

56228-28

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

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

332 5-857397
1300
Decision #
419593

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.

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0080



	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 56228-10, -17, -28, -29, and -30	2. EPA Product Manager 	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)	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: 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.

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	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	If "Yes" Unit Packaging wgt.	No. per container
* Certification must be submitted		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
Certification 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	(Stamp area)
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

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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.



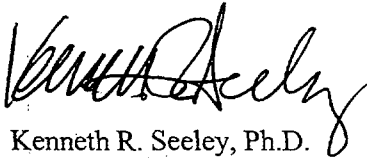
Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

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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.

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, protective 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 – PIGEONS**

For control of pigeons causing health, nuisance, or economic problems in and around structures or in non-crop areas.

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
POISON
NOTIFICATION**



OCT 26 2009

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 equipment washwaters or rinsate.

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. 56228-28
California Reg. No. 56228-28-AA
EPA Est. No. 56228-ID-1
Net Contents: _____

Batch Code No.: _____

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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 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 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 pigeons in 1 to 3 days. As many types of nontarget bird species 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-Pigeons may only be used to control feral pigeons (*Columba livia*) in roosting or loafing areas on flat rooftops, or within fenced areas from which the public, pets, domestic animals, and most non-avian wildlife can be excluded during the time that toxic bait is used. Bait may only be applied in areas where nontarget species are seldom encountered and have not been detected to have fed upon prebait. Do not place baits at sites where peregrine falcons have been observed or known to prey upon pigeons.

DO NOT apply treated baits where they might be consumed by Threatened or Endangered Species. To avoid potential for poisoning the Endangered Species listed below, use of this product is prohibited in the following areas:

<u>Species</u>	<u>Prohibited Area</u>
Yellow-shouldered blackbird	Puerto Rico
Puerto Rican plain pigeon	Puerto Rico

All baits made from this product must consist of whole-kernel corn 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 to 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 within 50 feet of permanent manmade or natural bodies of water.

DO NOT exceed a maximum application rate of 0.05 lb of active ingredient per treated acre. That rate is equivalent to 25 lbs/acres of a 1:1 dilution of properly treated whole-kernel corn with untreated whole-kernel corn.

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 bait in locations accessible to children, pets, or domestic animals.

DO NOT apply bait in a way that will contact workers or other persons.

ENTRY RESTRICTIONS:

Keep persons other than authorized handlers, as well as pets and livestock, away from the bait at all times. Only protected handlers may be in the area during bait application. Exclude all unauthorized persons from application sites during prebaiting and baiting.

PRETREATMENT OBSERVATIONS:

Before exposing treated baits, carefully observe target pigeon populations thoroughly to determine relative number of birds present, their feeding habits, their preferred feeding locations or their preferred "staging" areas, their daily activity patterns, and the relative abundance of nontarget species at various locations routinely visited by target populations. Observe birds throughout the day. During these observations, note desirable sites for bait exposure. These sites will be areas where target populations can be baited efficiently and where nontarget species are unlikely to feed.

PREBAITING:

All potential use sites must be prebaited with untreated whole-kernel corn before corn treated with Compound DRC-1339-Pigeons is applied. Prebaiting is necessary to promote rapid acceptance of corn baits by pigeons and to further ascertain the potential for bait acceptance by nontarget species.

DIRECTIONS FOR USE (continued)

PREBAITING (continued):

After daily activity patterns of birds have been determined and appropriate baiting locations selected, apply untreated whole-kernel corn prebait on rooftops, in bait containers, or on bare ground (within fenced areas) at rates not to exceed 25 lbs/acre (0.28 kg/100 m²). Prebait for 3 to 7 days or until prebait is generally well accepted. Change prebaiting locations if necessary to achieve good acceptance. Do not apply toxic bait at sites where prebait has not been accepted well or where nontarget species have been observed eating prebait.

BAIT PREPARATION:

Mix toxic bait on site (if possible) just prior to application. Screen corn to remove small particles. Use whole-kernel corn as the carrier for the toxicant.

WHOLE-KERNEL CORN:

1. Dissolve 0.6 oz (17 gm) of this product in 0.8 pint (380 ml) of warm potable water or 0.08 pint (38 ml) of edible oil at 110 °F (43 °C).
2. Pour the liquid mixture over 10 lbs (4.5 kg) of screened whole corn. Mix or tumble slowly until mixture is distributed evenly over the corn.
3. Allow bait to dry. Keep bait out of direct sunlight to inhibit discoloration and degradation.
4. Dilute treated corn with untreated whole-kernel corn at rates of one part treated corn to one-to-five parts untreated corn.

Apply bait within seven days of the date of its preparation.

APPLICATION DIRECTIONS:

Wear rubber gloves when handling bait. Dispense or hand-broadcast bait using a scoop or other appropriate utensil. Collect uneaten prebait and substitute the mixture of treated and untreated whole-kernel corn at locations where prebait was accepted well by pigeons and where nontarget species have not been observed eating prebait. Apply bait at the rate at which prebait was accepted, but do not exceed a rate of 25 lbs of diluted bait per acre or 0.05 lbs of active ingredient per acre. Expose bait in the same manner that was used for prebaiting. Bait acceptance may be greatly enhanced in winter applications if bait is applied when pigeons' natural feeding areas are covered by snow. Continue bait exposure until control is attained, or nontarget species begin to feed upon the bait.

POST TREATMENT CLEAN-UP:

Retrieve all bait from bait dispensers and as much of the hand-broadcast bait as possible and dispose of it properly. Dispose of treated corn by burial or other allowed means. Within 72 hours after toxic bait application, search treated areas and other areas frequented by target pigeon populations and remove all carcasses found. Dispose of carcasses in accordance with applicable State, Federal, and local laws and regulations. As this product is relatively slow acting, most birds will die away from the baited area.

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.

