

56228-30

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 5-857399  
1300

Attention: Dr. Kenneth R. Seeley

Decision #  
419595

**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.



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
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
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.



4/9

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.

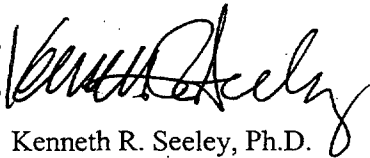


*Safeguarding American Agriculture*  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

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, 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, 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 – STAGING AREAS**

*For bird control in non-crop staging areas associated with roosts*

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**



**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 Threatened or Endangered species. **DO NOT** apply in areas where the product may be consumed by Threatened or Endangered species.

**UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

4700 River Road, Unit 149  
Riverdale, MD 20737  
EPA Reg. No. 56228-30  
California Reg. No. 56228-30-AA  
EPA Est. No. 56228-ID-1  
Net Contents: \_\_\_\_\_

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

b/c

## 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 precautionary statements, 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 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 lists below) 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 this product may only be used in noncrop "staging areas" associated with nighttime roosting sites and may only be used to control the types of blackbirds, cowbirds, grackles, and starlings that are specifically listed on this label. Staging areas where baits may be applied are limited to stubble fields, harvested dormant hay fields, open grassy or bare-ground noncrop areas, roads, roadsides, rooftops, industrial and commercial structures, and secured parking areas. Baits must be prepared and applied as specified on this label. Baits made from this product must be prepared with one of the following grain components: brown rice, rolled barley, cracked corn, or poultry pellets. **DO NOT** apply baits made from this product by air. **DO NOT** apply baits made from this product to orchards.

Users of this product must follow all limitations on this label regarding the application of treated baits in staging areas. **DO NOT** use treated baits as food or feed. **DO NOT** graze animals on treated areas for 365 days following the last bait application. **DO NOT** apply treated baits in any way that could contaminate food or feed crops, or that would allow bait to be consumed by livestock. **DO NOT** apply treated baits within 50 feet of bodies of water.

## 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 **prebaited** (see specific instructions for these activities). **DO NOT** apply bait(s) in areas where there is danger of consumption by Threatened or Endangered species.

**DO NOT exceed a maximum application rate of 0.1 lb of active ingredient per treated acre per treatment or a maximum yearly application rate of 0.5 lb of active ingredient per acre.** An application rate of 0.1 lb of active ingredient per acre is consistent with use of a barley or a cracked corn bait that is 1.9% active ingredient, diluted 1:10 with untreated baits, and applied at a rate of 58 lbs of diluted bait per treated acre. That rate is also consistent with use of a brown rice bait that is 1.9% active ingredient, diluted 1:25 with untreated bait, and applied at a rate of 137 lbs of diluted bait per treated acre (See **FORMULATION DIRECTIONS** and **APPLICATION DIRECTIONS**).

Do not apply bait in a way that will contact workers or other persons.

**Rotational Crop (Plantback) Restrictions:** After last application of bait, the plantback intervals are: rice, wheat, corn, and barley (15 days); sunflower and soybeans (30 days); and other crops (365 days).

### 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.

### Target Species:

Boat-tailed grackle (*Quiscalus major*)  
Brown-headed cowbird (*Molothrus ater*)  
Common grackle (*Quiscalus quiscula*)  
Great-tailed grackle (*Quiscalus mexicanus*)  
Red-winged blackbird (*Agelaius phoeniceus*)  
European starling (*Sturnus vulgaris*)

## DIRECTIONS FOR USE (continued)

When mixed in flocks with one or more of the species listed above, the following species also shall be considered to be target species: common crow (*Corvus brachyrhynchos*), black-billed magpie (*Pica pica*), Brewer's blackbird (*Euphagus cyanocephalus*), rusty blackbird (*Euphagus carolinus*), tri-colored blackbird (*Agelaius tricolor*), and yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

### PRETREATMENT OBSERVATIONS:

Prior to application of treated bait to any problem area, carefully observe habits of target birds to (1) determine their relative numbers, (2) locate the staging areas which can be baited in accordance with this label, (3) determine the optimum time of day for applying bait, and (4) evaluate the potential for hazards of the application to desirable and protected species.

### SELECTING BAIT MATERIALS:

Use only cracked corn, rolled barley, brown rice, or poultry pellets as the grain component of the bait. Poultry pellets and cracked corn generally are accepted by starlings. Cracked corn, brown rice, and rolled barley generally are accepted by blackbirds.

If you are uncertain as to which bait material to select, expose the target population to small amounts of two or more of the following: cracked corn, rolled barley, brown rice, or poultry pellets to determine a suitable bait material.

## DIRECTIONS FOR USE (continued)

### PREBAITING:

Prebaiting with untreated bait material of the type to be used to toxic baiting is required. Apply prebait at the locations that are to be used for toxic baiting using the same application method and application rate that is to be used for toxic baiting (see **APPLICATION DIRECTIONS**).

Expose prebait for 3-7 days or until prebait is generally well accepted. Change prebaiting locations within staging area if necessary to achieve good acceptance by target species or if nontarget species have been observed eating the prebait. **DO NOT** apply treated bait at sites where prebait has not been well accepted by target species or where nontarget species have been observed eating prebait.

### BAIT PREPARATION:

**Screening:** Prepare all grain and pelleted baits for treatment by screening through a commercial sieve of grade "Y" (hole size 6/64 inch round) to remove small particles and dust.

**Mixing Bait:** Prepare baits in the amounts shown below:

#### Cracked Corn or Rolled Barley (1.9% bait) -

92 g (3.2 oz.) Compound DRC-1339 Concentrate  
400 ml (14 oz.) warm potable water  
4.5 kg (10 lbs.) rolled barley  
Add up to 30 ml (1 oz) of a binding agent (lecithin oil, latex, or polyvinyl acetate) if needed

#### Brown Rice (1.9% bait) -

92 g (3.2 oz.) Compound DRC-1339 Concentrate  
10 ml (0.3 oz.) edible oil  
30 ml (1 oz) Alcollec-S  
4.5 kg (10 lbs) brown rice

#### Poultry Pellets (0.9% - 1% bait) -

46 g (1.6 oz.) Compound DRC-1339 Concentrate  
400 ml (14 oz.) warm potable water  
4.5 kg (10 lbs) poultry pellets

Prepare baits as follows:

1. Dissolve or suspend Compound DRC-1339 Concentrate - Staging Areas in warm potable water or edible oil warmed to 110°F (43°C);
2. Add binding agents as indicated above for the bait formulation selected;
3. Pour the liquid mixture over the bait material selected;
4. Mix or tumble slowly until liquid mixture is distributed evenly over the bait; and
5. Air dry bait at ambient temperature.

## DIRECTIONS FOR USE (Continued)

### BAIT STORAGE:

If treated baits are stored under cool and dry conditions, they may be used for up to 30 days after preparation. Use diluted baits (see below) within 7 days after preparation. Immediately use treated or diluted baits that have been exposed to sunlight or heat in excess of 110°F (43°C) following preparation, or dispose of them as pesticide waste.

### DILUTING BAIT:

Dilute treated baits with untreated, similar grain materials to reduce the possibility that any nontarget bird will ingest more than one toxic particle and to allow more individuals of the target species to consume toxic bait particles. For the baits that may be prepared using this product, the dilution ratios shown below are required.

Bait Material	Ratio of Treated to Untreated Particles
rolled barley, cracked corn, or poultry pellets	1 treated to 10 or more untreated particles
brown rice	1 treated to 25 or more untreated particles

### APPLICATION DIRECTIONS:

Wear rubber gloves when handling bait. Use a scoop or other appropriate utensil when manually applying or loading bait application equipment. Apply bait according to one of the methods described below.

#### 1. Feeding Stations

Place up to 10 lbs in one or more retrievable feeding stations. Place feeding stations in locations within staging areas which appear most likely to selectively attract target species in large numbers. Use the area of the baited portion of the staging area to calculate the per-acre rate. If only one feeding station is used or if stations are more than 140 yards apart, count one acre of treated area for each station used.

Replace diluted bait if 75% or more of the amount originally placed has been consumed, if 0.4 inches (10 mm) of precipitation has fallen, or after 7 days of exposure to birds. Do not replenish bait if target species are no longer present or are no longer feeding on bait. Do not exceed the application rate limits specified below.

## DIRECTIONS FOR USE (Continued)

#### 2. Mechanical broadcasting

Broadcast bait using ground-based equipment calibrated so as not to exceed the application rate limits specified below. Apply bait to (alternate) swaths 20-50 feet wide that are spaced at least one swath width (20-50 feet) apart. Do not apply bait by use of aircraft.

Re-treat the same swaths or treat previously untreated swaths if 75% or more of the amount originally placed has been consumed, if 0.4 inches (10 mm) of precipitation has fallen, or after 7 days of exposure to birds. Do not replenish bait if target species are no longer present or are no longer feeding on bait. Do not exceed the application rate limits specified below.

#### 3. Manual broadcasting

Wearing rubber gloves, manually broadcast at a rate suitable for the level of target bird pressure but not exceeding the application rate limits specified below. Apply bait to (alternate) swaths 20-50 feet wide that are spaced at least one swath width apart.

Re-treat the same swath or bait previously untreated swaths if 75% or more of the amount originally placed has been consumed, if 0.4 inches of precipitation has fallen, or after 7 days of exposure to birds. Do not replenish bait if target species are no longer present or are no longer feeding on bait. Do not exceed the application rate limits specified below.

**Application Rates:** Regardless of the application method selected, do not make any treatment which exceeds rates of 58 lbs/treated acre of cracked corn or rolled barley baits, 110 lbs/treated acre of diluted poultry pellet bait, or 137 lbs/treated acre of diluted brown rice bait. Do not make more than 5 treatments per year to any one treated area.

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## DIRECTIONS FOR USE (Continued)

### POSTTREATMENT CLEAN-UP

Beginning one day after bait application, search treated staging area, immediate surrounding areas, and known roost sites (if accessible). Collect carcasses of dead or dying birds and bury or burn them, according to applicable laws. Repeat carcass searches at 1-2 day intervals as long as bait is exposed and likely to remain toxic.

At the end of the baiting period, recover as much unconsumed bait material as possible and dispose of it in accordance with this label and applicable Federal, State and local laws.

### 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.