

56228-20

01/28/2010

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

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 28 2010

Mr. Kenneth Seeley, Chief
Environmental Services
Policy and Program Development
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 149
Riverdale, MD 20737-1237

Dear Mr. Seeley:

Subject: 0.5% Strychnine On Oats For Hand-baiting Pocket Gophers
EPA Registration Number: 56228-20
Notification Application Dated August 20, 2010, plus e-mail submissions of
October 29, 2009, November 3, 2009, November 6, 2009, and January 27, 2010

Dear Mr. Seeley:

The Agency has received your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4, dated August 20, 2010, for the product 0.5% Strychnine On Oats For Hand-baiting Pocket Gophers, EPA Reg. No. 56228-20. The Registration Division (RD) has reviewed this request and finds that the action requested does not fall within the scope of PR Notice 2007-4.

The "CONTAINER DISPOSAL:" text proposed for this product calls for shaking and tapping the sides of the container "to loosen clinging particles" and commands users to "Empty residue into application equipment." This product is to be applied either with a spoon or a bait-dispensing probe. Emptying the last bits of residue into either of these types of equipment could be an unsafe operation that would risk exposure of the applicator and the immediate environment to toxic bait and fine particles associated with the product. Consequently, the proposed text is not accepted.

Via conversations and exchanges of e-mail messages between Stephanie Stephens of your agency and me, various alternative statements have been discussed. As none of these statements was attached to a full label, these suggestions cannot be processed as Notifications. Instead, the various submissions listed above have been treated, collectively, as an amendment application.

The label submitted on August 20, 2009, for "**0.5% STRYCHNINE ON OATS FOR HAND-BAITING POCKET GOPHERS**" is accepted with the stipulations that it must be modified as required by this letter.

The text of the "**CONTAINER DISPOSAL:**" paragraph must be changed to read and appear as shown below.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Empty the container as much as possible through use of the product as directed by its label. If container is not to be recycled, dispose of bag in a sanitary landfill or by incineration, if allowed by State and local authorities.

This text will have to be adjusted if containers other than bags are to be used with this product at some future time.

Change the first sentence directly under the heading "**HOT LINE NUMBER**" to read

Have the product container or label with you when calling a poison control center or doctor, or when going for treatment.

In the first paragraph under "**PERSONAL PROTECTIVE EQUIPMENT (PPE)**", change "and pants" to "and long pants". Make the same change in the second paragraph under "**PERSONAL PROTECTIVE EQUIPMENT (PPE)**".

In the first sentence of the second paragraph under "**PERSONAL PROTECTIVE EQUIPMENT (PPE)**", replace "When loading more than 3 lbs (1.4 kg) of bait into mechanical application equipment" with "When loading a bait-dispensing probe".

Submit two (2) copies of the final printed label before you release the product for shipment bearing the revised labeling.

A stamped copy of the label is enclosed for your records.

The label for "**0.5% STRYCHNINE ON OATS FOR HAND-BAITING POCKET GOPHERS – NEVADA ONLY**", which also was submitted on August 20, 2009, is not accepted. Section 24(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) prohibits States from imposing or continuing label requirements which differ from those required under FIFRA. 40 CFR §156.10(j) stipulates that the same registration number cannot be used on labels which bear and lack "Restricted Use Pesticide" classification text. The State of Nevada may elect to restrict sale and use of the 56229-19 product within the State, but the label used there may not reclassify the product under FIFRA.

If you have any questions regarding this letter, you may reach me by phone at 703-305-6406, by FAX at 703-308-0029, or via e-mail at jacobs.bill@epa.gov.

Sincerely,



William W. Jacobs
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs

**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 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 (HEPA, high frequency particulate aerosol) 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.

USER SAFETY RECOMMENDATIONS

Remove clothing immediately if pesticide gets inside. Wash thoroughly before putting on clean clothes.

Remove PPE immediately after handling this product. Wash the outside of waterproof 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.

**0.5% STRYCHNINE
ON OATS FOR HAND-BAITING POCKET
GOPHERS**

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.

SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS

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.

**ACCEPTED
With COMMENTS
In EPA Letter Dated:**

JAN 28 2010

**Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:**

56228-20

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION
SERVICE

4700 River Road, Unit 149

Riverdale, MD 20737

EPA Reg. No. 56228-20

California Reg. No. 56228-20-AA

EPA Est. No. 56228-ID-1

Net Weight ____ lbs.

Batch Code No. _____

Revised 08/2009

Page 1 of 2

4/5

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 manual, below-ground applications to pocket gophers' burrow systems located in rangelands, pastures, croplands, forests, and non-agricultural areas to control plains pocket gophers (*Geomys bursarius*), desert pocket gophers (*Geomys arenarius*), 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 Camas pocket gophers (*Thomomys bulbivorus*). Bait must be placed directly into pocket gophers' underground burrow systems. Do not apply this product by use of a mechanical burrow builder. Do not apply this product at residential sites.

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.

SEE NEXT PANEL FOR ADDITIONAL DIRECTIONS FOR USE

DIRECTIONS FOR USE (Continued from previous panel)

BAITING: Make at least two bait sets per active burrow system. Additional sets, up to seven per system, may be needed for systems with large numbers of mounds. Depending upon pocket gopher population levels, one pound of bait will treat one to eight acres when applied by hand. Apply this product using either of the methods described below.

Probe Method: Pocket gophers' fan-shaped dirt mounds have a horseshoe-shaped depression or burrow plug on the flat side of the fan. Locate gophers' main underground runway by using a gopher-probe product, a rod, or a smooth strong stick to probe the ground surrounding the mound. Begin probing on the plug side, about a foot away from the mound. The optimum probing distance may vary from species to species and place to place. When soil resistance against the probe decreases abruptly, the main runway has been entered.

Remove probe and enlarge probe hole slightly if necessary to accommodate baiting. Deposit one teaspoonful of bait through probe hole and into main runway. If a bait-dispensing probe is used, deposit a teaspoon amount of bait through the probe before removing it. Cover probe hole with dirt and other materials, taking care not to let soil cover bait. Immediately collect and remove any bait that spills on the ground surface.

Lateral Tunnel Method: Remove plug from the flat side of the burrow fan. Using a long-handled spoon, insert one teaspoonful of bait into the main runway system. Close the tunnel with soil. Do not permit soil to cover bait. Immediately collect and remove any bait that spills on the ground surface.

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: ~~Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available.~~ Completely empty container by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. ~~If container is not to be recycled, dispose of bags in a sanitary landfill or by incineration if allowed by State and local authorities.~~