

56228-29

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

332 5-857398
1300

Attention: Dr. Kenneth R. Seeley

Decision #
419594

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.

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060



United States
Environmental Protection Agency
Washington, DC 20460

 Registration
 Amendment
 Other

OPP Identifier Number

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: <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 NOTIFICATION

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

OCT 26 2009

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
* Certification must be submitted	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container	Other (Specify) _____
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	
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.



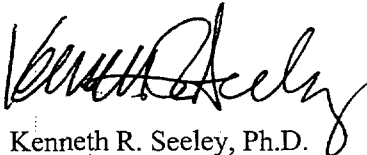
Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

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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, drinking, 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 –
Livestock, Nest & Fodder Depredations**

For control of crows, ravens, and magpies that prey on newborn livestock, that prey on eggs or the young of Federally-designated Threatened or Endangered Species or of other species designated to be in need of special protection, or that damage and feed on the contents of silage/fodder bags.

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 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. 56228-29
California Reg. No. 56228-29-AA
EPA Est. No. 56228-1D-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 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 birds 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-Livestock, Nest & Fodder Depredations may only be used to control the following species: common raven (*Corvus corax*), Chihuahuan raven (*Corvus cryptoleucus*), American crow (*Corvus brachyrhynchos*), Black-billed magpie (*Pica pica*), and Fish Crow (*Corvus ossifragus*). This product may be used to prepare egg or meat-cube baits to control the target species listed above in the following use sites:

- rangeland and pastureland areas where ravens or crows prey upon newborn livestock;

- refuges or other areas where ravens or crows prey upon the eggs and/or young of Federally-designated Threatened or Endangered Species, or upon the eggs and young of other species which Federal or State wildlife agencies have determined to be in need of protection from nest predators due to documented declines in numbers and/or in nesting success; or

- within 25 feet of silage/fodder bags that have been damaged or are likely to be damaged by crows, ravens, or black-billed magpies.

Baits must be prepared and 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 and monitoring 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 there is a danger that Threatened or Endangered Species will consume baits unless special precautions are taken to limit such exposures. Such precautions shall include constant observation of baited sites and use of hazing tactics to frighten away Threatened & Endangered Species that otherwise might feed upon baits.

DO NOT apply treated baits within 50 feet of permanent manmade or natural bodies of water, unless baited sites are under constant observation while baits are exposed.

DO NOT exceed a maximum application rate of 0.083 lbs of active ingredient per treated acre. That rate is equivalent to 18 treated-egg baits or at least 5 bait sets applied over an area of 400 ft² surrounding an animal carcass draw station.

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 use silage that has spilled from silage bags as livestock feed.

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 applying treated baits in any problem area, carefully observe target birds' feeding habits to locate their preferred feeding sites, determine the optimum time of application, and evaluate potential hazards of the application to desirable and/or protected animal species. DO NOT apply bait(s) in areas where there is danger of consumption by Threatened or Endangered species.

PREBAITING:

Prebaiting with untreated bait materials (or use of a draw station) is necessary to promote feeding by target species and to assess potential for exposure of nontarget species. Apply prebait using the same procedures that are prescribed below for the type of bait (EGG BAITS or MEAT BAITS) that is to be used for toxic baiting.

DIRECTIONS FOR USE (continued)

MEAT BAITS

MEAT BAIT PREPARATION:

1. Mix 0.75 gm (0.027 oz) of this product with 5.0 gm (0.18 oz) of powdered sugar.
2. Pour or sprinkle concentrate-sugar mixture over 200 meat cubes that measure about 1.3 cm (1/2 in) on each side.
3. Mix or tumble bait slowly until all meat cubes appear to be evenly covered.

MEAT BAIT APPLICATION:

Control of crows, magpies, and ravens with meat baits prepared from this product is limited to the sites indicated above under USE RESTRICTIONS. Wear rubber gloves while handling baits. Place no more than 75 meat cube baits at each baited site. Place 5 to 10 baits in clusters over an area not to exceed 1000 ft² (93 m²) where control of ravens, magpies, and/or crows is to be affected. Draw stations (fresh, unpoisoned animal carcasses) may be needed to attract ravens, magpies, and/or crows to the locations selected for bait exposure. If draw stations are used, place meat baits on or within a few feet of the animal carcasses.

WHILE TREATED MEAT BAITS ARE EXPOSED, BAITED AREAS MUST BE OBSERVED CONTINUOUSLY FROM A DISTANCE OF NO MORE THAN 1000 YARDS (914 m) TO DETECT APPROACHES BY THREATENED OR ENDANGERED SPECIES AND OTHER DESIRED OR PROTECTED ANIMALS LIKELY TO EAT BAITS. Flush such nontarget animals away from treated baits by use of non-injurious methods. Because of wariness of target bird species, it may be necessary to observe baits from behind natural or specially-constructed blinds.

Unconsumed bait cubes must be retrieved daily, at the conclusion of each observation period and no later than one hour after sunset. Dispose of retrieved baits in accordance with applicable State and Federal laws.

EGG BAITS

EGG BAIT PREPARATION:

1. Dissolve 2 gm (0.07 oz) of the product in 100 ml (0.2 pt) of warm potable water at 43.3°C (110°F) to make an approximately 2% solution; or dissolve 4 gm (0.14 oz) of the product in 100 ml (0.2 pt) of warm potable water at 43.3°C (110°F) to make an approximately 4% solution; or in other proportions to produce a 2% or 4% solution.
2. Using a 18-gauge hypodermic needle or similarly-sized implement, make an entry hole in the end of each hard-boiled chicken, turkey, or duck egg to be used. Using a syringe and a 20-gauge hypodermic needle, slowly inject 1 ml of the 2% solution (or 0.5 ml of the 4% solution) into the yolk of each egg.

Make only enough solution to treat the desired number of eggs. Mark treated eggs with small skull and crossbones or the word POISON.

DIRECTIONS FOR USE (continued)

EGG BAITS (continued)

EGG BAIT APPLICATION:

Control of crows, magpies, and ravens with egg baits prepared from this product is limited to the sites indicated above under **USE RESTRICTIONS**. Place all egg baits to be used at one baited site within 25 ft (7.6 m) of the center of the site or within 25 ft of any silage/fodder bags that are to be protected. Place 1-4 eggs in each bait set, and do not use more than a total of 18 eggs per baited site. If a **draw station** (fresh, unpoisoned animal carcass) is used, all bait sets must be located at least 10 ft (3 m) from the carcass. Wherever practical, bait sets should be made in "**dummy**" nests created by making small depressions in the ground. Dummy nests may be partially hidden by vegetation or other debris. In other situations, eggs may be placed on **elevated wooden platforms** 1ft² to 2 ft² in area. Eggs placed on platforms must be restrained by wire to prevent them from falling off platforms or being removed by birds. Apply 2-3 eggs per platform.

DO NOT USE MORE EGGS THAN ARE NEEDED TO EFFECT CONTROL, as ravens and crows tend to cache surplus food.

Observe baited areas (from blinds) early in prebaiting or baiting period to determine whether nontarget species are approaching egg baits. Haze away Threatened or Endangered species that might be at risk from baits. Remove baits if such Threatened or Endangered Species continue to approach them.

Re-bait with additional treated eggs when more than 50% of the treated eggs offered have been removed by ravens, magpies, or crows. When replacing baits, take care not to frighten target birds actively removing or feeding upon eggs. Retrieve unconsumed treated eggs within 7 days of exposure. Old treated eggs and treated eggs not eaten by the time control operations cease must be disposed of in accordance with applicable State and Federal laws.

POST-TREATMENT CLEAN UP (Meat and Egg Baits):

Collect unconsumed and leftover meat or egg baits and carcasses of dead or dying birds. Dispose of such baits and carcasses by burning or burial, as authorized by applicable laws and ordinances.

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