

72500-12

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

January 12, 2010

Scimetrics Ltd.
c/o RegWest Company, LLC
30856 Rocky Road
Greeley, CO 80631-9375

300 5-860 243
1165

Doc #
422176

Attention: Ms. Kim Davis

Subject Kaput® -D Burrow Builder Pocket Gopher Bait
EPA Reg. No. 72500-12
Your amended application of October 13, 2009

Purpose This submission proposes the following label changes: adding marketing copy/graphics, updating disposal directions, and revising warranty text, under sec 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Labeling The labeling submitted with the above letter, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is acceptable, provided you submit one (1) copy of final printed labeling to us, with the following changes, before you ship your product.

1. Revise the "Note to Physician ... may be necessary." section as follows:

TREATMENT FOR PET POISONING
If animal eats bait, call veterinarian or 1-800-xxx-xxxx
[optional] at once.

NOTE TO PHYSICIAN OR VETERINARIAN
Contains the anticoagulant Diphacinone. If swallowed, this material may reduce the clotting ability of the blood and cause bleeding. For humans or animals ingesting bait and/or showing poisoning signs (bleeding or elevated prothrombin times), give Vitamin K₁.

Labeling-continued

2. Under “**Storage and Disposal**” delete text after “incineration.”
3. Under “**WARRANTY DISCLAIMER**”, add “**TO THE EXTENT CONSISTENT WITH APPLICABLE LAW**” before sentence beginning with “**UNINTENDED CONSEQUENCES**”.
4. Delete text on “**TANK MIXES**” (“**USES WITH ... specially recommended**” as it does not apply to rodent baits.

Existing stocks

Stocks of existing labels may be used for eighteen (18) months.

Consequence for non-compliance

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Questions

If you have questions about this letter, please contact me at 703-305-5407 (phone) or peacock.dan@epa.gov (E-Mail).

Sincerely,



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

Enclosure 1

Minimum Type Sizes for Final Printed Labels

File Location

Dan Peacock, Flash Drive, 16gb, E:\4G
Dan\Doc\Word\Diphacinone\72500-12\72500-12, 10-13-2009 app, mar graphics -claims, disp, war, 1-12-2010.doc

RESTRICTED USE PESTICIDE
Due to Hazard to Nontarget Species
For retail sale to, and use only by, Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.

Kaput®-D Burrow Builder Pocket Gopher Bait

Active Ingredient:	
Diphacinone (CAS No. 82-66-6)	0.005%
Other Ingredients	<u>99.995%</u>
Total	100.000%

Keep Out of Reach of Children
CAUTION
Harmful if swallowed.
See back panel for First Aid and additional Precautionary Statements.

ACCEPTED With COMMENTS
In EPA Letter Dated: **JAN 12 2010**
Under the Federal Insecticide, Fungicide and Rodenticide Act, As amended, for the pesticide Registered under EPA Reg. No:

EPA Reg. No. 72500-12 EPA Reg. No. **72500-12**

Net Weight: ____ lbs. **72500-12**
{25 or 50 lbs.}



[More Than Rodent Management Products]

(Back Panel)

First Aid

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact the National Poison Information Center at 1-800-858-7378 for emergency medical treatment information.

If Swallowed: Immediately call a poison control center or doctor for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

If on Skin or Clothing: Take off contaminated clothing. Immediately rinse skin with plenty of water for 15-20 minutes. Call a poison control center or doctor 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 a poison control center or doctor for treatment advice.

Note to Physician and Veterinarian

This product reduces the clotting ability of the blood and may cause bleeding. If ingested, administer Vitamin K-1 intramuscularly or orally. For human cases, Vitamin K-1 is antidotal at doses of 10-20 mg total (not mg/kg). For animal cases, Vitamin K-1 is antidotal at 2-5 mg/kg. Repeated doses may need to be given up to two weeks (based monitoring of prothrombin times). In severe cases, blood transfusion may be necessary.

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PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals
CAUTION

Harmful if swallowed. Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Thoroughly wash with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Wear long sleeved shirt and long pants, socks and shoes, and chemical-resistant gloves (such as or made out of any waterproof material, selection category A). Wash contaminated clothing prior to reuse.

Environmental Hazards

This product is toxic to fish, birds and other wildlife. Dogs and other predatory and scavenging mammals and birds might be poisoned if they feed upon animals that have eaten this bait. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its label.

Apply this product only for the sites, pests and application methods specified on this label.

Read This Label:

Read this entire label and follow all use directions and use precautions.

IMPORTANT: Do not expose children, pets or other non-target animals to rodenticides. To help prevent accidents:

1. Store product not in use in locations out of reach of children, pets and other animals.
2. Apply bait in locations out of the reach of children, pets, domestic animals and non-target wildlife.
3. Dispose of product container, unused, spoiled and unconsumed bait as specified on this label.

Use Restrictions: For control only of [Kills only] Pocket Gophers (*Geomys* sp. and *Thomomys* sp.) in and bordering crops (alfalfa, forage, hay, vegetables and grains); rangeland; orchards; and non-crop areas (forestry plantations, golf courses and other turf areas, level/ditch banks, nurseries, parks and around agricultural buildings). Do not place bait in areas where there is a possibility of contaminating food or surfaces that come in direct contact with food. Do not apply bait above ground. Remove or bury any bait spilled on the ground during application.

Endangered Species Considerations: Do not use this product within prairie dog towns within the range of the black-footed ferret without first contacting endangered species specialists, U.S. Fish and Wildlife Service, Denver Regional Office. Do not use this pesticide within one mile of active dens of the San Joaquin Kit Fox in the following California counties: Fresno, Kern, Kings, Merced, Monterey, San Benito, Santa Barbara, San Luis Obispo, Tulare and Ventura. Prior to use, contact endangered species specialists at the California Department of Fish and Game or the U.S. Fish and Wildlife Service, Portland Regional Office, for recommendations. To review endangered species within your state and county, log on to www.fws.gov, at the top of the page use the drop down menu to select your region; then select endangered species or ecological services (dependant on the region); next search for the listed species by state or county; review list of endangered species for that area.

Selection of Treatment Areas: Pocket gophers throw out low, fan-shaped mounds of earth from their underground tunnels. The tunnel entrance is plugged with soil and is found near one edge of the mound. The mounds are usually at the end of short lateral tunnels which connect with the main burrow system. The main burrow is typically about 18 inches from the mound and within 10 inches of the surface. A single gopher burrow system will be about 50 feet in diameter.

Application Directions: For use in machine applicators using burrow building equipment: Adhere to manufacturer's instructions for the equipment used to apply Kaput bait. Construct artificial burrows at the same depth as existing gopher tunnels, spaced about 20-30 feet apart. Apply at the rate of 6 to 8 lbs of bait per acre. Apply only when soil conditions allow for the formation of good artificial tunnels. Collect and dispose of spilled bait according to this label.

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in original container in a cool, dry place inaccessible to children and pets. **Pesticide**

Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal

facility. **Container Disposal:** Non-refillable container; do not reuse or refill this container. Offer for recycling, if

available or reconditioning, if appropriate; otherwise, dispose of empty container in a sanitary landfill; or by

incineration; or, if allowed by state and local authorities, by burning (if burned, stay out of smoke).

Lot Number: {Description of where lot number is located}

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER, AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, CROP OR PLANT DAMAGE, OR LOSS OF YIELD, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE WEATHER, WIND, AND TEMPERATURE, OR THE MANNER OF USE OR APPLICATION, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER, AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER OR MANUFACTURER, AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY OTHER REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS. NO WARRANTIES SHALL BE CREATED BY COURSE OF DEALING, USAGE OF TRADE, OR COURSE OF PERFORMANCE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE FACE HEREOF. THE SELLER OR MANUFACTURER ASSUMES NO RESPONSIBILITY THAT THE GOODS WILL BE FIT FOR ANY PARTICULAR PURPOSE FOR WHICH YOU MAY BE BUYING OR USING THE GOODS, EXCEPT AS OTHERWISE PROVIDED IN THE CONTRACT.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NEITHER MANUFACTURER NOR SELLER SHALL BE LIABLE TO BUYER OR USER OR TO CUSTOMERS OF BUYER, IF ANY, FOR INDEMNIFICATION OR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE USE, MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY, SHALL BE FOR DAMAGES NOT EXCEEDING THE PURCHASE PRICE OF THE GOODS AND, IF BUYER OR USER WISHES, THE RETURN OF THE GOODS BY BUYER TO SELLER.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the goods, and return it unopened to the Seller, and the purchase price will be refunded.

By using the goods, you expressly agree to all of the terms and conditions of this contract.

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USES WITH OTHER PRODUCTS (TANK MIXES) If the goods are used in combination with any other product *except as specifically recommended in writing*, then, to the extent consistent with applicable law, Seller or Manufacturer shall have no liability for any crop, plant, or other loss, damage, or injury arising out of its use in any such combination not so specifically recommended.

[Manufactured by:]

S Scimetrics

LTD. CORP.

New Solutions to Old Problems

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Wellington, CO 80549-1045

(970) 482-1330

mole@scimetridsltd.com

[] Denotes alternate/optional language

{ } Denotes language which does not appear on the market label