

56228-17

10/26/2009

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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

Attention: Dr. Kenneth R. Seeley

332 5-860921  
1300  
Decision #  
422159

**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.

**Questions** If you have questions about this letter, please contact me at 703-305-5407 (phone); 703-308-0029 (fax); or [peacock.dan@epa.gov](mailto:peacock.dan@epa.gov) (E-Mail).

Sincerely,



Daniel B. Peacock, Biologist  
Insecticide-Rodenticide Branch  
Registration Division (7504P)

**File** Dan Peacock, Flash Drive, 16gb, E:\4G  
**Location** Dan\Doc\Word\Notifications\Letters\DPeacock\56228-10, -17, -28,  
-29, -30, 8-20-2009, ltr 10-23-2009.doc



United States  
Environmental Protection Agency  
Washington, DC 20460

<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 56228-10, -17, -28, -29, and -30	2. EPA Product Manager PM# 07	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)	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 _____	
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		

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.

NOTIFICATION  
OCT 26 2009

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:				2. Type of Container	
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	Metal Plastic Glass Paper 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
<b>Certification</b> 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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Chief, Environmental Services	
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.

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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:  
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.



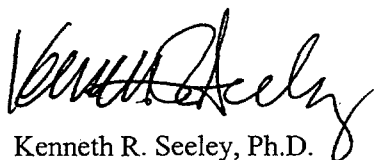
**APHIS** *Safeguarding American Agriculture*  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

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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](mailto: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, eyewear, and respiratory protection as listed under "Personal Protective Equipment." Wash thoroughly with soap and water after handling and before eating 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.

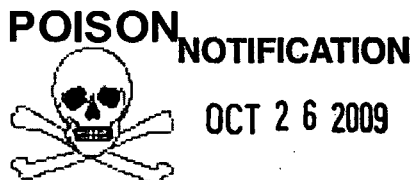
**COMPOUND DRC-1339  
CONCENTRATE - GULLS**

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**



**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. 56228-17  
California Reg. No 56228-17-AA  
EPA Est. No. 56228-1D-1  
Net Contents: \_\_\_\_\_

Batch Code No.: \_\_\_\_\_

## 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 list below) in 1 to 3 days. As many types of nontarget birds 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.

### USE RESTRICTIONS:

Baits made from Compound DRC-1339-Gulls may be used to control the species of gulls listed under "**TARGET SPECIES**" under conditions described in these **DIRECTIONS FOR USE**. 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 that are to be protected; or (2) close to areas where target species of 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 readily be resolved by other means.

All baits made from this product must consist of bread cubes treated as indicated under **BAIT PREPARATION**.

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 for broadcast baits or other pesticides. Users of this product must follow all limitations indicated on this label regarding the placement of treated baits.

## DIRECTIONS FOR USE (continued)

Before baits made from this product are applied, sites that are to be treated **must be observed** for evidence of nontarget activity and **must be prebaited** (see specific instructions for these activities). **DO NOT** apply treated baits where they might be consumed by Endangered or Threatened Species. **DO NOT** apply treated baits within 50 feet of permanent manmade or natural bodies of water.

**DO NOT exceed a maximum application rate of 0.1 lb of active ingredient per treated acre (per treatment)**. That rate is roughly equivalent to bait densities of 5 treated cubes per 100 ft<sup>2</sup> and 2200 treated cubes per treated acre.

**DO NOT** apply baits made from this product in any way that could contaminate materials to be used as human food or animal feed. **DO NOT** use treated baits as food or feed. **DO NOT** store, apply, or even temporarily place treated bread cubes in locations accessible to children, pets or domestic animals.

**DO NOT** apply bait in a way that will contact workers or other persons. Only protected handlers may be in the area during bait application. Exclude all unauthorized persons from application sites during prebaiting and baiting.

### ENTRY RESTRICTIONS:

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

### TARGET SPECIES:

Baits made from this product may be used to control the following species of gulls:

- 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.

## DIRECTIONS FOR USE (continued)

### PRETREATMENT OBSERVATIONS:

Prior to application of treated bait to any problem area, carefully observe feeding habits of target species to locate their preferred feeding sites which can be baited in accordance with this label, determine the optimum time of day for applying bait, and evaluate the potential for hazards of the application to desirable or protected animals. **DO NOT** apply bait in areas where there is danger of consumption by Threatened or Endangered species.

### PREBAITING:

All potential use sites must be prebaited with untreated bread cubes before bread cubes treated with Compound DRC-1339-Gulls are introduced. Prebaiting is necessary to promote rapid acceptance of treated bread cubes by target species of gulls and to ascertain potential for bait acceptance by nontarget species. The number of untreated bread cubes exposed must not exceed five times the number of gulls that are to be controlled at that location. Do not apply treated bread cubes unless target gulls consume at least 75% of the untreated bread cubes 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-Gulls into 1 lb (454 gm) of melted stick margarine. Spread 0.5 oz (1 tablespoon or 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-DRC-1339 Baits**" for transportation or distribution.

Stability: Apply treated bread cubes within 12 hours after the time they were prepared. Unused treated bread cubes that have been exposed to direct sunlight or heat in excess of 100°F (43°C) for more than 1 hour should be used immediately or disposed of as pesticide waste.



## DIRECTIONS FOR USE (continued)

### APPLICATION DIRECTIONS:

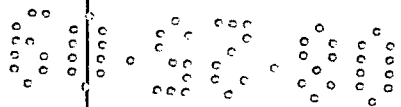
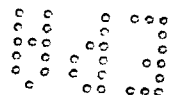
**In Target Gulls' Nesting Colonies:** With rubber-gloved hands, hand broadcast or place treated bread cubes in the same areas where untreated bread cubes were accepted by gulls during the prebaiting period. Initial applications may be broadcast by hand or hand-placed in nesting colonies or sites; but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

**In Gull's Feeding Areas at Airports, Industrial Sites, Dumps, Landfills, and Noncrop Areas:**

With rubber-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 within a 12-hour period. The number of treated bread cubes used in each application may not exceed 5 times the total number of gulls remaining to be controlled at that location. Make no more than 10 applications at the same feeding site.

### POST TREATMENT CLEAN UP:

Retrieve and properly dispose of all 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 all gull carcasses in accordance with applicable State, Federal and local laws and regulations. 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.



## 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