Restriction Bulletin for specific use directions, additional precautions, information on endangered species, warning signs and antidotal measures.

WARNING SIGNS: Bilingual (Spanish/English) warning signs must be posted in the general area and at the application site.

STORAGE AND DISPOSAL

STORAGE: Store M-44 cyanide capsules under lock and key in a dry place away from food, domestic animals and acids. Do not contaminate feed or food stuffs.

DISPOSAL: Dispose of defective and used M-44 capsules by burial in a safe location in the field or at a proper landfill site.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. If container is not to be recycled, incineration may be used instead of burial for disposal of used capsules. Place capsules in an incinerator or refuse hole and attend the burn until the contaminated material is completely consumed. If burned, stay out of smoke.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Riverdale, MD 20737-1237
EPA Est. No. 56228-ID-1
EPA Reg. No. 56228-15
California Reg. No. 56228-15-AA
50 capsules: Net Weight: 48.5 grams

Batch Code No.: _____

Revised 08/2009

5/6

ENDANGERED SPECIES CONSIDERATIONS

(Continued)

Jaguarundi and Ocelot

Do not use this product within three miles of occupied habitat of the jaguarundi and ocelot in Cameron, Hidalgo, Kleberg, Jim Wells, Kenedy, Starr, Willacy, and Zapata Counties, Texas.

Louisiana Black Bear

Do not use this product within the geographical range of the Louisiana black bear near the Mississippi River in Mississippi and in the Atchafalaya and Tensas River basins in Louisiana.

San Joaquin Kit Fox

Do not use this product within the range of the San Joaquin kit fox in Alameda, Contra Costa, Fresno, Kern, Kings, Merced, Monterey, San Benito, San Joaquin, Santa Barbara, Santa Clara, Stanislaus, or Tulare Counties, California.

California Condor

Do not use this product in habitat occupied by the California condor in Ventura, Kern, Santa Barbara, Los Angeles, and San Luis Obispo Counties, California.

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