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Record No.

Review No.

009901

Shaughnessey No.

EEB REVIEW

DATE: IN 8/25/88 OUT 11/3/88

FILE OR REG. NO. 56228-17

PETITION OR EXP. NO. \_\_\_\_\_

DATE OF SUBMISSION July 29, 1988

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RD REQUESTED COMPLETION DATA October 24, 1988

EEB ESTIMATED COMPLETION DATE October 24, 1988

RD ACTION CODE/TYPE OF REVIEW 305

TYPE PRODUCTS(S): I, D, H, F, N, R, S Avicide

DATA ACCESSION NO(S). \_\_\_\_\_

PRODUCT MANAGER NO. Wm. Miller (Steve Palmateer)

PRODUCT NAME(S) 1339 Gull Toxicant

COMPANY NAME USDA (APHIS)

SUBMISSION PURPOSE Proposed label changes including addition of ring-billed to target species and removal of the limitation of use area to northeastern US.

SHAUGHNESSEY NO.	CHEMICAL AND FORMULATION	% A.I.
<u>009901</u>	<u>3-chloro-4-methyl benzenamine HCl</u>	<u>98.0</u>
_____	_____	_____
_____	_____	_____

## EEB Review

### 1339 Gull Toxicant

DRC 1339, CPT-HCl  
3-Chloro-p-toluidine HCl  
3-Chloro-4-methylbenzenamine HCl

#### 100.0 SUBMISSION PURPOSE AND LABEL INFORMATION:

##### 100.1 Submission Purpose.

To revise the label to remove the geographical restriction of "North Eastern United States" and to add an additional target species.

##### 100.2 Formulation Information.

3-Chloro-4-methylbenzenamine HCl	98%
Inert ingredients	<u>2%</u>
	100%

##### 100.3 Application Methods, Rates, and Directions for Use:

Two tenths of an ounce of 1339 is mixed with one pound of margarine to make a 1.2% application formulated toxicant. One-half ounce of the mixture is spread on a slice of bread then covered by another slice of bread and the entire "sandwich" is cut into nine equal cubes. Since the type and thickness of the bread is not specified, the final concentration of the poisoned bait cannot be calculated.

The gull toxicant will be used "only in coastal breeding areas or in colonies within predation radius of important nesting colonies of terns, puffins, laughing gulls or other colonial nesting birds from March 1 to June 30 each year". The number of toxic baits used will not exceed five times the number of target gulls.

The target areas are to be pre-baited with untreated bread cubes. The poisoned bread will be broadcast or placed in or near nesting colonies of the target gull species. After April 20 application will be made near or in the nests.

A search will be made for baits that have been regurgitated or not eaten and for dead gulls within 48-72 hours. They will be removed and "properly" disposed

##### 100.4 Target Organisms:

The current target organisms are Herring gulls (*Larus argentatus*) and Great black-backed gull (*L. marinus*). The registrant wishes to add the Ring billed gull (*L. delawarensis*).

##### 100.5 Precautionary Labeling:

The label includes precautionary statements for "Hazards to human and domestic animals", "Endangered species considerations", "Storage and Disposal" and "Restricted use pesticide". These precautionary labels are the same as those on the present label.

## 101.0 HAZARD ASSESSMENT:

DRC 1339 has a long history of development by the Denver Wildlife Research Center. They have conducted toxicity tests upon a great variety of animals. They submitted the results for the original registration (1975) but have not "written-up" the experiments and submitted them for formal review with the exception of three aquatic invertebrate tests that were submitted to fulfil the conditions of the original registration. All three were judged to be invalid. The three invertebrate tests have not been resubmitted since then and DRC was not aware that they had been disapproved (E.W. Schafer, telephone conversion, November 1, 1988).

### 101.1 Adequacy of Toxicity Data:

The results of the unreviewed tests would have caused DRC 1339 to be classified as being 1) "moderately toxic to practically non-toxic" to wild mammals (oral LD<sub>50</sub>s of 100-2,000 mg/kg), 2) "moderately toxic to slightly toxic" to fish (LC50s of 5.3 to 38 mg/kg), 3) "very highly toxic to highly toxic" to small perching birds (oral LD<sub>50</sub>s of 1.0-50 mg/kg), 4) moderately toxic to raptors (oral LD<sub>50</sub>s of 100-421 mg/kg). A later submission for an Experimental Use Permit (1987) for CPT listed an exception for the DRC 1339 raptor range for the barn owl (LD<sub>50</sub> of 4.2 mg/kg, very highly toxic).

It is very highly toxic to herring gulls (oral LD<sub>50</sub> 2.9 mg/kg), one of the target species.

Unreviewed results showed no effect in tests for secondary poisoning for cats, swine, cooper's hawks, marsh hawks, and sparrow hawks.

### 101.2 Adequacy of Labeling:

The label includes precautionary statements for "Hazards to human and domestic animals", "Endangered species considerations", "Storage and Disposal" and "Restricted use pesticide". The "Environmental Hazards" label states, "Do not contaminate water by the cleaning of equipment [or] disposal of waste". This should now be phrased, "Do not contaminate water when disposing of equipment washwaters".

### 101.3 Exposure:

In order to reduce exposure of nontarget species to DRC 1339, the area to be poisoned will be prebaited to encourage ready acceptance by the target gulls, the uneaten and regurgitated baits and the carcasses will be removed within 72 hours, application will be made only in and around nesting areas near important nesting areas of the species of birds that the registrant wishes to protect. After April 20 the bait will be placed in or near the nests of the target birds by hand.

### 101.4 Hazards to Nontarget Organisms:

The 1975 application stated that, in previous use, no nontarget carcasses had been recovered except an occasional crow. Because of the measures that will be taken to reduce nontarget exposure, the apparent low toxicity to mammals and the practice of baiting only on dry land, the hazard to nontarget organisms is judged to be acceptable.

101.5 Endangered Species Considerations:

Because of the close supervision of the baiting procedure and the high training of the applicators (USFWS personnel), it is believed that the threat to endangered species would be minimal if the ring-billed gull were added to the target species list and the geographical restriction of the North Eastern states were removed. Since the nature of the poisoning program is spotty, especially in the southern portions of the breeding areas of the target gulls where their colonies are fewer, local conditions may necessitate additional protection for some endangered species, the most likely being the Bald eagle (*Haliaeetus leucocephalus*).

101.6 Discussion:

EEB finds no objections to the proposed changes to the labeling of Gull Toxicant 1339 as described. Since it was registered in 1975, it has never undergone a thorough review of its laboratory toxicity tests or nor has it had a stringent field trial to determine its impact in the field. It is quite possible that the Denver Wildlife Research Center (APHIS: USDA) has the data and could assemble it into acceptable reports.

102.0 CONCLUSIONS:

The proposed changes in the label of Gull Toxicant 1339 would not cause undue danger to nontarget species. However, in order to avoid additional threats to endangered species, the "RESTRICTED USE PESTICIDE" label should be modified to read, "For use only by the U. S. Department of Agriculture personnel trained in bird control or persons under their direct supervision *and then only after consultation with the U. S. Fish and Wildlife Service to ensure that there will be no impact on endangered species*". The added portion has been italicized; it need not italicized on the label. The last sentence of the "Environmental Hazards" label should be changed to, "Do not contaminate water when disposing of equipment washwaters".

103.0 RECOMMENDATIONS:

N/A.

104. REVIEW BY:

James J. Goodyear, Biologist, Section 1  
Ecological Effects Branch  
Environmental Fate and Effects Division (TS-796C)

Signature: Goodyear  
Date: Nov 7, 1988

105. APPROVED BY:

Raymond W. Matheny, Head, Section 1  
Ecological Effects Branch  
Environmental Fate and Effects Division (TS-796C)

Signature: Ray W. Matheny  
Date: 11/8/88

James W. Akerman, Chief  
Ecological Effects Branch  
Environmental Fate and Effects Division (TS-796C)

Signature: James W. Akerman  
Date: 11/9/88

Proposed New Label L.A.B.C.L.

**PRECAUTIONARY STATEMENTS**  
**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**  
**DANGER**

Harmful if swallowed, inhaled, or absorbed through the skin. Contact with eyes may cause a severe reaction. Handle only with protective gloves and clothing. Use a face mask or respirator which are approved by the Mining Enforcement and Safety Administration and the National Institute for Occupational Safety and Health. Wash hands thoroughly with soap and water after handling and before eating or smoking. Remove contaminated clothing and wash before reuse.

**ENVIRONMENTAL HAZARDS**

This product is toxic to birds. Do not expose in areas accessible to waterfowl, poultry, and other non-target birds. Keep out of lakes, ponds, streams, tidal marshes, and estuaries. Do not apply where runoff is likely to occur. Do not contaminate water by the cleaning of equipment of disposal of waste.

**RESTRICTED USE PESTICIDE**

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 Applicators certification.

For use only by U.S. Department of Agriculture personnel trained in bird control or persons under their direct supervision.

**1339 GULL TOXICANT 98% CONCENTRATE**

PROPOSED NEW LABEL

**ACTIVE INGREDIENT:** 3-Chloro-4-methyl  
benzenamine hydrochloride .. 98.0%  
**INERT INGREDIENTS:** ..... 2.0%  
**TOTAL** ..... 100.0%

**KEEP OUT OF REACH OF CHILDREN**  
**DANGER—POISON**



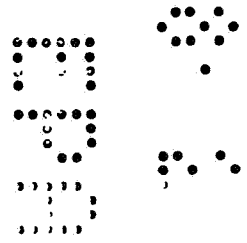
**STATEMENT OF PRACTICAL TREATMENT**  
**IMMEDIATELY!**  
**IF SWALLOWED: CALL A PHYSICIAN OR POISON CONTROL CENTER**

**IF SWALLOWED** - Induce vomiting by touching the back of the throat with finger. Call a physician immediately.  
**IF INHALED** - Move patient from contaminated area and immediately call a physician.  
**IF ON SKIN OR IN EYES** - Immediately flush eyes or skin with large quantities of water. Call a physician immediately.

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
ANIMAL DAMAGE CONTROL

Hyattsville, MD 20782  
EPA Est. No. 56228-ID-1  
EPA Reg. No. 56228-17

Net Weight:



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**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 rinseate 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:** Completely empty by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of bags in a sanitary landfill or by incineration if allowed by State and local authorities. If burned, stay out of smoke.

**DO NOT USE TREATED BREAD AS FOOD OR FBED**

**DIRECTIONS FOR USE**

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

**USE RESTRICTIONS:** Use 1339 Gull Toxicant 98% Concentrate for preparing bread baits to control herring gulls (*Larus argentatus*), great black-backed gulls (*Larus marinus*), and ring-billed gulls (*Larus delawarensis*) only. Apply only in coastal breeding areas or colonies within predation radius of important nesting colonies of terns, puffins, laughing gulls, or other colonial nesting birds from March 1 to June 30 each year.

**BAIT PREPARATION:** Blend 0.2 oz. (6 gms.) 1339 Gull Toxicant 98% Concentrate into 1 lb. (454 gms.) melted, stick oleomargarine. Spread 1/2 oz. (15 gms.) of blended mixture (1 tablespoon) on a slice of standard sandwich bread and cover with another slice. Immediately cut each sandwich into 9 equally-sized cubes. Prepared baits must be placed in a plastic bag for transportation or distribution and must be used within 12 hours.

**PRETREATMENT:** Each site destined to be treated will be prebaited with untreated bread cubes to insure rapid bait acceptance.

**TREATMENT:** Treatments will be made by hand only in or near nesting colonies of the target species. Treated bread cubes will be broadcast or placed only in the same areas where bread cubes were accepted during prebaiting. Initial applications will be broadcast; however, no broadcast application will be made after April 20. Application after April 20 will be made at or in gull nests. The number of bait applications will be determined by the degree of control provided by previous applications; however, no more than 10 bait applications should be made in or near individual colonies. The number of baits exposed at an individual site must not exceed 5 times the total number of gulls to be controlled at that location.

**POST TREATMENT:** Baits regurgitated or not accepted must be retrieved within 12 hours after each application and disposed of by burial or other adequate means. A search must be conducted within 48-72 hours after application to remove and dispose of bird carcasses, except for those areas where disturbances of non-target species may adversely affect their breeding efforts.

**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS  
( & DOMESTIC ANIMALS )**

**DANGER**

Harmful if swallowed, inhaled, or absorbed through the skin. Contact with eyes may cause a severe reaction. Handle only with protective gloves and clothing. Use a face mask or respirator which are approved by the Mining Enforcement and Safety Administration and the National Institute for Occupational Safety and Health. Wash hands thoroughly with soap and water after handling and before eating or smoking. Remove contaminated clothing and wash before reuse.

**ENVIRONMENTAL HAZARDS**

This pesticide is toxic to birds. Do not expose in areas accessible to waterfowl, poultry, and other non-target birds. Keep out of lakes, ponds, streams, tidal marshes, and estuaries. Do not apply where runoff is likely to occur. 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.

**DIRECTIONS FOR USE**

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

**GENERAL:** Use 1339 Gull Toxicant 98% Concentrate for preparing bread baits to control herring gulls (*Larus argentatus*) and great black-backed gulls (*Larus marinus*) only. Apply only within the coastal area of Northeastern United States (Delaware, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine) in breeding areas or colonies within predation radius of important nesting colonies of terns, puffins, laughing gulls, and other colonial nesting seabirds from March 1 to June 30 each year.

SEE RIGHT PANEL FOR ADDITIONAL  
GENERAL PREPARATION  
AND APPLICATION

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**RESTRICTED USE PESTICIDE**

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.

For use only by U. S. Fish and Wildlife Personnel trained in Bird Control or persons under their Direct Supervision.

**1339 GULL TOXICANT 98%  
CONCENTRATE**

Active Ingredient: 3-Chloro-4-Methyl  
Benzenamine Hydrochloride..... 98%

Inert Ingredients..... 2%

TOTAL 100%

**KEEP OUT OF REACH OF CHILDREN**

**DANGER—POISON**



**STATEMENT OF PRACTICAL TREATMENT**

**IF SWALLOWED:** Induce vomiting by touching the back of the throat with finger. Call a physician immediately.

**IF INHALED:** Move patient from contaminated area and immediately call a physician.

**IF ON SKIN OR IN EYES:** Immediately flush eyes or skin with large quantities of water. Call a physician immediately.

**SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS**

MANUFACTURED FOR:  
U. S. DEPARTMENT OF THE INTERIOR  
FISH & WILDLIFE SERVICE  
Washington, D. C. 20240  
EPA EST. NO. 6704-ID-1  
EPA REG. NO. 6704-77

Net Weight 16 ozs. (1 lb.)

6704-77

**BAIT PREPARATION:** Blend 0.2 oz. (6 gms.) 1339 Gull Toxicant 98% Concentrate into 1 lb. (454 gms.) melted, stick oleomargarine. Spread 1/2 oz. (15 gms.) of blended mixture (1 tablespoon) on a slice of standard sandwich bread and cover with another slice. Immediately cut each sandwich into 9 equally-sized cubes. Prepared baits must be placed in a plastic bag for transportation or distribution and must be used within 12 hours.

**BAIT APPLICATION**

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**TREATMENT:** Treatments will be made by hand only in or near nesting colonies of the target species. Treated bread cubes will be broadcast or placed only in the same areas where bread cubes were accepted during prebaiting. Initial applications will be broadcast; however, no broadcast application will be made after April 20. Application after April 20 will be made at or in gull nests. The number of bait applications will be determined by the degree of control provided by previous applications; however, no more than 10 bait applications should be made in or near individual colonies. The number of baits exposed at an individual site must not exceed 5 times the total number of gulls to be controlled at that location.

**POST-TREATMENT:** Baits regurgitated or not accepted must be retrieved within 12 hours after each application and disposed of by burial or other adequate means. A search must be conducted within 48-72 hours after application to remove and dispose of bird carcasses, except for those areas where disturbances of eiders may adversely affect their breeding efforts.

**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:** Completely empty by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of bags in a sanitary landfill by incineration if allowed by State and local authorities. If burned, stay out of smoke.

**DO NOT USE TREATED BREAD  
AS FOOD OR FEED**

Transferred to 56228-17

1/14/88

6704-77  
2-13-86