

JUL 17 1997

USDA
Animal Plant & Health Inspection Service
4700 River Road, Unit 150
Riverdale, MD 20737-1237

300/18 5-526105

Attention: Mr. Alan V. Tasker

Subject: 1339 Gull Toxicant 98% Concentrate
EPA Registration No. 56228-17
Your letter of May 30, 1997
Our letter of April 15, 1997

We have reviewed your revised labeling to insure that it incorporated comments from our April 15, 1997, letter, which addressed efficacy and fish and wildlife concerns, and changes dictated by the 1995 Starlicide Reregistration Eligibility Decision (RED), which addressed human health, worker protection, and aquatic invertebrate concerns.

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable provided that you make the following changes and submit one (1) copy to us before you ship your product:

1. On the Front Panel, which we consider to be the middle column of Page 1 of your label, change your "RESTRICTED USE PESTICIDE" statement as follows:

RESTRICTED USE PESTICIDE

Due to Acute Hazards to Humans, Nontarget
Animals and Aquatic Invertebrates and
the Need for Highly Specialized Applicator
Training.

- 2. Place the Child Hazard Warning, Signal Word, "POISON" (in red), Skull and Crossbones, and referral statement on the Front Panel directly under the Ingredient Statement, as follows:

KEEP OUT OF REACH OF CHILDREN

DANGER - POISON (in red)

[Skull & Crossbones]

See Left Panel for additional precautionary statements.

- 3. On the Left Panel, modify the "PRECAUTIONARY STATEMENTS" as follows:

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Fatal if inhaled. Corrosive. Causes irreversible eye damage. Causes burns. May be fatal if swallowed. Harmful if absorbed through the skin. This product may cause skin sensitization reactions in some people.

Do not breathe dust. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash thoroughly before reuse.

FIRST AID

If Inhaled: Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.

If in Eyes: Flush with plenty of water. Get medical attention.

If on Skin: Remove contaminated clothing. Wash skin with plenty of soap and water. Get medical attention. If Swallowed: Drink 1, or 2 glasses of water and induce vomiting by touching the back of throat with finger. Call a physician or Poison Control Center. Do not

If Swallowed: Drink 1 or 2 glasses of water and induce vomiting by touching the back of throat with finger. Call a physician or Poison Control Center. Do not induce vomiting or give anything by mouth to an unconscious person.

- 4. If this product is packaged in containers of 1 lb or more, add the following text to your "Hazards to Humans and Domestic Animals" section:

PERSONAL PROTECTIVE EQUIPMENT

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

- Coveralls over long-sleeved shirt and pants
- Water-proof gloves
- Chemical-resistant footwear plus socks
- Protective eyewear
- Respirator with a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21c).

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.

5. In the "USE RESTRICTIONS", add the following text after "by other means":

Do not apply treated baits within 50 feet of water. Do not apply this product in a way that will contact workers or other persons. Only protected handlers may be in the area during application.

Entry Restrictions: Keep persons other than authorized handlers, as well as pets and livestock, away from the bait at all times.

7. Underline all scientific names under "Target Species".

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 labeling is enclosed for your records.

Sincerely,

Daniel B. Peacock, Biologist
Product Manager Team 14
Insecticide-Rodenticide Branch
Registration Division (7504C)

- Enclosures: 1. Stamped Label
- 2. A-79 Enclosure

Peacock WP#13:A:\Starlici\56228-17.Jul:305-5407:7/17/97

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

May be fatal if swallowed, harmful if inhaled or absorbed through the skin. Do not breathe vapors or dust. Corrosive, causes eye and skin damage. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Wash hands thoroughly with soap and water after handling and eating or smoking. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to birds. Do not expose in areas accessible to waterfowl, poultry, and other non-target birds. 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 apply where runoff is likely to occur. Do not contaminate water when disposing of equipment washwaters

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.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION

SERVICE
Riverdale, MD 20737-1237
EPA Reg. No. 56228-17
EPA Est. No. 56228-ID-1

Net Weight

ACCEPTED ACTIVE INGREDIENT:
with COMMENTS 3-Chloro-4-methylbenzenamine
in EPA Letter Dated: hydrochloride 97.0%
INERT INGREDIENTS: 3.0%
TOTAL: 100.0%

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No.

56228-17

RESTRICTED USE PESTICIDE

DUE TO HIGH ACUTE TOXICITY TO BIRDS

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.

For use only by U.S. Department of Agriculture personnel trained in bird control or persons under their direct supervision.

COMPOUND DRC-1339 CONCENTRATE-GULLS

For control of the target gull species specifically listed on this label. During breeding season, these species may be controlled in their active coastal or inland nesting colonies for the purposes of protecting other colonially nesting species and to reduce populations of target gulls which damage property or crops in other areas. At any time of the year, these species may be controlled at their feeding sites at airports, industrial areas, landfills or other noncrop areas throughout the year IF these gulls pose immediate threats to Threatened or Endangered Species or immediate human health or safety hazards.

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: 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. If burned, stay out of smoke.

DO NOT USE TREATED BREAD AS FOOD OR FEED

KEEP OUT OF THE REACH OF CHILDREN

DANGER - POISON



STATEMENT OF PRACTICAL TREATMENT IF SWALLOWED: CALL A PHYSICIAN OR POISON CONTROL CENTER IMMEDIATELY!

IF SWALLOWED: Induce vomiting by touching the back of the throat with finger. Call a physician immediately.
IF INHALED: Move patient from contaminated area and immediately call a physician.
IF ON SKIN OR IN EYES: Immediately flush eyes or skin with large quantities of water. Call a physician immediately.

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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.

Read entire label. Use strictly in accordance with precautionary statements, use directions and all applicable State and Federal laws and regulations. Before using this product, contact the U.S. Fish and Wildlife Service and the applicable wildlife agency and obtain all necessary kill or collecting permits.

USE RESTRICTIONS: Baits made from Compound DRC-1339 - Gulls may be used to control the species of gulls listed under "TARGET SPECIES" under the conditions described in this section. During the breeding season, target species may be controlled in coastal or inland gull colonies that are: (1) within predation radii of important nesting colonies of terns, puffins, (nontarget) laughing gulls, or other colonially nesting birds; or (2) close to areas where target species gulls damage property or crops. Throughout the year, baits made from this product may be used to control target species of gulls at feeding sites located at airports, industrial sites, dumps or landfills, or other noncrop areas if these species of gulls pose immediate threats to Endangered or Threatened Species or pose immediate human health or safety hazards that cannot be readily resolved by other means.

Target Species

Herring gull (*Larus argentatus*)
Great black-backed gull (*Larus marinus*)
Ring-billed gull (*Larus delawarensis*)
Laughing gull (*Larus articilla*) except in
New England States (see below)
Western gull (*Larus occidentalis*)
California gull (*Larus californicus*)

DO NOT use baits made from this product to control laughing gulls in Connecticut, Rhode Island, Massachusetts, New Hampshire, or Maine, or in other areas where this species is protected. DO NOT apply baits made from this product on food or feed crops or in

DIRECTIONS FOR USE (Cont.)

any way which could contaminate materials to be used as human food or animal feed. This product may only be used to make bread cubes to bait target species of gulls. DO NOT use treated bread cubes as food or feed. DO NOT apply treated bread cubes where they might be consumed by Endangered or Threatened Species. DO NOT store, apply, or even temporarily place treated bread cubes in locations accessible to children, pets, or domestic animals. Exclude all unauthorized persons from application sites during prebaiting and baiting.

PREBAITING: Prebaiting is necessary to evaluate potential hazards to nontarget species and to promote rapid acceptance of treated bread cubes by target species of gulls. Gull nesting colonies or feeding areas at airports, industrial sites, dumps, landfills, or other noncrop areas must be prebaited with untreated bread cubes before bread cubes treated with Compound DRC-1339 Concentrate - Gulls are introduced. The number of untreated bread cubes exposed at a site must not exceed 5 times the total number of gulls to be controlled at that location. Do not apply treated bread cubes unless gulls consume at least 75% of the untreated bread cubes applied in a 12 hour period and nontarget species are not observed feeding on the untreated bread cubes.

BAIT PREPARATION: Mixing Bait: Blend 0.2 oz (6 gm) of Compound DRC-1339 Concentrate - Gulls into 1 lb (454 gm) of melted, stick margarine. Spread 0.5 oz (1 Tbsp, 15 gm) of the blended mixture on a slice of standard sandwich bread and cover with another slice. Immediately cut each sandwich into 9 equally-sized cubes. Place treated bread cubes in a container marked "POISON" for transportation or distribution.

Stability - Use treated bread cubes within 12 hours. Unused treated bread cubes that have been exposed to direct sunlight or heat in excess of 110° F (43° C) for more than 1 hour should be used immediately or disposed of as pesticide waste.

DIRECTIONS FOR USE (Cont.)

APPLICATION DIRECTIONS: In Target Gulls' Nesting Colonies: With gloved hands, hand broadcast or place treated bread cubes in the same areas where untreated bread cubes were accepted by gulls during the prebaiting period. Initial applications may be hand broadcast or hand placed in nesting colonies or sites; however, no hand broadcast application may be made when nontarget birds are present. Application when other nesting birds are present may be made only by hand placement in or near gull nests. Do not apply additional treated bread cubes unless gulls consume at least 75% of the previously applied treated bread cubes in a 12 hour period. The number of treated bread cubes used each application may not exceed 5 times the total number of gulls remaining to be controlled at that location. Make more than 10 applications at individual nesting colonies.

APPLICATION DIRECTIONS: In Gulls' Feeding Areas at Airports, Industrial Sites, Dumps, Landfills, and Noncrop Areas: With gloved hands, hand broadcast or place treated bread cubes in the same areas where untreated bread cubes were accepted by gulls during the prebaiting period. Do not apply additional treated bread cubes unless gulls consume at least 75% of the previously applied treated bread cubes in a 12 hour period. The number of treated bread cubes used each application may not exceed 5 times the total number of gulls remaining to be controlled at that location. Make more than 10 applications at the same feeding site.

POST TREATMENT: Retrieve and properly dispose of treated bread cubes that are not accepted or are regurgitated by gulls within 12 hours after each application. Dispose of treated bread cubes by burial or other allowed means. Within 72 hours after each toxic bait application, search treated areas and other locations frequented by target gull populations and remove all carcasses found. Dispose of gull carcasses in accordance with applicable State and Federal laws. Carcass collections should not be made in areas where human entry would adversely affect nontarget species and their breeding efforts, unless the carcasses themselves also pose risks to nontarget species.

BEST AVAILABLE COPY