

Report on Agricultural Establishment Inspection
To Determine Compliance
With FIFRA Section 12

B&Y Pest Control, Inc.
(a.k.a. BNY Pest Control)
1724 Robert Dale Dr., NE
Albuquerque, New Mexico 87112

Coordinates:

Latitude: 35.10070 N
Longitude: -106.49806 W

December 2, 2015

Performed by:

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202
FIFRA Establishment Inspection Report

1. COMPANY INFORMATION:

- a. Company Name: B&Y Pest Control
- b. EPA Est. No.: None
- c. Responsible Official: Mr. Jesse Stanich
- d. Type of Ownership: Private

2. DATE OF INSPECTION: December 2, 2015

3. PARTICIPANTS:

<u>Representing</u>	<u>Contact Name</u>	<u>Phone No.</u>	<u>Email or title</u>
BNY Pest Control	Jesse Stanich	505-291-9924	General Manager
US EPA Region 6	Gerardo Acosta (lead)	214-665-8042	acosta.gerardo@epa.gov
	Lee McMillan	214-665-6404	mcmillan.lee@epa.gov
NMDA	Stephen Baca	505-362-1392	SBaca@nmda.nmsu.edu

4. BACKGROUND:

B&Y Pest Control (BNY or “the facility”) is a family owned business that began operations in 1984, from a residential garage (see photos #1-5, in attachment C). BNY is a commercial pesticide application establishment with the New Mexico Department of Agriculture (NMDA). The facility has three pesticide applicator licenses under one business license No. 358, and is located at 1724 Robert Dale Dr., NE, Albuquerque, New Mexico 87112. BNY provides pest control alternatives to residential and commercial customers. One of their customers is the Bureau of Indian Education (BIE) within the Bureau of Indian Affairs, under the United States Department of Interior. BNY provides for structural pest control services at the following BIE managed schools: Sky City, San Felipe, Ijemez, and Tsia. They purchase the pesticides from various vendors, but mostly from Winfield Solutions, in Albuquerque, New Mexico. The facility has a fleet of small minivans to deliver the pesticide application services (see photos). In an email correspondence from BNY dated May 4, 2015, the facility inquired about applying pesticides to address a prairie dog infestation at the Sky City School (SCS) in the Pueblo of Acoma (see page 55, in attachment F). SCS is located about 62 miles west of Albuquerque, NM.

Prior to the inspection, the EPA Region 6 (EPA) inspectors met with personnel from the BIE and Pueblo of Acoma. BIE has an office within minutes of Albuquerque, NM. During the meeting with the Pueblo of Acoma, EPA also visited the grounds of the SCS. EPA observed and documented what appeared to be oats on the burrows. A few of the burrows were closed, while others appeared to have been smashed. Two of the burrows were surrounded by stones, and one was clogged with a plastic bag (see photos from SCS site tour in attachment E).

5. NARRATIVE:

After meeting with Mr. Jesse Stanich, on December 2, I presented my credentials and stated that the scope of this inspection was to determine compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) regarding all pesticide products applied by the facility. Because of a recent incident in the SCS involving an alleged misuse of a pesticide, I noted in the NOI the potential violation of Section 12(a)(2)(G). I provided a notice of inspection and receipt for sample forms, which he signed. In the receipt for samples form I added a brief description of the documents requested and obtained during the inspection (see EPA Forms in attachments A & B).

Mr. Stanich stated that he was the general manager at the time of the inspection, and asked if this inspection was related to the prairie dog incident in the Pueblo of Acoma. I told Mr. Stanich that yes, it was and that we were interested in looking into copies of his records for their pesticide application to the Sky City School (SCS). Before the inspection, I understood that the facility applied the pesticide Kaput (EPA Reg. No. 72500-9). This information is consistent with email correspondence between Mr. Stanich and the Bureau of Indian Education (BIE). Because the BIE has jurisdiction over SCS all pesticide application at the school is coordinated by personnel from BIE (see page 60, in attachment F). During the inspection, Mr. Stanich also provided the copies of pesticide application, which indicated that the pesticide applied was not Kaput, but ZP Rodent Oat Bait AG (EPA Reg. No. 12455-102).

After learning this I requested copies of invoices from their vendor. Mr. Stanich provided copies of these invoices, which indicate that they purchased the ZP Rodent Oat Bait AG from Winfield Solutions (WS), in Albuquerque, NM (see pages 56-58, in attachment F). Mr. Stanich also provided copies of their pesticide application at the SCS, which are consistent with the dates when BNY purchased the pesticide from WS (see pages 46-53, in attachment F). He also told me that he did not inform WS that the pesticide would be applied at a school.

Mr. Stanich then stated that because of timing issues, perhaps the two pesticides were mixed up in the email correspondence (see page 55, in attachment F). When I asked who did the application, Mr. Stanich said that his brother did and provided copies of text message indicating the pesticide applied (see page 62, in attachment F). According to email correspondence between BIE and BNY, representatives from BIE were concerned about having applied the pesticide Kaput.

On October 28, 2015, Mr. Kenneth McPherson, from EPA Region 6, conducted a site visit at SCS. After Mr. McPherson learned that the SCS was probably treated with the pesticide Kaput, he made recommendations to BIE staff. Mr. McPherson recommended BIE to “restrict children and pet access until you can have the pesticide applicator pick-up and remove the exposed oats around and near burrow openings per label directions, and to fill in any burrows on the school grounds that were treated with product in order to limit children and pet access...” After BIE learned this they requested BNY to stop pesticide applications at the SCS (see pages 63-65, in attachment F).

After the document gathering, EPA looked into their pesticide storage area (see photos 1-2, in attachment C). Then, I told Mr. Stanich that we’ll get back with him regarding the outcome of

this inspection. We stated that any application of a restricted use pesticide, such as this one, should be done to minimize access to children and non-target pests, especially at any school, I also told him to convey information like this to his vendor before recommending any application.

6. ATTACHMENTS:

- A. Notice of Inspection Form;
- B. Receipt for Samples Form;
- C. EPA Photolog;
- D. Map to drive to the facility;
- E. EPA Photolog from Sky City School site tour, and;
- F. Documents from the facility.

7. CONCLUSION:

During the inspection, it appears that the facility applied a restricted use pesticide in violation of Section 12(a)(2)(G) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). First, they did not keep the pesticide out of reach of children. Also, they did not keep it away from pets and other non-target pests. The label states that baits “must be placed in tamper-resistant bait stations”, that the “stations must be resistant to destruction by dogs and by children under 6 years of age”, and “must be used in a manner that prevents such children from reaching into bait compartments and obtaining bait.” Additionally, BNY did not have a Federal license to apply restricted use pesticides on Tribal Lands at the time of the applications of the pesticide.

ATTACHMENT A



United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Notice of Pesticide Use/Misuse Inspection
Office of Enforcement and Compliance Assurance

Facility Name BNY Pest Control	Facility Address 1724 Robert Dale Dr. NE, Albuquerque, NM 87112
Name of Facility Official <i>Jesse Stanich</i>	Title <i>General Manager</i>

Reason for Inspection

For the purpose of inspecting sites where pesticides are being used, to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act; and for the purpose of inspecting sites where pesticides have been used to determine whether the pesticides were used in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act.

Violation suspected:

For Cause to verify potential violation of Section 12(a)(2)(G) - Use any registered pesticide in a manner inconsistent with its labeling.

Consent

☐ Voluntary consent necessary to enter for inspection or sampling, or both

The undersigned hereby voluntarily consents to an inspection of BNY Pest Control, of which I am the Owner, Agent or Person-in-Charge, for purposes of gathering information or samples, or both, in connection with the administration and enforcement of FIFRA. I understand that I have the right to refuse consent to this entry.

Facility Official Signature <i>Gerardo Acosta</i>	Date <i>12/2/2015</i>
Inspector's Name Gerardo Acosta	Title Environmental Scientist
Inspector's Signature <i>[Signature]</i>	
Address EPA Region 6, 1445 Ross Ave., Dallas, TX 75202-2722	

ATTACHMENT B



United States
ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Receipt for Pesticide Use/Misuse Samples

Office of Enforcement and Compliance Assurance

Facility Name BNY Pest Control	Facility Address 1724 Robert Dale Dr. NE, Albuquerque, NM 87112
Name of Facility Official Jesse Stanich	Title General Manager

Samples Collected (Assign sample number and describe fully (e.g., product name, size, quantity, registration, establishment, lot, batch, model and/or serial numbers, etc.)) The following pesticide or environmental samples, or both, were collected by the U.S. Environment Protection Agency in connection with the administration and enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act and receipt is hereby acknowledged.

12/01/2015-17077-BNY-001-01-GA → label for product used (5 pages)
12/01/2015-17077-BNY-001-02-GA → invoices to Sky City School (8 pages)
12/02/2015-17077-BNY-001-03-GA → emails & invoices to/from Winfield (5 pages)
12/02/2015-17077-BNY-001-04-GA → emails to/from BIE & text message w/ label of bag (8 pages)

Facility Official Signature Jesse L. Stanich		Date 12/2/2015
☐ Duplicate samples requested and provided	☐ Duplicate samples not requested	Amount paid
		☐ Cash ☐ Credit Card ☒ No Charge
Name of Inspector Gerardo Acosta		Title Environmental Scientist
Signature of Inspector [Signature]		Date 12/2/2015
Address EPA Region 6, 1445 Ross Ave., Dallas, TX 75202-2722		

ATTACHMENT C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 1

Photographer: Lee McMillan	Date: December 2, 2015	Time: 4:51 PM
City/County: Albuquerque / Bernalillo		State: New Mexico
Location: BNY Pest Control		
Subject: Pesticide storage closet		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 2

Photographer: Lee McMillan	Date: December 2, 2015	Time: 4:52 PM
City/County: Albuquerque / Bernalillo		State: New Mexico
Location: BNY Pest Control		
Subject: Pesticide storage closet door closed		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 3

Photographer: Gerardo Acosta	Date: December 2, 2015	Time: 4:55 PM
City/County: Albuquerque / Bernalillo		State: New Mexico
Location: BNY Pest Control		
Subject: Business door to main office		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 4

Photographer: Gerardo Acosta	Date: December 2, 2015	Time: 4:55 PM
City/County: Albuquerque / Bernalillo		State: New Mexico
Location: BNY Pest Control		
Subject: Pesticide application vehicle		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 5

Photographer: Gerardo Acosta	Date: December 2, 2015	Time: 4:56 PM
City/County: Albuquerque / Bernalillo		State: New Mexico
Location: BNY Pest Control		
Subject: Business office located on right door (inside garage) @ 1724 Robert Dale Street.		

ATTACHMENT D

Directions to applicator site

http://www.bing.com/mapspreview?rtp=adr.~pos.35.1046485900879_-106.56621 usepa.sharepo... EPA Region 6 I... Homewood S... Bing Maps

File Edit View Favorites Tools Help

Calculator for Converting ... edit - ffracross-regionrefe... Google Translate US EPA http--www.epa.gov-oig-r... PPIS Region 6 Outlook Webmail Welcome US EPA - Regio...

bing Web Images Videos **Maps** News Explore

Sign in 67

1724 Robert Dale Dr NE, Albuquerque, New Mexico, UN

1724 Robert Dale Dr NE, Albuquerque, NM 87112

Streetside

1724 Robert Dale Dr NE, Albuquerque, NM 87112
35.100704, -106.498062

Directions Save

Nearby

Directions

Las Altos Park Holiday Inn Express Albuquerque Target Best Buy

1000 feet 4250 ft

© 2015 HERE

© 2015 Microsoft

100%

ATTACHMENT E

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 1

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:02 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: EPA Region 6 staff signing in at the school before the site tour		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 2

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:09 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Overview of the area with prairie dog damage @ North side – looking Northeast		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 3

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:10 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage @ North side – looking Northeast		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 4

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:11 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 5

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:11 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 6

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:11 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 7

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:12 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 8

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:13 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 9

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:14 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 10

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:15 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side – using cell phone as reference		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 11

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:16 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 12

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:17 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 13

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:17 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage @ North side – looking Northeast		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 14

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:18 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side with ruler		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 15

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:21 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 16

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:22 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage @ North side – with plastic bag		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 17

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:23 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 18

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:25 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & pesticide residue @ North side with ruler		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 19

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:29 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & rocks @ North side with ruler		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 20

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:30 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage & rocks @ North side		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 21

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:30 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Closer look into the area with prairie dog damage @ North side – looking Northeast		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Official Photograph Log



Photo # 22

Photographer: Gerardo Acosta	Date: December 1, 2015	Time: 11:37 AM
City/County: Pueblo of Acoma / Cibola		State: New Mexico
Location: Sky City School		
Subject: Children running to playground area near prairie dog damage @ East side – looking Northeast		

ATTACHMENT F

RESTRICTED USE PESTICIDE

DUE TO HAZARDS TO NONTARGET SPECIES

For retail sale and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.

ZP®

RODENT OAT BAIT AG

OAT GRAIN BAIT FORMULATION

FOR CONTROL OF GROUND SQUIRRELS, PRAIRIE DOGS, RATS, VOLE, MICE, MEADOW MICE, DEER MICE, KANGAROO RATS, AND GOPHERS.

ACTIVE INGREDIENT:

Zinc Phosphide;2%

INERT INGREDIENTS98%

TOTAL 100%

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID

Have label with you when seeking treatment advice, including 1-877-854-2494.

Any persons applying zinc phosphide products and experiencing signs and symptoms such as nausea, abdominal pain, tightness in the chest, or weakness, should be seen by a physician immediately.

IF SWALLOWED:

- Call a poison control center or doctor immediately for treatment advice or transport patient to the nearest hospital.
- Do not drink water.
- Do not administer anything by mouth or 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 a poison control center or doctor immediately for treatment advice.

See Left Column for additional precautions

EPA EST. NO. 12455-WI-1

EPA REG. NO. 12455-102

Manufactured by:



Bell Laboratories, Inc.
3699 Kinsman Blvd.
Madison, WI 53704

Continued from Left Column :

Fresno Kangaroo Rat (*Dipodomys nitratoides exilis*). Follow the Interim Measures for Protecting Endangered Species in the California Endangered Species Bulletin for the following California counties: Fresno, Kings, Madera and Merced.

Stephan's Kangaroo Rat (*Dipodomys stephensi*). Follow the Interim Measures for Protecting Endangered Species in the California Endangered Species Bulletin for the following California counties: San Bernardino, San Diego and Riverside.

Aleutian Canada Goose (*Branta canadensis leucopareia*). Do not use this product from October to March in the Federally closed goose hunting areas in the State of California. See current Duck and Goose Hunting game laws for a current map.

Giant Kangaroo Rat (*Dipodomys ingens*). Follow the Interim Measures for Protecting Endangered Species in the California Endangered Species Bulletin for the following California counties: Fresno, Kern, Kings, Merced, Monterey, San Benito, San Luis Obispo, Santa Barbara and Tulare.

Tipton Kangaroo Rat (*Dipodomys nitratoides nitratoides*). Follow the Interim Measures for Protecting Endangered Species in the California Endangered Species Bulletin for the following California counties: Kern, Kings and Tulare.

San Bernardino Kangaroo Rat (*Dipodomys merriami parvus*). Follow the Interim Measures for Protecting Endangered Species in the California Endangered Species Bulletin in the following California counties: San Bernardino and Riverside.

TEXAS: Attwater's greater prairie chicken (*Tympanuchus cupido attwateri*). Do not use this product in the present occupied range of the Attwater's prairie chicken in the following Texas counties: Arkansas, Austin, Brazoria, Colorado, DeWitt, Fort Bend, Galveston, Goliad, Harris, Refugio, Victoria, Waller and Wharton.

PUERTO RICO: Yellow-shouldered Black Bird (*Agelaius xanthomus*) and Puerto Rican Plain Pigeon (*Columba inornata wetmorei*). This product must not be used in the following areas except in tamper proof bait boxes: within 10 kilometers of Central Aquirre, Lago Cidra, Ceiba, San German; 15 kilometers of La Esperanza, south of Highway 2 from city of Mayaguez to the city of Ponce and all Mona Island.

NOTICE: It is a federal offense to use any pesticide in a manner that results in the death of a member of an endangered species. The use of this product may pose a hazard to Federally designated endangered/threatened species. Suggested measures to protect endangered species in your county may exist in an EPA "Interim Measures" pamphlet. You may call EPA's Endangered Species Hotline, 1-800-447-3813, to find out if an "Interim Measures" pamphlet exists for your county and have one sent to you. You can also consult your local county extension office or pesticide state lead agency to determine whether they have imposed any requirements in your area to protect endangered and threatened species.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Keep away from humans, domestic animals and pets. Harmful if swallowed, absorbed through the skin, inhaled, or in eyes. Do not breathe dust. Avoid contamination of feed or foodstuffs. Avoid contact with acids. Wash all utensils, spoons, or measuring devices thoroughly after using.

Personal Protective Equipment (PPE)

All handlers, including anyone who applies bait and retrieves carcasses and unused bait, must wear waterproof gloves.

Follow manufacturer's instructions for cleaning/maintaining PPE, such as gloves. If no instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Wash hands thoroughly after applying bait and before eating, drinking, chewing gum, using tobacco or using the toilet.

ENVIRONMENTAL HAZARDS

This product is toxic to wildlife and fish. Birds and other wildlife feeding on treated bait may be killed. Do not apply where runoff is likely to occur. Do not apply this product directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

ENDANGERED SPECIES CONSIDERATIONS

Whooping Crane (*Grus americana*). Do not use this product during the period 30 days prior to arrival and 30 days after the whooping crane leaves known crane habitat.

Pygmy rabbit (*Brachylagus idahoensis*). Do not use this product within one mile of alfalfa fields.

Do not use this product within 7 km (4.34 miles) of any prairie dog town to limit risks to the black-footed ferret (*Mustelicanigripes*) from exposure to Zinc Phosphide or destruction of its prey base, unless the colony is: a.) an isolated black-tailed prairie dog town less than 80 acres in size; b.) an isolated white-tailed or Gunnison prairie dog town less than 200 acres in size; c.) has been appropriately surveyed, using methods acceptable to the U.S. Fish and Wildlife Service, and found by the FWS not to be a suitable site for ferret reintroductions; or, d.) has been exempt by the FWS from the survey requirement.

UTAH: Utah Prairie Dog (*Cynomys parvidens*). Do not use this product in the range of the Utah Prairie Dog.

CALIFORNIA: Salt marsh harvest mouse (*Reithrodontomys raviventris*). Do not use this product within 1/2 mile of salt marsh vegetation and/or brackish water wetlands which are located near or adjacent to San Pablo Bay and San Francisco Bay. Do not use this product within 1/2 mile of salt marsh vegetation and/or brackish water wetlands which are located in the Sacramento River below or adjacent to the confluence of the Sacramento River and the San Joaquin River.

Morro Bay Kangaroo Rats (*Dipodomys heermanni*). Do not use this product within 2 1/2 miles of Bay Wood Park which is located on Morro Bay.

Continued on the Right Column:

Batch No. _____

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 this entire label and follow all use directions and use precautions. Do not apply to any site, against any pest, or by any method of application not stated on this label.

Use Restrictions (for all use patterns): Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. Keep all other persons out of the treated area during this application.

LIMITATIONS

The following Limitations apply to all agricultural areas and use sites listed on this label: This product must not be applied on roads, near residential areas, or over water. Do not broadcast over growing crops other than alfalfa, barley, beans (dry), potatoes, sugar beets, sugarcane and wheat. Apply product on warm clear days. Do not graze animals in treated areas.

NONCROP RIGHTS-OF-WAY

USE RESTRICTIONS: For control of California Ground Squirrels (*Spermophilus beecheyi*) on noncrop rights-of-way adjacent to canal and ditch banks and other noncrop borders during late spring and early summer. This product must not be applied on roads, near residential areas, over water or where plants are grown for food or feed.

PREBAITING: Prebaiting with 6 lbs. of untreated steamed crimped oats per acre one or two days prior to using ZP RODENT OAT BAIT AG is likely to enhance bait acceptance by California ground squirrels.

BAITING: Treat only once during treatment period. Broadcast bait in a 10-15 foot swath along right-of-way, using hand or ground-driven dispensing devices not to exceed 6 lbs. per acre. Bait may be applied only to the canal right-of-way between the base of the levee and adjacent properties. The canal and levee may not be treated. Dispose of excess bait from application equipment by burial.

RANGELAND AND ADJACENT NONCROP AREAS

PRAIRIE DOGS

USE RESTRICTIONS: For control of black-tailed prairie dogs (*Cynomys ludovicianus*), white-tailed prairie dogs (*C. leucurus*) and Gunnison (*Zuni*) prairie dogs on rangeland in the western United States (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Colorado, Montana, Idaho, Utah and Wyoming).

PREBAITING: Prebait with 4 grams (one teaspoon) of untreated steam crimped oats per mound, one or two days prior to baiting, to increase acceptance of treated baits by prairie dogs.

BAITING: Apply bait only after all or most of prebait is eaten and only to areas where untreated bait was consumed. Establish observation period during prebaiting. Apply bait by hand as a six-inch bait spot on edge of each mound or in adjacent feeding areas. Application rate should not exceed 4 grams (one teaspoon) per bait spot. Treat during mid-summer through mid-winter period (July-January). Do not apply more than one bait application during this period. Dispose of spilled or unwanted bait by burial.

KANGAROO RATS

USE RESTRICTIONS: For control of the Ord's kangaroo rats (*Dipodomys ordii*), banner-tailed kangaroo rats (*D. spectabilis*), and Merriam's kangaroo rats (*D. merriami*) in rangeland vegetation and noncrop areas. Do not apply this product within the occupied habitats of threatened or endangered species or subspecies of kangaroo rats.

HAND BAITING: Place one tablespoon (12 grams) of bait at 2 locations in feeding runs near the entrances to kangaroo rat burrows.

MACADAMIA NUT ORCHARDS AND ADJACENT NONCROP AREAS

USE RESTRICTIONS: For control of roof rats (*Rattus rattus*) in macadamia nut orchards and adjacent noncrop areas.

SPOT TREATMENT: Bait may be placed in bait stations on the ground or in stations in trees. Place 1-2 teaspoons (4-8 grams) of bait in bait stations at the base of each tree and in each station in trees. Uneaten bait must be removed from trees prior to shaker harvest or from ground prior to mechanized harvest. Orchards may be treated up to 30 days prior to a harvesting round.

BURROW TREATMENT: Place 1-2 teaspoons (4-8 grams) of bait in each burrow. No preharvest interval is required, provided nuts are not retrieved from burrows.

BROADCAST BAITING: Broadcast at the rate of five (5) pounds of bait per acre in orchard using a ground device or by hand. Aircraft may be used to treat adjacent noncrop areas if recommended and supervised by the Hawaii Dept. of Health. The number of applications shall not exceed four (4) per year. The total amount of bait applied shall not exceed 20 pounds per acre per year.

ORCHARDS AND GROVES

VOLES AND WHITE-FOOTED MICE

USE RESTRICTIONS: For control of meadow voles, prairie voles, pine voles, California voles, long-tailed voles, Oregon voles, mountain voles, Townsend's voles (*Microtus spp.*) and white-footed mice in orchards and groves. Apply bait after harvest while the orchard or grove is in a nonbearing phase.

HAND BAITING: Near the base of each infested tree, place teaspoonful quantities of bait at 2-4 locations, either on surface trails or at the mouth of holes leading to underground burrow systems. Cover bait artificially (e.g., mats, boards) or by pulling overhanging grass back into place. Do not allow bait to be exposed on bare ground. Do not disturb the runway system. Bait at the rate of 2-3 lbs. per acre of infested trees.

TRAILBUILDER: Set equipment to drop one teaspoon quantity (4 grams) of bait at 4-5 foot intervals in the artificial trail, made by the machine, just inside the drop line on both sides of the trees. Apply bait at the rate of 2-3 pounds per acre of infested trees.

BROADCAST BAITING: Under infested trees broadcast bait evenly by cyclone seeder or by hand. Wear rubber gloves during hand-broadcast operations. Concentrate baiting in the areas with the heaviest vegetative cover. Do not broadcast on bare ground or growing crops. Apply bait at rates from 6-10 lbs. per treated acre.

AERIAL APPLICATION: Broadcast bait at a rate of 6-10 lbs. per acre. Do not apply on bare ground or growing crops.

GROUND SQUIRRELS

USE RESTRICTIONS: For control of California Ground Squirrels (*Spermophilus beecheyi*) and Richardson's Ground Squirrels (*Spermophilus richardii*) in orchards and groves. Apply bait after harvest while the orchard and grove is in a nonbearing phase.

PREBAITING: Prebaiting with 6 lbs. of untreated steamed crimped oats per acre one or two days prior to using ZP RODENT OAT BAIT AG is likely to enhance bait acceptance by California and Richardson's ground squirrels.

HANDBAITING: Apply one teaspoon (4 grams) of bait on the ground near active burrows.

BAITING: Treat only once during treatment period. Broadcast bait using hand or ground-driven dispensing devices not to exceed 6 lbs. per acre. Wear rubber gloves during hand-broadcast operations. Dispose of excess bait from application equipment by burial.

POCKET GOPHERS

USE RESTRICTIONS: For control of plains pocket gophers (*Geomys bursarius*), southeastern pocket gophers (*G. pinetis*), yellow-faced pocket gophers (*Pappogomys castanops*) and pocket gophers (*Thomomys spp.*) in orchards and groves. Bait must be applied directly into pocket gopher's underground burrow systems or into underground tunnels created by burrow-builder machines. Do not apply bait above ground.

HAND BAITING: Follow the directions indicated below to locate and treat pocket gophers' burrow systems.

Locating Underground Runways: Use a specially designed gopher probe, a metal rod, a strong smooth stick, or other suitable implement to probe the ground 10 to 15 inches away from fan-shaped gopher mounds. Begin probing on the flat side of the fan. When the main runway has been entered, the probe will drop about 2 inches due to decreased resistance from soil.

Applying Bait to Runways: Using a long-handled spoon or mechanical probe, drop one teaspoon (4 grams) of bait into the main runway at each baited point. Cover the opening with sod, a rock, or soil to exclude light. Take care not to cover bait with soil. Depending upon mound density, make two to five bait placements per burrow system. Recover and bury all spilled bait. Applied in this manner, one pound of bait will treat one to eight acres, depending upon the number of pocket gopher burrow systems present.

BURROW BUILDER: Follow manufacturer's instructions for the type of equipment used. Calibrate equipment to drop a teaspoon quantity (4 grams) of bait at 4-5 foot intervals in the artificial burrow made by the machine. Apply at a rate of 2-3 lbs. of bait per acre. Pick up and bury all spilled bait.

SUGARCANE

USE RESTRICTIONS: For control of Polynesian rats (*Rattus exulans*), Norway rats (*R. norvegicus*), roof (*R. rattus*), rice rats (*Oryzomys palustris*), Florida water rats (*Neofiber alleni*), and cotton rats (*Sigmodon hispidus*) in sugarcane fields.

PREBAITING: Prebaiting with three pounds of untreated steamed crimped oats per acre one or two weeks prior to using ZP RODENT OAT BAIT AG may enhance bait acceptance by rats.

BAITING: Broadcast bait by aircraft, ground-driven devices, or by hand at the rate of 5 lbs. of bait per acre. Wear rubber gloves during hand-broadcast operations. The number of applications shall not exceed 4 per crop. The total application shall not exceed 20 lbs. per acre. Do not apply within 30 days of harvest.

NURSERY STOCK, CONIFER/CHRISTMAS TREE, POPLAR / COTTONWOOD, ORNAMENTAL AND NON- BEARING FRUIT TREE PLANTATIONS

USE RESTRICTIONS: For control of meadow voles, prairie voles, pine voles, California voles, Oregon voles, mountain voles, and Townsend's voles (*Microtus spp.*) in nursery stock, and conifer/Christmas tree, poplar/cottonwood, ornamental, and non-bearing fruit tree plantations. Do not apply by air.

BROADCAST BAITING: Under infested nursery stock, conifer/Christmas trees, poplar/cottonwood trees, ornamental trees, or non-bearing fruit trees, broadcast bait evenly by cyclone seeder or by hand. **Wear rubber gloves during hand-broadcast operations.** Concentrate in areas with the heaviest vegetative cover. Do not broadcast on bare ground. Apply at a rate of 6-10 lbs. per acre.

HAND BAITING: Near the base of infested nursery stock, conifer/Christmas trees, poplar/cottonwood trees, ornamental trees, or non-bearing fruit trees, place teaspoonful quantities (4 grams) of bait at 2-4 locations, either on surface trails or at the mouth of holes leading to underground burrow systems. Do not allow bait to be exposed on bare ground. Do not disturb the runway system. Bait at a rate of 2-3 lbs. per acre of infested stock.

GRAPE VINEYARDS

USE RESTRICTIONS: For control of deer mice (*Peromyscus maniculatus*), white-footed mice (*P. leucopus*), oldfield mice (*P. polionotus*, except for threatened or endangered subspecies), meadow voles, prairie voles and pine voles (*Microtus spp.*), and meadow jumping mice (*Zapus hudsonius*) in grape vineyards. Do not use this product in areas of Alabama and Florida that are occupied by threatened or endangered subspecies of the oldfield mouse.

BROADCAST BAITING: Broadcast bait evenly on the ground between the rows by cyclone seeder or by hand. **Wear rubber gloves during hand-broadcast operations.** Apply bait at a rate of 6-10 lbs. per acre. Do not apply by air.

CROPLAND, RANGELAND, AND NONCROP AREAS

USE RESTRICTIONS: For control of plains pocket gophers (*Geomys bursarius*), southeastern pocket gophers (*G. pinetis*), yellow-faced pocket gophers (*Pappogeomys castanops*) and pocket gophers (*Thomomys spp.*) in cropland (including alfalfa), rangeland, reforestation areas, Christmas trees, conifer/poplar/cottonwood plantations and noncrop areas (including lawns, golf courses and parks). Bait must be applied directly into pocket gopher's underground burrow systems or into underground tunnels created by burrow-builder machines. Do not apply bait above ground or directly to crops grown for food or feed. Do not apply by use of burrow-builders in lawns, golf courses, or municipal parks.

HAND BAITING: Follow the directions indicated below to locate and treat pocket gophers' burrow systems.

Locating Underground Runways: Use a specially designed gopher probe, a metal rod, a strong smooth stick, or other suitable implement to probe the ground 10 to 15 inches away from fan-shaped gopher mounds. Begin probing on the flat side of the fan. When the main runway has been entered, the probe will drop about 2 inches due to decreased resistance from soil.

Applying Bait to Runways: Using a long-handled spoon or mechanical probe, drop one teaspoon (4 grams) of bait into the main runway at each baited point. Cover the opening with sod, a rock, or soil to exclude light. Take care not to cover bait with soil. Depending upon mound density, make two to five bait placements per burrow system. Recover and bury all spilled bait. Applied in this manner, one pound of bait will treat one to eight acres, depending upon the number of pocket gopher burrow systems present.

BURROW BUILDER: Follow manufacturer's instructions for the type of equipment used. Calibrate equipment to drop a teaspoon quantity (4 grams) of bait at 4-5 foot intervals in the artificial burrow made by the machine. Apply at a rate of 2-3 lbs. of bait per acre. Pick up and bury all spilled bait.

ALFALFA

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles and Townsend's voles (*Microtus spp.*) and Richardson's ground squirrels (*Spermophilus richardsonii*) in alfalfa. All applications must occur shortly after a cutting of the hay, and/or prior to the next growth's attaining a length of 2 inches. Alfalfa forage from treated areas must not be harvested until it reaches maturity. This use is restricted to Montana, California, Idaho, Oregon, and the state of Washington.

PREBAITING: When bait is to be used to control Richardson's ground squirrels, prebaiting with untreated steamed crimped oats at a rate of 6 lbs. per acre 2-3 days before ZP RODENT OAT BAIT AG is applied is likely to enhance acceptance of the toxic bait.

BROADCAST BAITING: This product may be broadcast by air or ground-driven dispensing devices. Apply at a rate of up to 10 lbs. (0.2 lb. active ingredient) per acre. Make only one application per year if Richardson's ground squirrels are being targeted. If voles are being targeted, a second bait application may be made after 10 days. A maximum of 20 lbs. (0.4 lb. active ingredient) per acre may be applied per year. Do not apply by air when wind velocity exceeds 10 mph. Do not apply in piles or permit piles to be formed by equipment.

TIMOTHY AND TIMOTHY / ALFALFA MIXTURES PRODUCED FOR HAY

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles, and Townsend's voles (*Microtus spp.*) in timothy and timothy/alfalfa mixtures. Do not apply by air. Do not apply to actively growing timothy or timothy/alfalfa mixtures. This use is restricted to California, Idaho, Oregon and the state of Washington. Do not apply to timothy or timothy/alfalfa mixtures within 60 days of harvest.

BROADCAST BAITING: Broadcast bait using by hand, cyclone seeder, or ground-driven dispensing devices. **Wear rubber gloves during hand-broadcast operations.** A maximum of 2 applications by ground may be made at the rate of 5 to 10 lbs. per acre, one in the fall after the last cutting and one in the spring when timothy and timothy-legume mixtures are still dormant. Do not apply in piles or permit piles to be formed by equipment.

TIMOTHY PRODUCED FOR SEED

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles, and Townsend's voles (*Microtus spp.*) in timothy during the non-growing season. Do not apply by air. Do not apply to actively growing timothy or timothy/alfalfa or timothy/clover mixtures. A minimum of 158 days must pass between an application of ZP Rodent Oat Bait Ag and any livestock foraging activity. This use is restricted to Idaho, Oregon and the state of Washington.

BROADCAST BAITING: This product may be broadcast by hand, cyclone seeder, or ground-driven dispensing devices at rates of up to 10 lbs (0.2 lb active ingredient) per acre during crop dormancy. **Wear rubber gloves during hand-broadcast operations.** A maximum of 20 lbs (0.4 lb active ingredient) per acre may be applied annually.

BARLEY

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles, Townsend's voles (*Microtus spp.*) and Richardson's ground squirrels (*Spermophilus richardsonii*) in growing-season and preplant applications in barley. Do not apply this product to barley within 50 days of harvest. This use is restricted to Montana, Idaho, Oregon and the state of Washington.

PREBAITING: When bait is used to control Richardson's ground squirrels, prebaiting with untreated steamed crimped oats at a rate of 6 lbs. per acre 2-3 days before ZP RODENT OAT BAIT AG is applied is likely to enhance acceptance of the toxic bait.

BROADCAST BAITING: This product may be broadcast by air or ground-driven dispensing devices. Apply bait at a rate up to 6 lbs. (0.12 lb active ingredient) per acre. Make only one application per year if Richardson's ground squirrels are being targeted. If voles are being targeted, a second bait application may be made after a minimum interval of 25 days. A maximum of 12 lbs (0.24 lb active ingredient) per acre may be applied per year. All applications must be made prior to the boot stage.

POTATOES

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles, and Townsend's voles (*Microtus spp.*) in growing-season and pre-plant applications in potatoes. Do not apply this product to potatoes within 30 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

BROADCAST BAITING: This product may be broadcast by air or ground-driven dispensing devices. Apply bait once at a rate up to 10 lbs (0.2 lb active ingredient) per acre, or make two separate applications at rates of up to 5 lbs (0.1 lb active ingredient) per acre. The maximum application rate per year is 10 lbs (0.2 lb active ingredient).

SUGAR BEETS

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles and Townsend's voles (*Microtus spp.*) in growing-season and preplant applications in sugar beets. Do not apply this product to sugar beets within 30 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

BROADCAST BAITING: This product may be broadcast by air or ground-driven dispensing devices. Apply bait at rates up to 10 lbs. (0.2 lbs. active ingredient) per acre at planting. A second application may be made at the same rate. The maximum application rate per year is 20 lbs (0.4 lb. active ingredient).

WHEAT

USE RESTRICTIONS: For control of meadow voles, long-tailed voles, California voles, Oregon voles, mountain voles, Townsend's voles (*Microtus spp.*) and Richardson's ground squirrels (*Spermophilus richardsonii*) in growing-season and preplant applications in wheat. Do not apply this product to wheat within 50 days of harvest. This use is restricted to Montana, Idaho, Oregon and the state of Washington.

PREBAITING: When bait is used to control Richardson's ground squirrels, prebaiting with untreated steam crimped oats at a rate of 6 lbs. per acre 2-3 days before ZP RODENT OAT BAIT AG is applied is likely to enhance acceptance of the toxic bait.

BROADCAST BAITING: This product may be broadcast by air or ground-driven dispensing devices. Apply bait at a rate of up to 6 lbs. (0.12 lb. active ingredient) per acre. Make only one application per year if Richardson's ground squirrels are being targeted. If voles are being targeted, a second application may be made within 25 days. The maximum application rate per year is 12 lbs. (0.24 lb. active ingredient) per acre.

BEANS (DRY)

USE RESTRICTIONS: For control of prairie voles (*Microtus ochrogaster*), meadow voles (*M. pennsylvanicus*), house mice (*Mus musculus*), deer mice (*Peromyscus maniculatus*), white-footed mice (*P. leucopus*), and Ord's kangaroo rats (*Dipodomys ordii*), in dry beans during the growing season. Do not apply by air. Do not apply this product to dry beans within 30 days of harvest. This use is restricted to Idaho, Oregon and the state of Washington.

BROADCAST BAITING: This product may be broadcast by hand or ground-driven dispensing devices at a rate of 6 lbs. (0.12 lb. active) per acre. **Wear rubber gloves during hand-broadcast operations.** No more than one application per growing season is permitted.

BUSHBERRIES AND CANEBERRIES

USE RESTRICTIONS: For control of meadow voles, prairie voles, and pine voles (*Microtus spp.*) in bushberries (highbush and lowbush blueberries, currants, elderberries, gooseberries and huckleberries) and in caneberreries (blackberries, red raspberries, black raspberries, loganberries, and cultivars or hybrids of these caneberreries). Only apply this product in the dormant season: after final harvest and not later than the beginning of leaf emergence in the spring. Do not apply when ground is snow covered. Do not apply by air. Minimum preharvest interval is 70 days.

BROADCAST BAITING: This product may be broadcast by cyclone seeder, or by hand. **Wear rubber gloves during hand-broadcast operations.** When applying by hand, throw tablespoon amounts (12 grams) into heavy cover along bushes, rock outcrops, and fence lines. Make up to 2 applications at a minimum interval of 21 days, at the rate of 6 to 10 lbs. per acre per application

CUCURBITS, REDUCED TILLAGE AND NO-TILL CORN

USE RESTRICTIONS: For control of prairie voles (*Microtus ochrogaster*), meadow voles (*M. pennsylvanicus*), house mice (*Mus musculus*), deer mice (*Peromyscus maniculatus*), white-footed mice (*P. leucopus*), thirteen-lined ground squirrels (*Spermophilus tridecemlineatus*), Ord's kangaroo rats (*Dipodomys ordii*), banner-tailed kangaroo rats (*D. spectabilis*), Merriam's kangaroo rats (*D. merriami*), and cotton rats (*Sigmodon hispidus*) in reduced tillage and no-till corn and in cucurbits, including and limited to chayote, Chinese waxgourd, citron melon, cucumber, gherkin, edible gourd, *Momordica spp.*, muskmelon, pumpkin, squash [summer and winter], and watermelon. Only in-furrow treatments are permitted for these crops. Do not broadcast bait. Do not apply this product within the occupied habitats of the endangered species or subspecies of kangaroo rats.

IN-FURROW APPLICATION ONLY: Equipment designed for in-furrow treatments must be used to apply this product in cucurbits, reduced tillage and no-till corn. Make one application pre-planting, or at-planting, at a rate of 4 to 6 lbs. of bait per acre. Collect and remove excessive quantities of bait deposited on surface soil or crop residues during spills or equipment malfunctions.

CALIBRATION / ROW

Row spaces Inches	4 lbs/A Rate oz. Per 1000 ft	5 lbs / A rate oz. Per 1000 ft	6 lbs / A rate oz. Per 1000 ft
20	2.5	3.1	3.7
30	3.7	4.6	5.5
36	4.4	5.5	6.6
38	4.7	5.8	6.9

LAWNS, ORNAMENTALS, GOLF COURSES, PARKS AND NURSERIES

USE RESTRICTIONS: For control of meadow voles, prairie voles, pine voles, California voles, long-tailed voles, Oregon voles, mountain voles and Townsend's voles (*Microtus spp.*), Columbian ground squirrels (*Spermophilus columbianus*), Richardson's ground squirrels (*S. richardsonii*), thirteen-lined ground squirrels (*S. tridecemlineatus*), and California ground squirrels (*S. beecheyi*) in lawns, ornamentals, golf courses, parks, and nurseries. Bait must not be applied on roads, over water or where plants are grown for food or feed.

PREBAITING: Prebait by placing one teaspoon (4 grams) of untreated steamed crimped oats around each active burrow opening or in each active runway 2 or 3 days prior to using ZP RODENT OAT BAIT AG to enhance acceptance by ground squirrels or voles.

HAND BAITING: Place 4 grams (one teaspoon) of bait around each active burrow opening or in each active runway. Allow bait to fall through to the ground surface but do not apply bait to bare ground. Do not place bait in heaps or piles.

AROUND AGRICULTURAL AND INDUSTRIAL STRUCTURES

USE RESTRICTIONS: This product may be used to control meadow voles (*Microtus pennsylvanicus*), prairie voles (*M. ochrogaster*), California voles (*M. californicus*), mountain voles (*M. montanus*), and pine voles (*M. pinetis*) around (within 15 feet of) agricultural, commercial and industrial buildings. Do not apply bait inside of structures.

Bait must be placed in tamper-resistant bait stations. These stations must be resistant to destruction by dogs and by children under 6 years of age and must be used in a manner that prevents such children from reaching into bait compartments and obtaining bait. If bait can be shaken from stations when they are lifted, units must be secured or otherwise immobilized. Even stronger bait stations are needed in areas open to hoofed livestock, raccoons, bears or other potentially destructive animals, or in areas prone to vandalism.

SELECTION OF TREATMENT AREAS: Determine where voles will most likely find and consume the bait. Look for runways near buildings as well as signs of vole activity oriented toward the structures.

PREBAITING: Prebaiting with untreated steamed crimped oats may improve acceptance of this product and encourage voles to enter bait stations. Apply a teaspoon amount (4 grams) of prebait to each bait station at least 2 days before the scheduled application of ZP RODENT OAT BAIT AG. Check bait stations for evidence of prebait consumption. Delay use of treated bait until more than half of the prebait offered has been consumed. Remove remaining prebait from bait stations before loading them with toxic bait.

BAITING: Apply a teaspoon (4 grams) of bait in each bait station. Space bait stations at intervals of 8-12 feet in infested areas. Maintain bait in stations for 3 days. Extend the baiting period only if there is continued evidence of feeding from the stations by voles.

AIRPORTS

USE RESTRICTIONS: This product may be used at airports to control meadow voles (*Microtus pennsylvanicus*), prairie voles (*M. ochrogaster*), California voles (*M. californicus*), mountain voles (*M. montanus*), pine voles (*M. pinetis*), and white-footed mice (*Peromyscus leucopus*). Do not apply bait to bare ground. Do not apply bait by air.

PREBAITING: Prebaiting with untreated steamed crimped oats may improve acceptance of this product. Apply prebait at the same rate and using the same procedures that are to be used for applying the toxic bait. Apply prebait 2 or 3 days before the scheduled application of ZP RODENT OAT BAIT AG.

HAND BAITING: Place a teaspoon (4 grams) of bait in surface runways or at the mouths of holes leading to underground burrow systems.

GROUND-BROADCAST BAITING: Broadcast bait evenly by hand, by cyclone seeder, or by mechanical spreader mounted on a tractor or 4-wheel drive all-terrain vehicle (ATV). Wear rubber gloves during hand-broadcast operations. Apply treated bait at rates from 6 to 10 lbs. per acre. Do not broadcast bait on any area at an airport more than once per year.

STORAGE AND DISPOSAL

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

STORAGE: Store only in original container in a cool, dry, well ventilated place inaccessible to children, pets and wildlife. Protect from direct contact with water or excessive moisture. Once opened, do not store bag for prolonged period.

Spills: If container is punctured, repair with tape and use clear overslip bag and securely close.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, 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 HANDLING: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Dispose of empty container by placing in trash, at an approved waste disposal facility or by incineration.

WARRANTY: To the extent consistent with applicable law, seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

102909

SPECIMEN LABEL

P.O. BOX 11880
ALBUQUERQUE, NEW MEXICO 87112
(505) 291-9801 Fax (505) 275-4160
www.burypestcontrol.com

PEST SERVICE

DATE 10/3/15 TIME IN 12:00 OUT 5:30

☐ REG. ☐ 1-TIME ☐ RES. ☐ COMM. ☐ INDOOR ☒ OUTDOOR

NAME

Pueblo School Acama

ADDRESS

Sky City

CITY, STATE, ZIP

Albuquerque, NM 87112

PHONE

SERVICES PERFORMED

TARGET PEST(S)

APPLICATION METHOD

☒ INSPECTION

☒ TREATMENT

☐

prairie dogs

pretreat

CHEMICALS USED

AMOUNT

%

EPA NUMBER

out corn

275

Holes

DESCRIPTION / REMARKS

AMOUNT

service

275 Holes pre Bait

SERVED BY

LIC. NO.

TOTAL

CUSTOMER SIGNATURE

SERVICE REPORT

65255

10/3/15 275 Holes filled preborted

Field III
55 Holes in Field I
60 Holes in Field II
55 Holes Filled In Field III

Field II
Field III
55 Holes in Field I
60 Holes in Field II
55 Holes Filled In Field III

Play Ground

Pueblo School

Parking lot

Field VI 35 Holes Filled

Field IV

Field V

50 Holes Filled In Field IV
70 Holes Filled In Field V

Field IV



P.O. BOX 11880
ALBUQUERQUE, NEW MEXICO 87112
(505) 291-5034 Fax (505) 275-4160
www.BaitPestControl.com

PEST CONTROL

DATE	10/9/15	TIME	IN 100	OUT 600
☒ REG. ☐ 1-TIME ☐ RES. ☒ COMM. ☐ INDOOR ☐ OUTDOOR				

NAME Pueblocho Acama

ADDRESS Sky city
CITY, STATE, ZIP Albuquerque NM

PHONE

SERVICES PERFORMED	TARGET PEST(S)	APPLICATION METHOD
☒ INSPECTION	prairie Dogs	Bait
☒ TREATMENT		
☐		

CHEMICALS USED	AMOUNT	%	EPA NUMBER
2P Rodent ad Bait	125 TBs	05%	12455-102

DESCRIPTION / REMARKS	AMOUNT
Service	
125 Holes Treated	
50 Holes pre Bait	

SERVED BY	LIC. NO.	TOTAL
<i>[Signature]</i>		

CUSTOMER SIGNATURE

SERVICE REPORT

65256

10/6/15
125 Treated
X for prebait
for Treated
50 Holes new prebait

1st treatment with chemical
wdk max

XXXXX

Field 2
10 Holes prebait
45 Holes Treated

Field 3
40 Holes Treated
10 Holes prebait

Play ground

School

Back Area

Field 1
25 Holes prebait
5 Holes Treated

Field 6

Field 4

Parking lot

Paint Shop

Field 5
5 Holes prebait
15 Holes Treated

3/4



P.O. BOX 11880
ALBUQUERQUE, NEW MEXICO 87192
(505) 291-5024 Fax (505) 275-4150
www.baitpestcontrol.com

PEST CONTROL

DATE 10/14/15 TIME IN 200 OUT 500

☐ REG. ☐ 1-TIME ☐ RES. ☒ COMM. ☐ INDOOR ☒ OUTDOOR

NAME Pueblo School Acoma

ADDRESS Sky city p

CITY, STATE, ZIP Acoma NM PHONE

SERVICES PERFORMED TARGET PEST(S) APPLICATION METHOD

☒ INSPECTION
☒ TREATMENT
☐

CHEMICALS USED AMOUNT % EPA NUMBER

ZP ant Bait 175 Tbs .05% 12445-102

DESCRIPTION/REMARKS AMOUNT

Service
175 Holes filled
3rd visit

SERVICED BY [Signature] LIC. NO. TOTAL

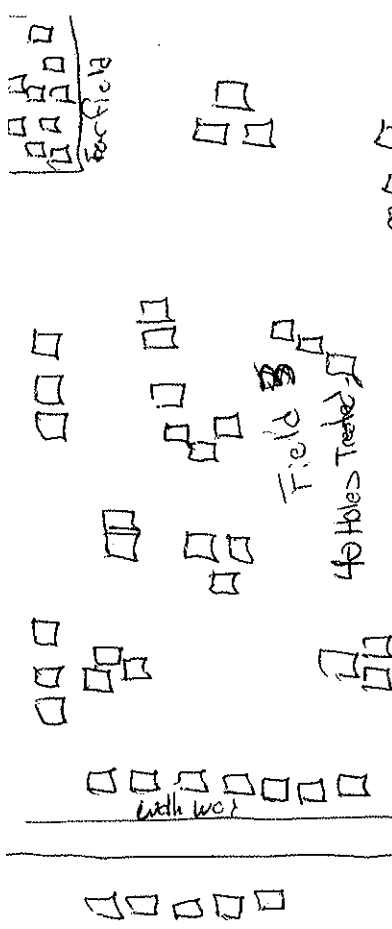
CUSTOMER SIGNATURE

SERVICE REPORT 65260

10/19/15

175 Treated 50 Holes treated Veld
And or re-treated No chemical

Field 2
25 Holes treated



Ditches

Play Ground

Pueblo School

Field 1
10 Treated

Field 6
15 Holes Filled

Field 4
45 Holes Filled

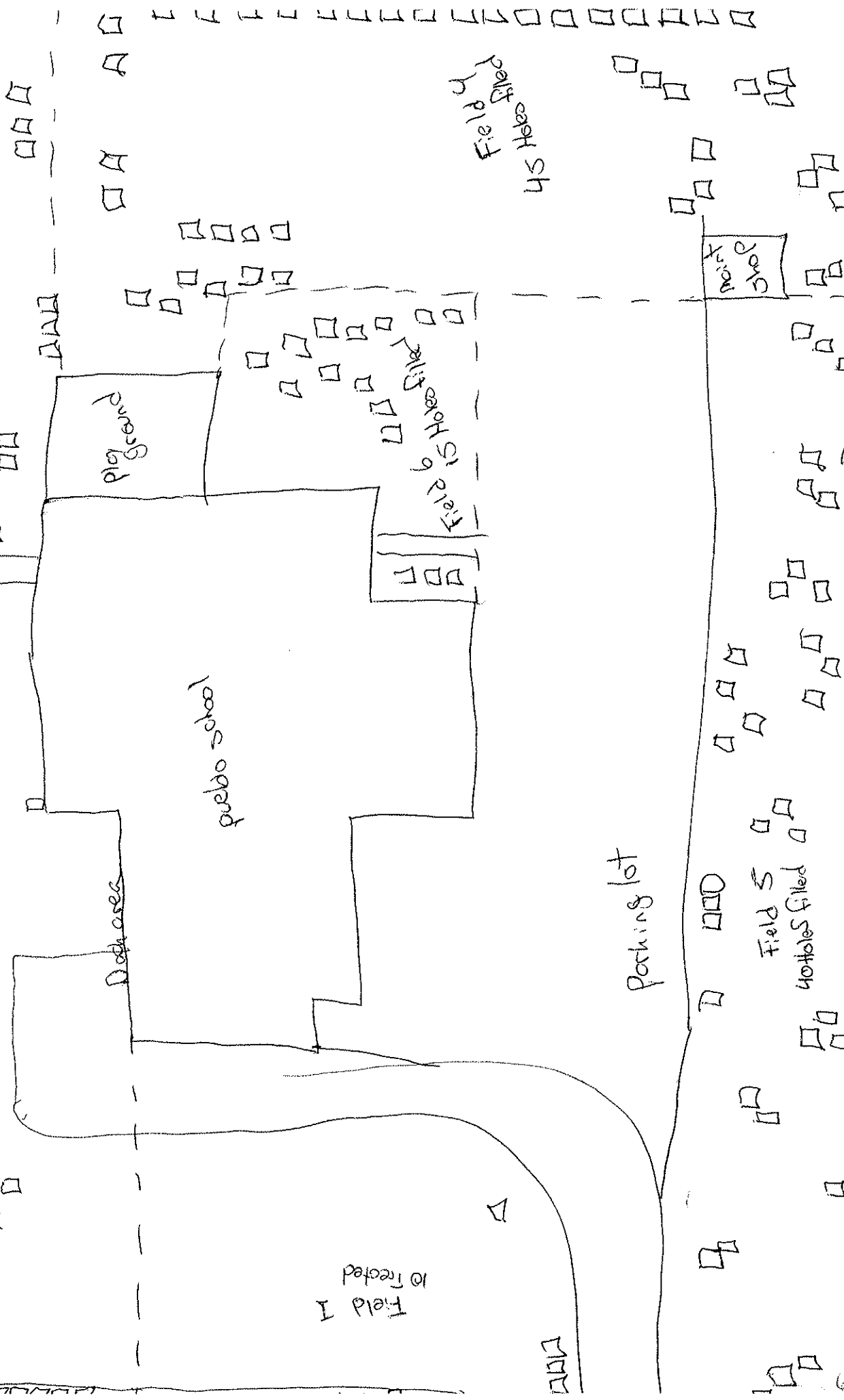
Parking lot

OUT

Field 5
40 Holes Filled

Field 7
40 Holes Filled

ROAD





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(505) 281-4524 Fax (505) 275-4160
www.B-Vpestcontrol.com

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DATE 10/31/15	TIME IN 200 OUT 500
☒ REG. ☒ 1-TIME ☐ RES. ☒ COMM. ☐ INDOOR ☐ OUTDOOR	
NAME Pueblo School Acame	
ADDRESS Zia Pueblo	
CITY, STATE, ZIP	PHONE

SERVICES PERFORMED	TARGET PEST(S)	APPLICATION METHOD
☒ INSPECTION	prairie dog	Bait
☒ TREATMENT		
☐		

CHEMICALS USED	AMOUNT	%	EPA NUMBER
2P ant Bait	85 lbs	0.5%	12455-102

DESCRIPTION / REMARKS	AMOUNT
85 Holes treated	
4th visit	

SERVICED BY <i>[Signature]</i>	LIC. NO.	TOTAL	
CUSTOMER SIGNATURE			

SERVICE REPORT

65265

For Field

Field 3
20 Holes Filled

Field 2
20 Holes Filled

Walk path

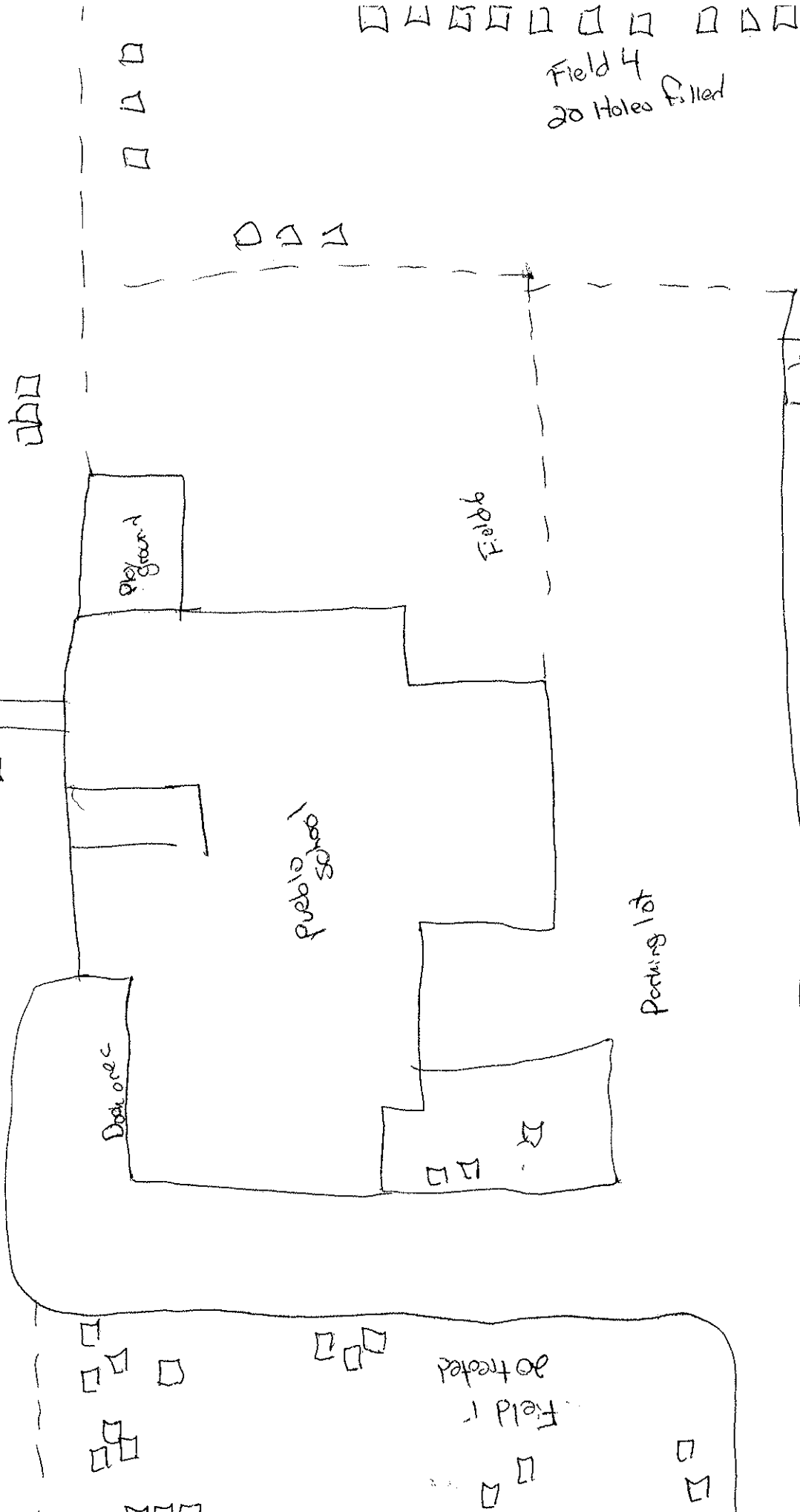
Field 2
20 Holes Filled

85 Treated

Field 2
20 Holes Filled

Field 2
20 Holes Filled

10/28/15



Field 4
20 Holes Filled

main store

Field 6

Pueblo School

Play Ground

Detention

Parking lot

Field 1
20 treated

Field 5
5 Holes Treated

Field 2
20 Holes Filled



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Re: RE: Gopher/Prairie Dog bait schedule

People

By pestcontrol <bnypestcontrol@yahoo.com>

Sep 17 at 6:55 AM

To: Long, Dixie

Can you send me the MSDS sheets and labels on to both baits

Sent from Yahoo Mail on Android

...

Hello

Between October 1 - March 15

Dixie Long

From: Bny pestcontrol [mailto:bnypestcontrol@yahoo.com]

Sent: Wednesday, September 16, 2015 2:35 PM

To: Long, Dixie

Subject: Gopher/Prairie Dog bait schedule

Can you tell me again when we are able to bait for Prairie Dog's using ZP or Kaput? And what is the current prices on them... Thanks!

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

B & Y Pest Control Inc.

PO Box 11880: Albuquerque NM, 87192

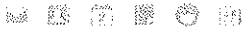
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* Re: Prairie dog baiting

by Long, Dixie

Got ya..

Thanks

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

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From: "Long, Dixie" <DDL@landolakes.com>
To: Bny pestcontrol <bnypestcontrol@yahoo.com>
Sent: Monday, May 4, 2015 1:39 PM
Subject: RE: Prairie dog baiting

Those are the only two prairie dog baits labeled in NM

Dixie Long

From: Bny pestcontrol [mailto:bnypestcontrol@yahoo.com]
Sent: Monday, May 04, 2015 1:39 PM
To: Long, Dixie
Subject: Prairie dog baiting

Are there any other manufactures of prairie dog bait? Just curious, our clients are really anxious (and our hands are tied with the label restrictions).
LMK
Thanks!

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

B & Y Pest Control Inc.

PO Box 11880: Albuquerque NM, 87192

Phone# (505)291-9924 Fax# (505)275-4160

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Winfield Solutions, LLC

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PO Box 64281
St. Paul MN 55164-0281

ACCOUNT #	CUSTOMER #
120474	8481771
INVOICE NUMBER	
000060473736	

INVOICE

SOLD TO: 120474 8481771

SHIP TO: 120474 8481771

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ALBUQUERQUE NM 87112-4729

WINFIELD SOLUTIONS, LLC
3005 BROADWAY BLVD SE STE A
ALBUQUERQUE, NM 87102-5101

INVOICE NO.	INVOICE DATE	REL #	SHIPPED VIA		SHIPPED FROM		SHIP DATE	TOTAL SHIP WT		
000060473736	10/02/15		CUSTOMER ARRANGED		ALBUQUERQUE NM 87102-5101		00/00/00	51.75		
ORDER #		VENDOR #	VENDOR NAME		VENDOR INVOICE #		CUSTOMER REF #		SHIP DOC #	
S\$ 29550861									0	
TAXABLE	ITEM NUMBER	DESCRIPTION	UOM	SHIPPED QTY	SHIPPING WEIGHT	PRICE	PRICE UOM	TOTAL QTY PRICED	AMOUNT	
	1412532	ZP RODENT OAT BAIT 45LB	BG	1.0000	45.00	74.0800	BG	1.000	74.08	
		Product is subject to PPG Return Policy.								
	65299206	GENTROL EC 1PT	PT	2.0000	2.00	70.7700	PT	2.000	141.54	
		Product is subject to PPG Return Policy.								
	10129122	CM MS GLUBD PB 72MB 72/CA	CA	1.0000	4.75	23.1700	CA	1.000	23.17	
		Product is subject to PPG Return Policy.								
----- I INVOICE SUMMARY RECAP I TOTAL PRODUCT AMOUNT I TOTAL TAXES, SURCHARGES, AND FEES I I INVOICE TOTAL: 238.79 I I *** THANK YOU FOR THIS ORDER *** ----- IF YOU HAVE ANY QUESTIONS CONCERNING THIS INVOICE, PLEASE CALL CUSTOMER SERVICE AT 1-855-494-6343 -----										
REMIT TO:			TERMS						AMOUNT DUE	
NEW PAYMENT ADDRESS PAYMENT PROCESSING CENTER PO BOX 847278 DALLAS TX 75284-7278			Invoice Amount Due by 11/01/15. Payments not received by the due date are subject to an 18% annual finance charge.						238.79	

3/5

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PO Box 64281
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ACCOUNT #	CUSTOMER #
120474	8481771
INVOICE NUMBER	
000060485263	

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ALBUQUERQUE, NM 87102-5101

INVOICE NO.	INVOICE DATE	REL #	SHIPPED VIA		SHIPPED FROM		SHIP DATE	TOTAL SHIP WT		
000060485263	10/12/15		CUSTOMER ARRANGED		ALBUQUERQUE NM 87102-5101		00/00/00	45.00		
ORDER #		VENDOR #	VENDOR NAME		VENDOR INVOICE #		CUSTOMER REF #		SHIP DOC #	
SS 29559126									0	
TAXABLE	ITEM NUMBER	DESCRIPTION		UOM	SHIPPED QTY	SHIPPING WEIGHT	PRICE	PRICE UOM	TOTAL QTY PRICED	AMOUNT
	1412532	ZP RODENT OAT BAIT 45LB		BG	1.0000	45.00	74.0800	BG	1.000	74.08
Product is subject to PPG Return Policy.										
----- INVOICE SUMMARY RECAP TOTAL PRODUCT AMOUNT TOTAL TAXES, SURCHARGES, AND FEES INVOICE TOTAL: 74.08 ----- ----- *** THANK YOU FOR THIS ORDER *** ----- -----										
IF YOU HAVE ANY QUESTIONS CONCERNING THIS INVOICE, PLEASE CALL CUSTOMER SERVICE AT 1-855-494-6343										
Winfield US										
REMIT TO:				TERMS					AMOUNT DUE	
NEW PAYMENT ADDRESS PAYMENT PROCESSING CENTER PO BOX 847278 DALLAS TX 75284-7278				Invoice Amount Due by 11/11/15. Payments not received by the due date are subject to an 18% annual finance charge.					74.08	

Correspondence Address: DO NOT REMIT PAYMENTS
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ACCOUNT #	CUSTOMER #
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INVOICE NUMBER	
000060509857	

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WINFIELD SOLUTIONS, LLC
3005 BROADWAY BLVD SE STE A
ALBUQUERQUE, NM 87102-5101

INVOICE NO.		INVOICE DATE		REL #		SHIPPED VIA		SHIPPED FROM		SHIP DATE		TOTAL SHIP WT	
000060509857		10/30/15				CUSTOMER ARRANGED		ALBUQUERQUE NM 87102-5101		00/00/00		45.00	
ORDER #			VENDOR #		VENDOR NAME			VENDOR INVOICE #		CUSTOMER REF #		SHIP DOC #	
S\$ 29593402												0	
TAXABLE	ITEM NUMBER	DESCRIPTION			UOM	SHIPPED QTY	SHIPPING WEIGHT	PRICE	PRICE UOM	TOTAL QTY PRICED	AMOUNT		
	1412532	ZP RODENT OAT BAIT 45LB			BG	1.0000	45.00	74.0800	BG	1.000	74.08		
Product is subject to PPG Return Policy.													

INVOICE SUMMARY RECAP								(GENERAL)					
TOTAL PRODUCT AMOUNT								74.08					
TOTAL TAXES, SURCHARGES, AND FEES								.00					

INVOICE TOTAL: 74.08								TOTALS		74.08			

*** THANK YOU FOR THIS ORDER ***								REMIT:		74.08			

IF YOU HAVE ANY QUESTIONS CONCERNING THIS INVOICE, PLEASE CALL CUSTOMER SERVICE AT 1-855-494-6343													
Winfield US													
REMIT TO:					TERMS					AMOUNT DUE			
NEW PAYMENT ADDRESS PAYMENT PROCESSING CENTER PO BOX 847278 DALLAS TX 75284-7278					Invoice Amount Due by 11/29/15. Payments not received by the due date are subject to an 18% annual finance charge.					74.08			

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Bny pestcontrol <bnypestcontrol@yahoo.com>
To Leland Martinez

May 4 at 1:37 PM

Leland,

Just wanted to give you a quick update, both the baits we have in stock (as well as the baits our distributors carry locally) have a VERY specific date range as to when they can be applied (July-January). This has to do with the mating and/or interference with this (as well as a potential cross contamination during these months). I am looking to see if there is anything else out there we can utilize, if not we cannot complete this job until July 1st. Please let me know if you have any questions.
Thanks!

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

B & Y Pest Control Inc.

PO Box 11880: Albuquerque NM, 87192

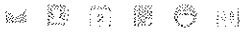
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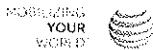
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Re: Prairie dog control

People

Bny pestcontrol <bnypestcontrol@yahoo.com>

To: Nunez, Simon

CC: Martinez, Leland

Sep 17 at 9:31 AM

Mr. Nunez,

This is the bait we will be utilizing, it shows October 1st, so I will need to set the date as October 1st instead of the 30th as we spoke of (I had it in my system as September 1st)...

Kaput-D Prairie Dog Bait

Please see attached for Label and MSDS sheet

Let me know if you have any questions.
Thanks!!

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

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From: "Nunez, Simon" <Simon.Nunez@BIE.EDU>
To: Bny pestcontrol <bnypestcontrol@yahoo.com>
Cc: "Martinez, Leland" <Leland.Martinez@BIE.EDU>
Sent: Thursday, September 17, 2015 6:27 AM
Subject: RE: Prairie dog control

Thank You but, first please send me MSDS for the following information.

From: Bny pestcontrol [mailto:bnypestcontrol@yahoo.com]
Sent: Wednesday, September 16, 2015 3:33 PM
To: Nunez, Simon
Subject: Prairie dog control

Mr. Nunez,

Please see attached and call me with any questions. We are able to bait now (as per the label). We are schedule to go out to Sky city Next Tuesday 09-29-2015.

Let me know and please note that it is a weekly visit price (as the problem is REALLY bad, and will require a LOT of baiting and is very labor intensive).

Let me know if you have any questions.

Thanks!

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

B & Y Pest Control Inc.



2/3

Subject: Re: Potential Use of Kaput at BIE School
From: Bny pestcontrol (bnypestcontrol@yahoo.com)
To: Leland.Martinez@BIE.EDU;
Cc: Simon.Nunez@BIE.EDU;
Date: Tuesday, November 17, 2015 3:25 PM

Simon,

We currently utilize ZP Rodent bait, please see the label (attached). As per the label:

PRAIRIE DOGS USE RESTRICTIONS: For control of black-tailed prairie dogs (*Cynomys ludovicianus*), white-tailed prairie dogs (*C. leucurus*) and Gunnison (Zuni) prairie dogs on rangeland in the western United States (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Colorado, Montana, Idaho, Utah and Wyoming). **PREBAITING:** Prebait with 4 grams (one teaspoon) of untreated steam crimped oats per mound, one or two days prior to baiting, to increase acceptance of treated baits by prairie dogs. **BAITING:** Apply bait only after all or most of prebait is eaten and only to areas where untreated bait was consumed. Establish observation period during prebaiting. Apply bait by hand as a six-inch bait spot on edge of each mound or in adjacent feeding areas. Application rate should not exceed 4 grams (one teaspoon) per bait spot. Treat during mid-summer through mid-winter period (July-January). Do not apply more than one bait application during this period. Dispose of spilled or unwanted bait by burial.

Jesse A. Stanich

General Manager - General Operations Manager - Social Media Specialist

B & Y Pest Control Inc.

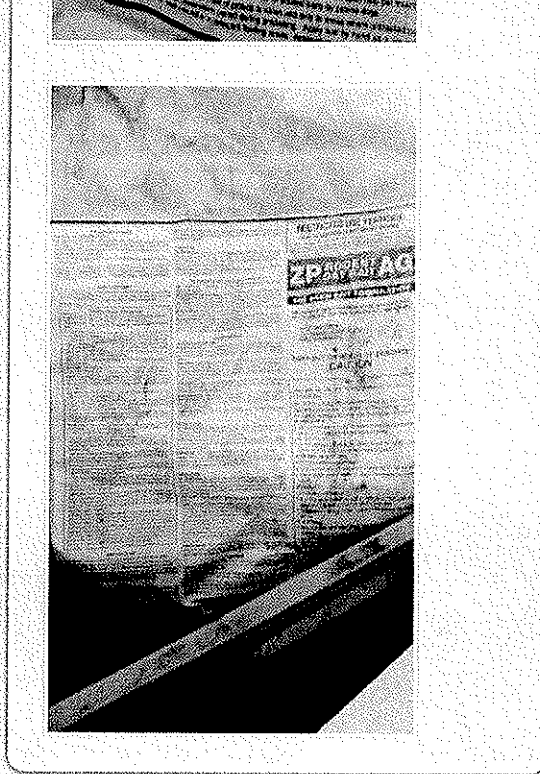
PO Box 11880: Albuquerque NM, 87192

Phone# (505)291-9924 Fax# (505)275-4160

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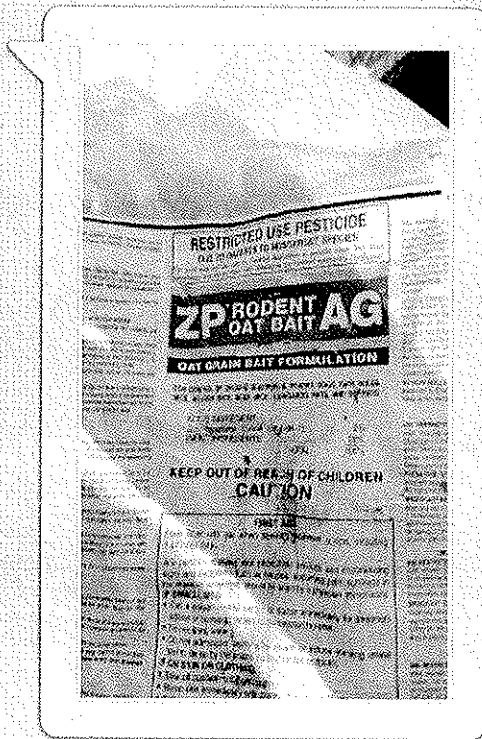
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*Text observed
during inspection
sent on 11/17/2015
SP*

3:09 PM MMS



2:12 PM MMS

Enter message



From: "Martinez, Leland" <Leland.Martinez@BIE.EDU>
To: "'Bny pestcontrol (bnypestcontrol@yahoo.com)'" <bnypestcontrol@yahoo.com>
Cc: "Nunez, Simon" <Simon.Nunez@BIE.EDU>
Sent: Tuesday, November 17, 2015 2:45 PM
Subject: FW: Potential Use of Kaput at BIE School

Good afternoon,

We would need to stop the exterior rodent control at Sky City Community School. If you feel that a response to this manner is necessary, please submit to Mr. Simon Nunez

Thank you,

From: Nunez, Simon
Sent: Tuesday, November 17, 2015 11:41 AM
To: Martinez, Leland
Subject: RE: Potential Use of Kaput at BIE School

yes

From: Martinez, Leland
Sent: Tuesday, November 17, 2015 11:31 AM
To: Nunez, Simon
Subject: RE: Potential Use of Kaput at BIE School

Would you like for me to forward the information to B & Y Pest Control?

From: Nunez, Simon
Sent: Tuesday, November 17, 2015 11:21 AM
To: Martinez, Leland
Subject: FW: Potential Use of Kaput at BIE School

As of today we better stop on B & Y on putting the substances in the holes due to the EPA report or recommendation.

From: McPherson, Kenneth [mailto:McPherson.Kenneth@epa.gov]
Sent: Tuesday, November 17, 2015 11:13 AM
To: North, Eric
Cc: Nunez, Simon
Subject: Potential Use of Kaput at BIE School

Eric,

As the ADD-Bureau Operated Schools Safety Specialist, I wanted copy furnish you information that I shared with the Pueblo of Acoma in reference to the potential use of a restricted use pesticide on BIE grounds near Sky City Elementary School.

The below message was in response to a request for information from the Acoma Environmental Department in Pueblo of Acoma, based on the potential use of Kaput-D at Sky City Elementary School. The message was copy furnished to Mr. Nunez as well.

If the product used was Kaput-D, then my recommendations were to restrict children and pet access until you can have the pesticide applicator pick-up and remove the exposed oats around and near burrow openings per label directions, and to fill in any burrows on the school grounds that were treated with product in order to limit children and pet access since they are identified as at risk groups by the label.

Kaput-D is an anti-coagulant that has specific directions to place the product six-inches or more into burrows, and not leave any product exposed on the ground. It also requires clean-up of any product not in the burrow by the pesticide applicator, and it requires that children and pests be restricted from access to treated areas.

Sincerely,

Ken McPherson

Kenneth R. McPherson, BCE | Environmental Protection Specialist | US EPA Region 6 | 1445 Ross Avenue (6PD-P) | Dallas, TX 75202 | Tel 214.665.6754 |
McPherson.Kenneth@epa.gov<mailto:McPherson.Kenneth@epa.gov>

<http://www.epa.gov/pesticides>
www.facebook.com/eparegion6<<https://www.facebook.com/eparegion6>>
<http://twitter.com/eparegion6>

From: McPherson, Kenneth
Sent: Tuesday, November 03, 2015 4:35 PM
To: 'Donna Martinez'
Cc: mchavez@enipc.org<mailto:mchavez@enipc.org>; 'LouAnn Tenequer'; 'LouAnn Tenequer'; interpreter@puebloofacoma.org<mailto:interpreter@puebloofacoma.org>; 'Tribal Secretary Jonathan Sims'; glouis@puebloofacoma.org<mailto:glouis@puebloofacoma.org>; McMillan, Lee; Acosta, Gerardo; Simon Nunez (simon.nunez@bie.edu<mailto:simon.nunez@bie.edu>); Carroll, Craig
Subject: RE: KAPUT

Donna,

Thank you for the email. I was preparing some notes to call you today.

Since the prairie dog control situation on Sky City Community School grounds presented questions of a potential Federal Insecticide, Fungicide, and Rodenticide Act violation, I passed on the initial information given to me by Mr. Nunez from BIE and photos I had taken of the treated area to Mr. Gerardo Acosta, Team Lead for the Region 6 Pesticide Enforcement Team for review and action.

Attached are two labels for Kaput-D, the product that may have been used. Both require that the product be used in a manner to limits feral and domestic animal, protected and threatened

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species, non-target organism and children access to the product.

Since it appears that there is a grain product that looks similar to whole oats used in Kaput outside and just in the burrows, I recommend restricting access to the site by children until you can arrange to have the BIE have the pesticide applicator pick-up and properly dispose of the product that is on the ground and/or less than six inches within the burrow (per label directions). If the oat-type seeds outside the burrows is Kaput, it is hard to determine how much of it is still active after a month of being exposed to the elements, so I further recommend backfilling the burrows before you allow children to access those grounds.

If you would like to discuss Mr. Acosta's and his teams activities, you may contact him at 214-665-8042 or email at: Acosta.gerardo@epa.gov<<mailto:Acosta.gerardo@epa.gov>>.

Sincerely,

Ken

Kenneth R. McPherson, BCE | Environmental Protection Specialist | US EPA Region 6 | 1445 Ross Avenue (6PD-P) | Dallas, TX 75202 | Tel 214.665.6754 | McPherson.Kenneth@epa.gov<<mailto:McPherson.Kenneth@epa.gov>>

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<http://twitter.com/eparegion6>

From: Donna Martinez [<mailto:dmartinez@puebloofacoma.org>]
Sent: Tuesday, November 03, 2015 3:49 PM
To: McPherson, Kenneth
Cc: mchavez@enipc.org<<mailto:mchavez@enipc.org>>; 'LouAnn Tenequer'; 'LouAnn Tenequer'; interpreter@puebloofacoma.org<<mailto:interpreter@puebloofacoma.org>>; 'Tribal Secretary Jonathan Sims'; glouis@puebloofacoma.org<<mailto:glouis@puebloofacoma.org>>
Subject: KAPUT

Good afternoon Ken. Thank you again for your visit to Acoma Pueblo on October 28, 2015 to view the prairie dog situation on the properties of Sky City Community School and the Haaku Learning Center. I would like to know if you were able to contact the Contractor that conducted the KAPUT pesticide drop into the prairie dog holes. Please let me know of the results so I can report this to the individuals that were present at the meeting. We are all concerned for the health and safety of our community, especially the young children that attend the school. Thank you and I look forward to hearing from you.

Donna J. Martinez
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Attachments

- ZP Rodent Bait.pdf (384.40KB)