



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN

LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM  
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

SEP 20 2021

Paul Romias  
President  
NO KA OI – Termite & Pest Control, Inc.  
Post Office Box 24426  
Barrigada, Guam 96921

RE: NO KA OI NOTICE OF VIOLATION/ORDER OF COMPLIANCE/  
ADMINISTRATIVE PENALTY ORDER PEP 21-001

Hafa Adai Mr. Romias:

*Buenas yan Saluda.* You are hereby advised that this Notice of Violation/Order of Compliance/Administrative Penalty Order PEP 21-001 is being issued to you, as the President of NO KA OI, Termite and Pest Control Incorporated, located at 107 Cepeda Way, Barrigada, Guam 96913.

The Guam Environmental Protection Agency (Guam EPA) is charged with the responsibility of implementing and enforcing the Guam Pesticides Act, Chapter 50 of Title 10, Guam Code Annotated (GCA), Public Law No. 29-026, and the Guam EPA's Pesticides Regulations, Chapter 15 of Title 22, Division III, Public Law No. 30-197.

Guam EPA has the authority to issue, amend, and enforce orders as may be necessary to ensure compliance with any provision of this Chapter, or of any rules, regulations, license, certification, registration, standards, or requirements issued pursuant to this Chapter, including, but not limited to, an administrative penalty or order, not limited to an emergency order, an administrative penalty or order requiring whatever remedial measures may be necessary or appropriate to implement or effectuate the provisions and purposes of this Chapter. 10 GCA § 50104(i).

Guam EPA also has the authority to "impose and collect penalties against any person for the violation of any of its rules, regulations or compliance orders issued under Chapter 50.

Any person who knowingly violates any pesticides provision of this Chapter, or any valid pesticides rule or regulation promulgated under this Chapter or who refuses or neglects to comply with any lawful license, certification, permit, registration, Notice of Arrival, or order issued by the Administrator in carrying out the provisions of this Chapter shall, in addition to cleanup costs and other damages, forfeit and pay a civil penalty of not more than \$10,000 per day for each violation or non-compliance." 10 GCA §50118(b).

Each day of continued violation of 10 GCA Chapter 50 or Title 22, Guam Administrative Rules and Regulations (GAR), Division III, Chapter 15 rules and regulations authorized under this Chapter is deemed a separate violation.

The Guam EPA Administrator is also directed to enforce orders necessary to ensure compliance with 10 GCA Chapter 50 and any rules and regulations enacted pursuant to 22 GAR, Division III, Chapter 15, including any other administrative or judicial remedy provided by this Chapter, or by rules adopted under this Chapter, the Administrator is authorized to impose by order the penalties specified in §§50118(a) and (b).

On July 8, 2021, at approximately 4:00 p.m., Guam EPA received a call from Mr. John Martinez, the president and property manager/owner of Tech-Rite Builders. Mr. Martinez reported that birds were falling and dying in his yard, parking lots, and roadways adjacent to his residence along Farenholt Avenue, Tamuning, Guam.

Two representatives from Guam EPA arrived at the site. One inspector took photos of the dead birds while the other inspector interviewed Mr. Martinez. According to Mr. Martinez, his son at approximately 12:00 p.m. observed an employee from NO KA OI dispensing something from a container onto the ground in front of the building adjacent to his residence along Farenholt Avenue, Tamuning, and that he and his son approached the employee and asked him what he was doing. The employee responded that he was feeding the birds.

Hours later, Mr. Martinez found dead birds in his residence, parking lots to the adjacent buildings and roadway along Farenholt Avenue. He also informed the inspector that he had contacted Mr. Paul Romias, president of NO KA OI, since he had observed a person wearing a NO KA OI uniform and truck at the site and assumed that the birds could have been poisoned by his employee.

Mr. Paul Romias, president of No KA OI, Termite and Pest Control Incorporated, located at 107 Cepeda Way, Barrigada, Guam, arrived approximately 4:50 p.m. at the site and informed Guam EPA's inspectors that his employee had mixed rat bait, rice, and water to feed the birds. He was also advised to collect all the dead birds from the site and store them at his facility until further instructed by Guam EPA's Pesticides Enforcement Program. A copy of the complaint report is attached to this enforcement action.

On July 12, 2021, an interview with Mr. Tenison Illemelong at Building 17-3304, Mariner Avenue, Tiyan revealed that he was the NO KA OI pesticide technician at Farenholt Avenue, Tamuning on July 8, 2021 and he concocted the restricted use pesticide Avitrol, First Strike Soft Bait, rice, and leftover Adobe juice mixture that killed twelve (12) birds.

A Guam EPA detailed investigation report and photos of the investigation conducted at the site are enclosed along with the interview conducted on July 12, 2021, with Mr. Illemelong, No KA OI Pesticides Technician, Guam EPA's Pesticides Core Card Number 00621-0045, at Guam EPA. A review of Guam EPA's Restricted Use Pesticides (RUPs) certified applicator records revealed that Mr. Illemelong does not have a commercial applicators certification for RUPs.



## **NOTICE OF VIOLATIONS**

Based on the investigation conducted, NO KA OI was in violation of the following sections of the Pesticides Act, Chapter 50 of Title 10 GCA and Title 22, Guam Administrative Rules and Regulations, Division III, Chapter 15, Pesticides Regulations.

(1) It shall be unlawful for any person to use, apply, store, transport, mix, dispose or supervise the use of an application of a pesticide or device inconsistent with its label or restriction imposed by the Administrator. 10 GCA §50110(b).

- *NO KA OI violated 10 GCA §50110(b) by allowing an uncertified applicator to use, mix and apply restricted use pesticides without supervision inconsistent with its label. Mr. Ilemelong used mixtures of "First Strike Soft Bait," "Avitrol," rice, and leftover Adobo juice to feed the birds.*

(2) It shall be unlawful for any person to use store, transport, mix, dispose or discard any pesticide or containers of any pesticide or device in any manner that could have adverse effects on the environment. 10 GCA §50110(c).

- *NO KA OI violated the provision of this rule by allowing an uncertified applicator to use a restricted use pesticide Avitrol, First Strike Bait. rice and leftover Adobo juice that were mixed and spread onto the environment for the birds to feed on at Farenholt Avenue, Tamuning.*

(3) 22 GAR 3-§15302 states that "Pesticides, empty containers (or parts thereof), or equipment that holds (or has held) a pesticide, shall not be emptied or disposed of in such a manner that may present a hazard to persons, animals (especially bees), food, feed, crops or property".

- *NO KA OI violated the provision of this rule by allowing an uncertified applicator to use a restricted use pesticide to feed and kill 12 birds at Farenholt Avenue, Tamuning.*

(4) It shall be unlawful for any person to use, store, transport, mix, dispose, discard, or apply any restricted use pesticide or device unless the person is a certified pesticide applicator or is acting under the immediate supervision and control of a currently certified applicator with a valid certificate issued pursuant to regulations adopted under this Chapter. 10 GCA §50110(f).

22 GAR 3-§ 15603(c)(3) also states that the supervisor must be physically present onsite observing the application of the pesticide at the time of the application.

- *NO KA OI violated the provision of this rule by not providing a certified applicator to be physically present to supervise the use of RUPs by an uncertified employee at the site.*

## **ORDER OF COMPLIANCE**



Based on the violations cited above, Guam EPA hereby requires NO KA OI to provide the following information for all applicators employed by No KA OI who applied any restricted use pesticides:

Submit to Guam EPA the following information from July 1, 2019, to July 31, 2021:

- a. The name, address, and certification number of the person who applied the pesticide;
- b. The expiration date of the applicator's certification;
- c. The name and address of the entity for whom the pesticide was applied;
- d. The USEPA registration number and trade (or common) name of each pesticide applied;
- e. The date, time, and method of pesticide application;
- f. Target pests;
- g. Target site (i.e., the specific crop (or commodity) residence, school, etc., and
- h. Where and how any rinsate, remaining pesticide and/or the pesticide container is stored or disposed of.
- i. Submit to Guam EPA an inventory of all restricted use pesticides purchased and used by NO KA OI from July 1, 2019, to July 31, 2021.
- j. Submit to Guam EPA photos of where the restricted use pesticides are stored and displayed at the facility by NO KA OI; and
- k. Submit a complete report of the information requested above within thirty (30) calendar days upon receipt of this letter.

Nothing in this Order of Compliance limits the ability of Guam EPA to enforce any provisions of applicable Guam laws and regulations. Guam EPA does not waive any rights or remedies available to it. Failure to comply with this Compliance Order may subject you to additional administrative, civil, or criminal penalties.

### **ADMINISTRATIVE PENALTY ORDER**

In addition to this Notice of Violation/Order of Compliance, the Administrator of Guam EPA, pursuant to 10 GCA §§ 50118 (b) and (e), hereby imposes an administrative penalty.

The maximum administrative penalty for the pesticide violation is ten thousand dollars (\$10,000.00) per day, per pesticides violation, or forty thousand dollars (\$40,000.00) for four (4) violations for one (1) day.

The Administrator has considered the following in determining the number of penalties for allowing the following:

- (1) The use of restricted use pesticides by an uncertified NO KA OI pesticide technician;
- (2) The willful knowledge by the NO KA OI pesticide technician that the concoction of the restricted use pesticides Avitrol and First Strike Soft Bait with rice and Adobo juice will be detrimental to the birds in the area;



(3) The death of approximately twelve (12) birds that included Pigeons, Sparrows, and Chichiricas; and

(4) The information that it rained that afternoon at Farenholt Avenue, Tamuning diluting the mixture of rice on the ground that could have caused additional birds to die.

The Administrator also considered that NO KA OI does not have any prior records of pesticides violations issued by the Agency and the death of the 12 birds was the cause of a spontaneous reaction by his pesticide technician.

Therefore, the Administrator, as a result of this, assesses a penalty of five hundred (\$500.00) for each of the four pesticide violations. The total amount due for the four violations is two thousand dollars (\$2,000.00) for one day. You are presumed under the law to be able to pay the penalty under 10 GCA Chapter 50.

The penalty amount is due and owing fifteen (15) calendar days from the date of receipt of this Administrative Penalty Order. The payment due date will stay upon the timely filing of a Notice of Intent to Appeal/Notice of Defense. Failure to comply with this Administrative Penalty Order may subject you to additional administrative penalties or civil or criminal actions as described above.

### **NOTICE OF RIGHT TO APPEAL**

You may file within fifteen (15) calendar days of the date of receipt of this Notice of Violation/Order of Compliance/Administrative Penalty Order, a Notice of Intent to Appeal also known as a Notice of Defense with the Guam EPA's Board of Directors, setting forth in such Notice of Intent to Appeal/Notice of Defense, a verified petition outlining the legal and factual bases for such an appeal. A copy of the Notice of Intent to Appeal/Notice of Defense is attached for your convenience.

Unless a written request for a hearing signed by or on behalf of the person, agency, or business entity named above in this Notice of Violation/Order of Compliance/Administrative Penalty Order is hand-delivered or mailed to Guam EPA within fifteen (15) calendar days after the Notice of Violation/Order of Compliance/Administrative Penalty Order was personally served on you or mailed to you, Guam EPA may proceed upon the Notice of Violation/Order of Compliance/Administrative Penalty Order without a hearing.

A request for a hearing may be made by delivering the enclosed form entitled "Notice of Intent to Appeal also known as a Notice of Defense," or by providing a notice of defense as provided in 5 GCA §9205, to the following address:

Guam Environmental Protection Agency Board of Directors  
c/o Administrator  
Attn: Air & Land Division  
Guam Environmental Protection Agency  
Building 17-3304 Mariner Avenue. Tiyan

**GUAM EPA** | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | [epa.guam.gov](http://epa.guam.gov)  
ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLĀLĀLA'

    Like and follow [guamepa](https://www.guamepa.guam.gov)





Barrigada, Guam 96913

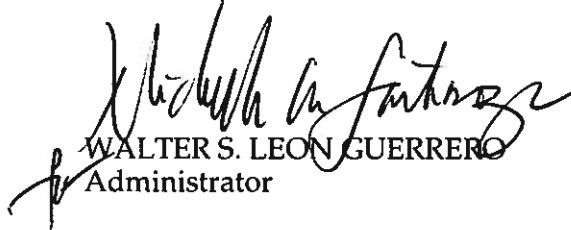
If you file a Notice of Intent to Appeal/Notice of Defense, the Guam EPA's Board of Directors shall hold a public hearing, not more than sixty (60) calendar days after receipt of such Notice of Intent to Appeal/Notice of Defense, at which time you may appear and present evidence in person or through counsel in support of this Petition.

Failure to file a Notice of Intent to Appeal and Verified Petition within the period specified above will constitute a waiver of your right to a hearing. If you waive your rights to a hearing, the Order of Compliance and Administrative Penalty Order will become final, and Guam EPA may proceed upon the Orders without a hearing and without further notice to you.

Should you have any question(s) concerning the technical aspects of this letter, please contact Vincent J. Pereira or Maria Duenas at 300-4751/2.

*Dangkolu na si Yu'us ma'åse'.*

*Senseramente,*

  
WALTER S. LEON GUERRERO  
Administrator

**Attachments**

cc: Ms. Fabiola Estrada, Guam Pesticides Program Manager, USEPA Region IX  
Mr. Carl Goldstein, Guam Program Manager, USEPA Region IX





AHENSIAH PRUTEKSION LINA'LA GUÅHAN

## NOTICE OF INTENT TO APPEAL – NOTICE OF DEFENSE

I, \_\_\_\_\_, have received your Notice of Violation, Order of Compliance and/or Administrative Penalty Order dated \_\_\_\_\_, charging me for violations and/or imposing penalties and/or other orders, and I wish to:

☐ **REQUEST FOR A HEARING AND**

- ☐ Object to the accusation on the ground that it does not state acts or omissions upon which the agency can proceed.
- ☐ Object to the form of the accusation on the ground that it is so indefinite or ambiguous that I cannot identify the infraction or prepare my defense.
- ☐ Wish to prepare a new matter in my defense
- ☐ Admit to the accusation in part

☐ **ADMIT TO THE ACCUSATION IN WHOLE**

☐ **VERIFIED PETITION:** *Under penalty of perjury*, I hereby declare that the following constitutes my legal and factual basis for this appeal (USE ADDITIONAL SHEETS IF NECESSARY):

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My mailing address is: \_\_\_\_\_

PRINTED NAME

SIGNATURE

DATE

GUAM EPA CASE#: \_\_\_\_\_

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | [epa.guam.gov](http://epa.guam.gov)  
TODU Y NILALA Y TANO MAN UNO • ALL LIVING THINGS ARE ONE

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# SOLID AND HAZARDOUS WASTE PROGRAM COMPLAINT RECORD

COMPLAINT NO.: \_\_\_\_\_

RECEIVED BY: GVSN via Admin DATE: 08JUL21

ASSIGNED TO: Pesticides DATE ASSIGNED: 09JUL21

## WATER DIVISION

- ☐ Safe Drinking Water
- ☐ Water Pollution
- ☐ Community Wastewater
- ☐ Individual Wastewater
- ☐ Water Resources

## AIR & LAND DIVISION

- ☐ Air
- ☐ Solid Waste
- ☐ Hazardous Waste
- ☒ Pesticides

- ☐ Monitoring Division
- ☐ Other

## COMPLAINANT:

NAME: Mr. Martinez

Wants to remain confidential: Yes ☐ No ☐

ADDRESS: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_

## COMPLAINT:

### ALLEGED VIOLATION:

1600hrs - Mr. Martinez calls office inquiring where can he dispose of dead birds (pigeons and chichirikas). As per Mr. Martinez he had hired NO KA OI to perform pesticide services at his residence and his son had noticed an

LOCATION OF ALLEGED VIOLATION: (Village, street, lot number, house number, etc.)

\_\_\_\_\_

### ALLEGED VIOLATOR:

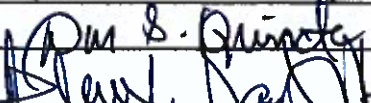
NAME: NO KA OI employee

ADDRESS: \_\_\_\_\_

PHONE NO.: 734-1773

INVESTIGATION: (date, time, persons contacted, phone no., lot no., violations, violator information, evidence collected)

08JUL21 1620hrs - GVSN & DSQ arrive on site, GVSN speaks with Mr. Martinez while DSQ takes photos.

INSPECTOR'S SIGNATURE:  DATE: 08JUL21

NOTE: See reverse page for additional information.



## **SOLID AND HAZARDOUS WASTE PROGRAM COMPLAINT RECORD**

(cont) employee of NO KA OI spreading something on the asphalt next door where he was eating his lunch  
then some time had passed and Mr. Martinez's son noticed that some pigeons and chichirikas were dying.  
1650hrs - Mr. Paul Romias Jr, President, NO KA OI arrives on site and states that one of his employees had  
mixed water, rice and rat bait and then fed the birds. Guam EPA representatives informed Mr. Romias that  
he would need to collect all visible dead birds and take it to his facility to avoid stray animals from  
consuming.

The following incident report was provided by Mr. Glenn San Nicolas, EHS Supervisor, SWMP:

On July 08, 2021, at approx. 1552, Guam EPA intern Ms. Afleje received a call from Mr. John Martinez  
concerning dead birds, which she referred to Mr. Glenn San Nicolas. According to Mr. Martinez, at approx.  
1200 his son observed an employee from No Ka Oi on the sidewalk at the Goody's Bldg. off of Farenholt  
Ave., Tamuning throwing something from a jar. When the NKO employee was questioned about what he  
was doing, he responded, feeding the birds. Hours later Mr. Martinez found dead birds on the street  
fronting his duplex and the Goody's Bldg. He collected the dead birds from the road, then called Guam EPA  
Guam EPA representatives Messrs. Don Quinata and Glenn San Nicolas responded to the incident. No Ka  
Oi was informed of the situation and to have a representative on site.

At approx. 1620, Guam EPA representatives arrived at the site and met with Mr. Martinez. According to  
Mr. Martinez, the owner of No Ka Oi, Mr. Romias, was informed of the situation. Mr. Martinez then  
showed Guam EPA where he and his son had spoken to the NKO employee about feeding the birds and the  
locations of the dead birds that he removed from the easement, road and gated area of his home. Guam EPA  
inspected the gated residence, easement into the property, grass parking area located next to the property  
behind the Goody's Bldg. and fence line next to Mega Drugs for signs of dead birds.

At approx. 1650, No Ka Oi, Mr. Paul Romias Jr. arrived at the site. Mr. Romias was informed of the  
situation by Mr. Martinez before Guam EPA arrived at the site. Guam EPA notified Mr. Romias of the  
investigation and that a No Ka Oi employee may be responsible. Mr. Romias was very cooperative with

## SOLID AND HAZARDOUS WASTE PROGRAM COMPLAINT RECORD

the investigation and volunteered any information regarding this case along with the accountable

employee known as Tenisson. According to Mr. Romias, Tenisson mixed rat bait, water and rice to feed

the birds and did not know why. Mr. Romias was asked to collect all the visible dead birds and return

them to his facility. Guam EPA also informed him that the Pesticide Program Manager would be

contacting him regarding the incident.

Site photos were taken.























Date: July 12, 2021

Time: 08:10 am.

Location: Guam Environmental Protection Agency  
Building 17-3304, Mariner Avenue  
Tiyan, Barrigada 96913

Subject: Interview with Mr. Tenison Illemelong's, Pesticide Technician No  
KA OI, Termite, and Pesticide Control Incorporated

Guam EPA  
Representatives: Vincent J Pereira, Pesticides Enforcement Program Manager  
Glenn San Nicolas, Solid Waste Program Manager  
Maria Duenas, Environmental Health Specialist II

Respondent: Tenison Illemelong, Pesticides Technician, NO KA OI

On July 9, 2021, representatives from the Guam Environmental Protection Agency (Guam EPA), Pesticides Enforcement Program conducted a follow-up investigation, where two additional dead birds were found at the parking lot of Payless Tamuning and the adjacent driveway. A brief interview was also conducted with Mr. John Martinez and his wife. According to Mr. Martinez, he had contacted Guam EPA about the dead birds in his yard and around the adjacent property. He said that they are the landlords for the adjacent properties and hired two different pesticide companies to provide pesticide services.

On the day of the incident (July 8, 2021), he had contacted Mr. Paul Romias, President of NO KA OI about the dead birds in his yard and surrounding parking lots. As landlords to the adjacent properties, NO KA OI was hired to eradicate ants, roaches, and rodents by spraying pesticides on the buildings within the area.

On July 12, 2021, at approximately 08:10 am, representatives from Guam EPA interviewed Mr. Tenison Illemelong regarding the incident at Fahrenholt Avenue, Tamuning, on July 8, 2021. Before the interview, Mr. Illemelong provided a brown envelop from Mr. Romias that contained the following:

- Statement from Mr. Romias on the incident that occurred on July 8, 2021
- Copy of Mr. Illemelong's statement on what occurred on July 8, 2021
- Copy of Mr. Illemelong's work schedule for July 8, 2021
- Copy of the pesticides data sheets that Mr. Illemelong used to mix the concoction to feed the birds at Farenholt Avenue, Tamuning

The information was requested during a meeting with Ms. Elisa R. Loyola, General Manager, No KA Oi, at their facility located 107 Cepeda Way, Barrigada, Guam 96913 on July 9, 2021, at approximately 11:04 am.

According to Mr. Illemelong, he had just completed spraying the two buildings using pesticides for ants and roaches and was preparing for lunch at approximately noon. After

buying his lunch of Adobo and rice he decided to park the company's truck at another building to eat his lunch facing Farenholt Avenue, Tamuning.

After eating his lunch in his company's truck, he stepped out to smoke, and he noticed a man in a black SUV who rolled down his window and gave him a weird (offensive and belittling) look. At that moment, he lost his appetite for his lunch and felt offended by that person that he went back to the company's truck and concocted a mixture of Avitrol, First Strike Soft Bait, rice, and leftover Adobo juice to feed the birds.

Later on Mr. Martinez and his son, who had parked his black SUV at his father's driveway, approached him and asked if he had poisoned the birds. At this point, he felt that he had done something wrong and that a terrible thing was going to happen. He then decided to leave to his next job.

Mr. Ilemelong was later contacted by Mr. Romias to come back to Farenholt Avenue to help him pick up the dead birds. Mr. Ilemelong stated that he met Mr. Romias back at the area around 4 or 5 pm. He said that he picked up six dead birds, and his boss picked up the rest, and placed them in a plastic bag to take back to the office.

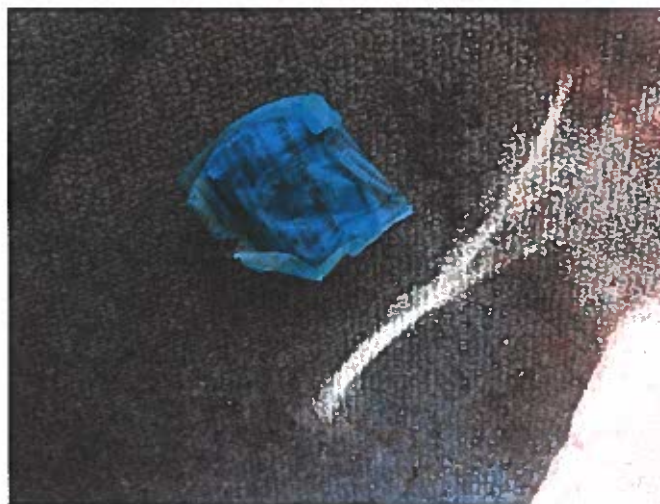
Mr. Ilemelong stated that he went back to the site on Friday at around 1 pm with his co-worker JR to check for any dead birds. They found two more dead birds and brought them back to the office to store with the rest pending disposal.

We showed him a picture of the pesticide Bait Block Rodenticide that was provided by Ms. Elisa R. Loyala during a meeting on Friday, July 9, 2021. He stated that he did not use that pesticide mentioned earlier. We then went outside to his company's truck where he showed us the pesticide he used, which was the First Strike Soft Bait. He stated he had used all the Avitrol in the zip-locked bag with the mixture he prepared for the birds at the site. Photos were taken of the pesticide used.

End of Interview



July 12, 2021  
Photo Evidence Collections



First Strike Soft Bait

July 9, 2021  
Photo Evidence Collections



Pigeon



Chichirika





Termite & Pest Control (Guam), Inc.

[www.nkoguam.com](http://www.nkoguam.com)

July 9, 2021

Mr. Vincent Pereira  
GEPA  
17-3304 Mariner Ave.  
Tiyán Barrigada, GU 96913

Hafa Adai Mr. Pereira,

As per your conversation with our General Manager, Ms. Elisa Loyola this afternoon and as per your request, the following is the information and statement you had requested on this isolated incident.

The number and types of birds affected by the gross negligence of one of our technicians is:

Quantity	Type of Birds
7	Pigeons
5	Sparrows
1	Chichirica

We are waiting on a scheduled time & date to dispose of the birds at the land field. The birds are currently still in our possession here at our Warehouse.


NO KA OI TERMITE & PEST CONTROL (GUAM), INC. has been providing pest control services on the island to the private sector, residential and both the Federal & Local government for the past 31 years.

We value our reputation to ALL our customers and expect nothing less from our employees/staff.

Attached is the statement from our technician, TENISON ILEMELONG and the copy of both the SDS & Label on the chemicals he had used for your review.

If you have any questions or concerns, please do not hesitate to contact our office or you may call me directly at (671) 888-8835 or email me at [nokaoiduce@gmail.com](mailto:nokaoiduce@gmail.com); [duce@nokaoigu.com](mailto:duce@nokaoigu.com).

Si Yu'os Ma'ase

  
Paul Romias, Jr.  
President



*"Think How Can, Not No Can"*

P.O. Box 24426, GMF, Guam 96921 • Tel. (671)734-1773 • Fax (671)734-1777 • Email [info@nkoguam.com](mailto:info@nkoguam.com)

# Statement

Tenison I

July 8, 2021 12:18pm

After my regular service took a lunch break brought Food and feed the Pigeon some of my rice then a black SUV a young male drove and stop staring at us eating and Pigeon around. The young male began to act disappointed and assuming that I may given poison to the birds. "He then saying \*\*words then drove in their drive way to informed the father. "It was So hot after the regular service and then the young male a expression ~~passed~~ accused that I poison the pigeons, kind of offered myself. So I act first without thinking first then I mixed my leftover food ~~a~~ a old 1st strike rodent bait ~~a~~ a Act Avitrol I cap of a bottle then gave it to the Pigeon. Then when Mr. James Martinez arrived he spoke to me so I told him that I was feeding Pigeon and a older man who was waiting on his wife then before the young male offered us. I'm truly Sorry and I over react of ~~the~~ out of ~~deep~~ disappointment.

End of report.



**Thursday, July 8, 2021**

Start Mileage:		
Acct. #/ TIME	Acct. Name/Village Service Type	Status/Comments
8am	VFW - Yigo	Brian
	1xm Ant/Roach/Rodent/Flies	653-1146
8:30am	Wendy's - Upper Tumon	Jeff Munoz
	2xm Ant/Roach/Rodent/Flies	647-8800
9am	Frost Bite - Tumon	CW: Andrew
	1xm Ant/Roach/Rodent/Flies	488-8868
9:30am	Mid Pac Properties - Harmon	Krystal Merfalen
	Qtrly Ant/Roach/Rodent	483-2050
	*Budazu Electric/MRE & Design Beginnings	
10:30am	Snow Pearl - Micromall/Dededo	CW: Mr. Chen
	1xm Ant/Roach/Rodent/Flies	727-5698
11:15am	Farenholt Garden - Tamuning	Tami Perez
	1xm Ant/Roach	688-5838
1pm	SJ Market - Harmon	
	Drop off Invoice & pick up check	



## RESTRICTED USE PESTICIDE

### DUE TO ACUTE ORAL AND ACUTE DERMAL TOXICITY AND DUE TO TOXICITY TO BIRDS AND MAMMALS

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

#### AVITROL Whole Corn

Active Ingredient: 4-Aminopyridine.....	0.5%
Other Ingredients.....	99.5%
Total.....	100.0%

Avitrol Whole Corn is a poison with flock alarming properties used for the control of Feral Pigeons (*Columba livia*) in, on or in the area of structures, feeding, nesting, loafing and roosting sites, in such a way that a part of a flock may react and frighten the rest away. Birds that react and alarm a flock usually die.

**IN NEW YORK STATE:** Do not apply in cities with a population of one (1) million or more.

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

#### KEEP OUT OF REACH OF CHILDREN CAUTION

Manufactured by  
Avitrol Corporation  
7644 East 46<sup>th</sup> St  
Tulsa, OK 74145-6370  
(918) 622-7763 • (800) 633-5069

EPA Reg. No. 11649-7  
EPA Est. 11649-OK-1

#### SPECIMEN LABEL

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

**CAUTION:** Harmful if swallowed. May cause irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

#### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Most clothing, including cotton is resistant to this product.

All mixers, loaders, applicators, persons picking up the dead birds and unused bait, and other handlers must wear the following PPE: Long-sleeved shirt and long pants, shoes plus socks, and chemical-resistant gloves (such as those made out of any waterproof material, Selection category A). Applicators shall use a scoop when mixing, applying, and broadcasting this product.

**Note:** Application continues until the dead birds and unused bait are retrieved – all participants in the application are pesticide handlers.

**User Safety Requirements:** After use, protective clothing should be washed in detergent and hot water. Keep and wash PPE separately from other laundry.

#### User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.  
Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.  
Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

#### ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present, or to inter-tidal areas below the mean high water mark. This pesticide is extremely toxic to mammals and birds. This product is toxic to vertebrates. Wildlife and pets feeding on treated bait may be killed. Do not contaminate water by cleaning equipment or disposal of waste.

#### DIRECTIONS FOR USE RESTRICTED USE PESTICIDE

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

#### ENTRY RESTRICTIONS

Keep persons (other than authorized handlers) as well as pets and livestock, away from the treated bait and dead or dying birds at all times. Only protected handlers may be in the area during bait application until all dead birds and unused bait is retrieved.

#### USE RESTRICTIONS

- Avitrol Whole Corn must not be exposed in any manner that may endanger desirable and protected bird species. If there is a question of such hazard, consult local, state and federal game authorities before undertaking bird management with Avitrol Whole Corn.

- Investigate local laws that may prohibit the use of any toxic chemical in bird control.
- 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.
- Do not feed to livestock or poultry. Do not mix with grain for livestock or poultry feed.
- Do not apply where livestock and/or poultry may be exposed.
- Do not apply to growing food crops.
- DO NOT apply treated bait in areas accessible to children.
- Baits must be prepared and applied as specified on this label.
- Do not apply baits made from this product by air or any mechanical equipment designed to broadcast baits or other pesticides.
- Users of this product must follow all limitations indicated on this label regarding the placement, monitoring, and retrieval of treated baits.
- Before baits made with this product are applied, sites that are to be treated must be observed for evidence of non-target activity and must be pre-baited (see specific instructions for these activities).
- In populated areas, and most areas open to the public, where feasible, baiting must be performed at elevated sites.
- In areas open to the public, where baiting at elevated sites is not feasible, and ground baiting is required, a certified applicator or someone under his/her direct supervision (authorized handler) must ensure children, pets and non-target species do not come in contact with the blend during the entire application period. That authorized handler must not leave the site until all dead/dying birds and unused bait are retrieved from the site. All dead/dying birds must be disposed of by burial or incineration.
- Do not apply treated baits within 25 feet of permanent bodies of water.
- Do not apply baits made from this product in any way that could contaminate materials to be used as human food or animal feed.
- Do not use treated baits as food or feed. Do not store or even temporarily place treated bait in locations accessible to children, pets, or domestic animals.
- Before applying treated baits in any problem area, carefully observe target birds' feeding habits to locate their preferred feeding sites, determine the optimum time of application, and evaluate options to reduce potential hazards of the application to desirable and/or protected animal species.
- Pre-baiting with untreated bait materials is required to promote feeding by target species and to assess potential for exposure of non-target species. Do not apply treated bait if non-target species are observed feeding on the pre-bait.

#### STORAGE AND DISPOSAL

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

**Storage:** Store only in original container in a cool, dry location inaccessible to children and pets. Store apart from food or animal feed and protect against rodent penetration of the carton. Store apart from other pesticides, fertilizers, food, or feed that may cause cross-contamination of odor or insect infestation.

**Pesticide Disposal:** Pesticide wastes are acutely hazardous. 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:** Fiber Drums with Liners: Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in sanitary landfill or by incineration if allowed by State and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

#### PREBAITING DIRECTIONS

This product must not be applied where non-target birds are feeding. Careful observations of the birds' feeding habits must therefore be made to establish proper feeding locations and to determine that no non-target birds are feeding on the pre-bait. Pre-baiting with untreated grains of the same composition as this product's carrier is required. The exact pre-baiting technique employed will vary depending on the birds' location and the surrounding environment. Study the locale for a period long enough to ascertain the birds' habits in the area. Proper pre-baiting and treatment with diluted Avitrol Whole Corn will minimize the chance of bird mortality while producing the optimum conditions for the desired results. Pigeons will feed from rooftops as well as from the ground. Feed acceptance from trays will normally require more time.

#### DILUTION DIRECTIONS

Thoroughly mix Avitrol Whole Corn with untreated whole corn, of the same composition, at the dilution ratios indicated below. For the control of Pigeons with Avitrol Whole Corn, a dilution ratio of one (1) part treated to twenty-nine (29) parts untreated can be used in most situations. However, where other bird food is available, this ratio may need to be adjusted to a one (1) part treated to nineteen (19) or fourteen (14) parts untreated, or even lower. Do not use a dilution ratio less than one (1) part treated to five (5) parts untreated.

#### BAITING DIRECTIONS

To obtain minimal mortality, limit the distribution of Avitrol Whole Corn to scattered spot placements that will provide feeding opportunities only for the necessary number of target birds. After the birds' feeding pattern has been established through pre-baiting, replace untreated bait with diluted treated bait only at sites where the target birds are actively feeding. Do not apply treated bait to inactive feeding sites. Where uneaten bait may be a hazard to other birds or animals, it must be picked up at the end of each day. When this product is used in or around occupied buildings, pick up and dispose of dead birds by burial or incineration. This product must not be applied where non-target bird species are feeding. When baiting with Avitrol Whole Corn, best results are usually obtained by rotating pre-baiting (with untreated bait), with baiting, (with blended bait), until the desired control is obtained. Note that retreatment may also be necessary after rainfall.

*Notice: Buyer and/or User assumes all risks of use and/or handling of these materials contrary to label instructions*

## SAFETY DATA SHEET

AVITROL

Avitrol Double Strength Corn Chops  
Avitrol Double Strength Whole Corn

EPA Reg. No. 11649-5  
EPA Reg. No. 11649-8

## Section 1. Identification

**GHS product identifier** : Avitrol Double Strength Corn Chops EPA Reg. No. 11649-5  
Avitrol Double Strength Whole Corn EPA Reg. No. 11649-8

**Other means of identification** : Not available.

**Product use** : Pesticide

**Supplier's details** : Avitrol Corporation  
7644 E 46th St  
Tulsa, OK 74145, USA

**e-mail address of person responsible for this SDS** : www.avitrol.com

**Emergency telephone number (with hours of operation)** : 800-424-9300 (24 hours / 7 days a week)

## Section 2. Hazards identification

**OSHA/HCS status** : This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

**Classification of the substance or mixture** : COMBUSTIBLE DUSTS  
ACUTE TOXICITY (oral) - Category 4

Percentage of the mixture consisting of ingredient(s) of unknown dermal toxicity: 1%  
Percentage of the mixture consisting of ingredient(s) of unknown inhalation toxicity: 1%

GHS label elements

Hazard pictograms



**Signal word** : Warning

**Hazard statements** : May form combustible dust concentrations in air.  
Harmful if swallowed.

Precautionary statements

**Prevention** : Do not eat, drink or smoke when using this product.  
Wash hands thoroughly after handling.

**Response** : IF SWALLOWED: Call a POISON CENTER or physician if you feel unwell. Rinse mouth.

**Storage** : Not applicable.

**Disposal** : Dispose of contents and container in accordance with all local, regional, national and international regulations.

**Supplemental label elements** : Keep container tightly closed. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Prevent dust accumulation.

**Hazards not otherwise classified** : Fine dust clouds may form explosive mixtures with air. Handling and/or processing of this material may generate a dust which can cause mechanical irritation of the eyes, skin, nose and throat.

### Section 3. Composition/information on ingredients

**Substance/mixture** : Mixture  
**Other means of Identification** : Not available.

Ingredient name	%	CAS number
4-Aminopyridine	1.0	504-24-5
Grain	99.0	-

Any concentration shown as a range is to protect confidentiality or is due to batch variation.

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified as hazardous to health or the environment and hence require reporting in this section.

Occupational exposure limits, if available, are listed in Section 8.

### Section 4. First aid measures

#### Description of necessary first aid measures

- Eye contact** : Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Continue to rinse for at least 10 minutes. Get medical attention if irritation occurs.
- Inhalation** : Remove victim to fresh air and keep at rest in a position comfortable for breathing. If not breathing, if breathing is irregular or if respiratory arrest occurs, provide artificial respiration or oxygen by trained personnel. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Get medical attention if adverse health effects persist or are severe. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.
- Skin contact** : Wash contaminated skin with soap and water. Remove contaminated clothing and shoes. Get medical attention if symptoms occur. Wash clothing before reuse. Clean shoes thoroughly before reuse.
- Ingestion** : Wash out mouth with water. Remove dentures if any. Remove victim to fresh air and keep at rest in a position comfortable for breathing. If material has been swallowed and the exposed person is conscious, give small quantities of water to drink. Stop if the exposed person feels sick as vomiting may be dangerous. Do not induce vomiting unless directed to do so by medical personnel. If vomiting occurs, the head should be kept low so that vomit does not enter the lungs. Get medical attention. If necessary, call a poison center or physician. Never give anything by mouth to an unconscious person. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.

#### Most important symptoms/effects, acute and delayed

##### Potential acute health effects

- Eye contact** : Exposure to airborne concentrations above statutory or recommended exposure limits may cause irritation of the eyes.
- Inhalation** : Exposure to airborne concentrations above statutory or recommended exposure limits may cause irritation of the nose, throat and lungs.
- Skin contact** : No known significant effects or critical hazards.
- Ingestion** : Harmful if swallowed.

##### Over-exposure signs/symptoms

- Eye contact** : Adverse symptoms may include the following:  
irritation  
redness
- Inhalation** : Adverse symptoms may include the following:  
respiratory tract irritation  
coughing



## Section 4. First aid measures

- Skin contact** : No specific data.
- Ingestion** : No specific data.

### Indication of immediate medical attention and special treatment needed, if necessary

- Notes to physician** : In case of inhalation of decomposition products in a fire, symptoms may be delayed. The exposed person may need to be kept under medical surveillance for 48 hours.
- Specific treatments** : No specific treatment.
- Protection of first-aiders** : No action shall be taken involving any personal risk or without suitable training. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation.

See toxicological information (Section 11)

## Section 5. Fire-fighting measures

### Extinguishing media

- Suitable extinguishing media** : Use dry chemical, CO<sub>2</sub>, water spray (fog) or foam.
- Unsuitable extinguishing media** : Avoid high pressure media which could cause the formation of a potentially explosible dust-air mixture.

- Specific hazards arising from the chemical** : Fine dust clouds may form explosive mixtures with air. Avoid generating dust; fine dust dispersed in air in sufficient concentrations, and in the presence of an ignition source is a potential dust explosion hazard. Grains will burn at higher temperatures.

- Hazardous thermal decomposition products** : Decomposition products may include the following materials:  
carbon dioxide  
carbon monoxide  
chlorine  
hydrogen chloride

- Special protective actions for fire-fighters** : Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. No action shall be taken involving any personal risk or without suitable training. Move containers from fire area if this can be done without risk. Use water spray to keep fire-exposed containers cool.

- Special protective equipment for fire-fighters** : Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

## Section 6. Accidental release measures

### Personal precautions, protective equipment and emergency procedures

- For non-emergency personnel** : No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Shut off all ignition sources. No flares, smoking or flames in hazard area. Do not breathe dust. Provide adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Put on appropriate personal protective equipment. Dust deposits should not be allowed to accumulate on surfaces, as these may form an explosive mixture if they are released into the atmosphere in sufficient concentration. Avoid dispersal of dust in the air (i.e., clearing dust surfaces with compressed air).
- For emergency responders** : If specialized clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials.  
See also the information in "For non-emergency personnel".

- Environmental precautions** : Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

### Methods and materials for containment and cleaning up



## Section 6. Accidental release measures

- Small spill** : Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Vacuum or sweep up material and place in a designated, labeled waste container. Dispose of via a licensed waste disposal contractor. If unadulterated, product may be packaged in original container for use.
- Large spill** : Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Approach release from upwind. Prevent entry into sewers, water courses, basements or confined areas. Vacuum or sweep up material and place in a designated, labeled waste container. Avoid creating dusty conditions and prevent wind dispersal. Dispose of via a licensed waste disposal contractor. Note: see Section 1 for emergency contact information and Section 13 for waste disposal. If unadulterated, product may be packaged in original container for use.

## Section 7. Handling and storage

### Precautions for safe handling

- Protective measures** : Put on appropriate personal protective equipment (see Section 8). Do not get in eyes or on skin or clothing. Do not breathe dust. Do not ingest. Avoid the creation of dust when handling and avoid all possible sources of ignition (spark or flame). Prevent dust accumulation. Routine housekeeping should be instituted to ensure that dusts do not accumulate on surfaces. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Keep in the original container or an approved alternative made from a compatible material, kept tightly closed when not in use. Electrical equipment and lighting should be protected to appropriate standards to prevent dust coming into contact with hot surfaces, sparks or other ignition sources. Take precautionary measures against electrostatic discharges. To avoid fire or explosion, dissipate static electricity during transfer by grounding and bonding containers and equipment before transferring material. Empty containers retain product residue and can be hazardous. Do not reuse container.
- Advice on general occupational hygiene** : Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. Shower at the end of each workday. See also Section 8 for additional information on hygiene measures.
- Conditions for safe storage, including any incompatibilities** : Store in accordance with local regulations. Store in a segregated and approved area. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Store apart from food or animal feed and protect against rodent penetration of the carton. Store apart from other pesticides, fertilizers, food or feed that may cause cross-contamination of odor or insect infestation. Store locked up. Eliminate all ignition sources. Separate from oxidizing materials. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination.

## Section 8. Exposure controls/personal protection

### Control parameters

#### Occupational exposure limits

Ingredient name	Exposure limits
4-Aminopyridine	None.
Grain dust	OSHA PEL (United States, 4/2018). TWA: 10 mg/m <sup>3</sup> NIOSH REL (United States, 7/2016). TWA: 4 mg/m <sup>3</sup> ACGIH TLV (United States, 2018). TWA: 4 mg/m <sup>3</sup>

## Section 8. Exposure controls/personal protection

**Appropriate engineering controls** : Use only with adequate ventilation. If user operations generate dust, fumes, gas, vapor or mist, use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment.

**Environmental exposure controls** : Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

### Individual protection measures

**Hygiene measures** : Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.

**Eyel/face protection** : Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: safety glasses with side-shields. If operating conditions cause high dust concentrations to be produced, use dust goggles.

### Skin protection

**Hand protection** : Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers. In the case of mixtures, consisting of several substances, the protection time of the gloves cannot be accurately estimated.

**Body protection** : Wear a long sleeved uniform, coveralls or lab jacket when handling or blending these products with untreated grains. Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.

**Other skin protection** : Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.

**Respiratory protection** : Use a properly fitted, particulate filter respirator complying with an approved standard if a risk assessment indicates this is necessary. Respirator selection must be based on known or anticipated exposure levels, the hazards of the product and the safe working limits of the selected respirator. Ensure an MSHA/NIOSH-approved respirator or equivalent is used.

## Section 9. Physical and chemical properties

### Appearance

**Physical state** : Solid.  
**Color** : Grain color.  
**Odor** : Odorless.  
**Odor threshold** : Not available.  
**pH** : Not applicable.  
**Melting point** : Not applicable.  
**Boiling point** : Not applicable.  
**Flash point** : Not applicable.  
**Evaporation rate** : Not applicable.  
**Flammability (solid, gas)** : Not available.

## Section 9. Physical and chemical properties

Lower and upper explosive (flammable) limits	: Not applicable.
Vapor pressure	: Not available.
Vapor density	: Not applicable.
Relative density	: Not applicable.
Solubility	: Not available.
Solubility in water	: Insoluble.
Partition coefficient: n-octanol/water	: Not available.
Auto-ignition temperature	: Not available.
Decomposition temperature	: Not available.
Viscosity	: Not available.

## Section 10. Stability and reactivity

Reactivity	: No specific test data related to reactivity available for this product or its ingredients.
Chemical stability	: The product is stable.
Possibility of hazardous reactions	: Under normal conditions of storage and use, hazardous reactions will not occur.
Conditions to avoid	: Avoid the creation of dust when handling and avoid all possible sources of ignition (spark or flame). Take precautionary measures against electrostatic discharges. To avoid fire or explosion, dissipate static electricity during transfer by grounding and bonding containers and equipment before transferring material. Prevent dust accumulation.
Incompatible materials	: Reactive or incompatible with the following materials: oxidizing materials water excessive heat fire chemicals
Hazardous decomposition products	: Under normal conditions of storage and use, hazardous decomposition products should not be produced. Under normal conditions of storage and use, hazardous polymerization will not occur.

## Section 11. Toxicological information

### Information on toxicological effects

#### Acute toxicity

Product/ingredient name	Result	Species	Dose	Exposure
4-Aminopyridine	LD50 Oral	Rat	20 mg/kg	-

Conclusion/Summary : Harmful if swallowed.

#### Irritation/Corrosion

Conclusion/Summary : Not available.

#### Sensitization

Conclusion/Summary : Not available.

#### Mutagenicity

Conclusion/Summary : Not available.

#### Carcinogenicity

## Section 11. Toxicological information

**Conclusion/Summary** : Not available.

### Reproductive toxicity

**Conclusion/Summary** : Not available.

### Teratogenicity

**Conclusion/Summary** : Not available.

### Specific target organ toxicity (single exposure)

Not available.

### Specific target organ toxicity (repeated exposure)

Not available.

### Aspiration hazard

Not available.

**Information on the likely routes of exposure** : Not available.

### Potential acute health effects

- Eye contact** : Exposure to airborne concentrations above statutory or recommended exposure limits may cause irritation of the eyes.
- Inhalation** : Exposure to airborne concentrations above statutory or recommended exposure limits may cause irritation of the nose, throat and lungs.
- Skin contact** : No known significant effects or critical hazards.
- Ingestion** : Harmful if swallowed.

### Symptoms related to the physical, chemical and toxicological characteristics

- Eye contact** : Adverse symptoms may include the following:  
irritation  
redness
- Inhalation** : Adverse symptoms may include the following:  
respiratory tract irritation  
coughing
- Skin contact** : No specific data.
- Ingestion** : No specific data.

### Delayed and immediate effects and also chronic effects from short and long term exposure

#### Short term exposure

**Potential immediate effects** : Not available.

**Potential delayed effects** : Not available.

#### Long term exposure

**Potential immediate effects** : Not available.

**Potential delayed effects** : Not available.

### Potential chronic health effects

Not available.

**Conclusion/Summary** : Not available.

**General** : Repeated or prolonged inhalation of dust may lead to chronic respiratory irritation.

**Carcinogenicity** : No known significant effects or critical hazards.

**Mutagenicity** : No known significant effects or critical hazards.

**Teratogenicity** : No known significant effects or critical hazards.

**Developmental effects** : No known significant effects or critical hazards.



## Section 11. Toxicological information

**Fertility effects** : No known significant effects or critical hazards.

### Numerical measures of toxicity

#### Acute toxicity estimates

Route	ATE value
Oral	2000 mg/kg

## Section 12. Ecological information

### Toxicity

Product/Ingredient name	Result	Species	Exposure
4-Aminopyridine	Acute EC50 3200 µg/l Fresh water	Daphnia - Daphnia magna - Juvenile (Fledgling, Hatchling, Weanling)	48 hours
	Acute LC50 2430 µg/l Fresh water	Fish - Ictalurus punctatus - Young	96 hours

**Conclusion/Summary** : Not available.

### Persistence and degradability

**Conclusion/Summary** : Not available.

### Bioaccumulative potential

Product/Ingredient name	LogP <sub>ow</sub>	BCF	Potential
4-Aminopyridine	0.32	4.57	low

### Mobility in soil

**Soil/water partition coefficient (K<sub>oc</sub>)** : Not available.

**Mobility** : Not available.

**Other adverse effects** : No known significant effects or critical hazards.

## Section 13. Disposal considerations

**Disposal methods** : The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any federal, state and regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be disposed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. This material and its container must be disposed of in a safe way. Empty containers or liners may retain some product residues. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers.

### United States - RCRA Acute hazardous waste "P" List

Ingredient	CAS #	Status	Reference number
4-Aminopyridine; 4-Pyridinamine	504-24-5	Listed	P008

## Section 14. Transport information

	DOT Classification	TDG Classification	Mexico Classification	ADR/RID	IMDG	IATA
UN number	Not regulated.	Not regulated.	Not determined.	Not determined.	Not regulated.	Not regulated.
UN proper shipping name	-	-	-	-	-	-
Transport hazard class(es)	-	-	-	-	-	-
Label						
Packing group	-	-	-	-	-	-
Environmental hazards	No.	No.	-	-	Marine Pollutant: No	No.

**Special precautions for user** : Transport within user's premises: always transport in closed containers that are upright and secure. Ensure that persons transporting the product know what to do in the event of an accident or spillage.

**Transport in bulk according to Annex II of MARPOL and the IBC Code** : Not available.

## Section 15. Regulatory information

**U.S. Federal regulations** : Avitrol Double Strength Corn Chops EPA Reg. No. 11649-5  
 Avitrol Double Strength Whole Corn EPA Reg. No. 11649-8

**The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Information:** This chemical is a pesticide product registered by the Environmental Protection Agency and is subject to certain labeling requirements under federal pesticide law. These requirements differ from the classification criteria and hazard information required for safety data sheets, and for workplace labels of nonpesticide chemicals. Following is the hazard information as required on the pesticide label:

**CAUTION:**

Harmful if swallowed.  
 May cause irritation.  
 Avoid contact with eyes or clothing.  
 Wash thoroughly with soap and water after handling.

**Clean Air Act Section 112 (b) Hazardous Air Pollutants (HAPs)** : Not listed

**Clean Air Act Section 602 Class I Substances** : Not listed

**Clean Air Act Section 602 Class II Substances** : Not listed

**DEA List I Chemicals (Precursor Chemicals)** : Not listed

**DEA List II Chemicals (Essential Chemicals)** : Not listed

**SARA 302/304**

## Section 15. Regulatory information

### Composition/Information on ingredients

Name	%	EHS	SARA 302 TPQ		SARA 304 RQ	
			(lbs)	(gallons)	(lbs)	(gallons)
4-Aminopyridine	1	Yes.	500 / 10000	-	1000	-

SARA 304 RQ : 100000 lbs / 45400 kg

### SARA 311/312

Classification : COMBUSTIBLE DUSTS  
ACUTE TOXICITY (oral) - Category 4

### Composition/Information on ingredients

Name	%	Classification
4-Aminopyridine	1	ACUTE TOXICITY (oral) - Category 2

### State regulations

Massachusetts : The following components are listed: 4-PYRIDINAMINE  
New York : The following components are listed: 4-Pyridinamine  
New Jersey : The following components are listed: 4-AMINOPYRIDINE  
Pennsylvania : The following components are listed: PYRIDINE,4-AMINO-

### California Prop. 65

This product does not require a Safe Harbor warning under California Prop. 65.

### International regulations

#### Chemical Weapon Convention List Schedules I, II & III Chemicals

Not listed.

#### Montreal Protocol (Annexes A, B, C, E)

Not listed.

#### Stockholm Convention on Persistent Organic Pollutants

Not listed.

#### Rotterdam Convention on Prior Informed Consent (PIC)

Not listed.

#### UNECE Aarhus Protocol on POPs and Heavy Metals

Not listed.

### Inventory list

Canada : All components are listed or exempted.  
United States : All components are listed or exempted.

## Section 16. Other information

### National Fire Protection Association (U.S.A.)



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## Section 16. Other information

Copyright ©2001, National Fire Protection Association, Quincy, MA 02269. This warning system is intended to be interpreted and applied only by properly trained individuals to identify fire, health and reactivity hazards of chemicals. The user is referred to certain limited number of chemicals with recommended classifications in NFPA 49 and NFPA 325, which would be used as a guideline only. Whether the chemicals are classified by NFPA or not, anyone using the 704 systems to classify chemicals does so at their own risk.

### Procedure used to derive the classification

Classification	Justification
COMBUSTIBLE DUSTS ACUTE TOXICITY (oral) - Category 4	On basis of test data Calculation method

### History

Date of printing : 09/03/2018

Date of issue/Date of revision : 09/03/2018

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Version : 2

**Key to abbreviations** : ADR = The European Agreement concerning the International Carriage of Dangerous Goods by Road  
 ATE = Acute Toxicity Estimate  
 BCF = Bioconcentration Factor  
 DOT = Department of Transportation  
 GHS = Globally Harmonized System of Classification and Labelling of Chemicals  
 IATA = International Air Transport Association  
 IBC = Intermediate Bulk Container  
 IMDG = International Maritime Dangerous Goods  
 LogPow = logarithm of the octanol/water partition coefficient  
 MARPOL = International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. ("Marpol" = marine pollution)  
 RID = The Regulations concerning the International Carriage of Dangerous Goods by Rail  
 TDG = Transportation of Dangerous Goods  
 UN = United Nations

**References** : Not available.

Indicates information that has changed from previously issued version.

### Notice to reader

Refer to NFPA 654, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids, for safe handling.

To the best of our knowledge, the information contained herein is accurate. However, neither the above-named supplier, nor any of its subsidiaries, assumes any liability whatsoever for the accuracy or completeness of the information contained herein.

Final determination of suitability of any material is the sole responsibility of the user. All materials may present unknown hazards and should be used with caution. Although certain hazards are described herein, we cannot guarantee that these are the only hazards that exist.

## 090115)

# SAFETY DATA SHEET

## Section 1: Identification

**Product Identifier:** FirstStrike® Soft Bait  
**Other Identifier(s):** EPA Registration Number 7173-258  
**Uses or restrictions:** Rodenticide with difethialone  
**Manufacturer:** Liphatech, Inc.  
3600 W. Elm Street, Milwaukee, WI 53209  
**Emergency phone:** 800-351-1476 Monday - Friday 8:00 am - 4:30 pm  
(US Central time zone)  
**After hours phone:** Human or Animal emergencies: RMPDC at 866-514-9168  
Spill emergencies: CHEMTREC at 800-424-9300

## Section 2: Hazard Identification

**Hazard class:** Specific Target Organ Toxicity (Single exposure), Category 2;  
Specific Target Organ Toxicity (Repeated exposure), Category 2  
**Warning:** May cause damage to blood and reduce the clotting ability of blood if swallowed, inhaled or absorbed through skin. Do not breathe dust. Do not eat, drink or smoke when using this product. Wash hands thoroughly after handling. If exposed or if you feel unwell, call a poison control center or doctor. Dispose of container and contents according to instructions on product label. Store locked up.



## Section 3: Composition / Information on Ingredients

**Hazardous ingredients:**  
Difethialone (CAS registry no. 104653-34-1) ..... 0.0025%

## Section 4: First Aid Measures

**Emergency overview:** This material may reduce the clotting ability of the blood and cause bleeding. Symptoms of toxicity include lethargy, loss of appetite, reduced clotting ability of blood, and bleeding. Have the product label with you when obtaining treatment advice.  
**If swallowed:** Call a poison control center or doctor. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor.  
**If inhaled:** Move person to fresh air. If person is not breathing, call an ambulance, then give artificial respiration and call poison control or doctor.  
**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.  
**If on skin or clothing:** Take off contaminated clothing. Rinse skin with plenty of cool water for 15-20 minutes. Call a poison control center or doctor.  
**Note to Physician or Veterinarian:** Contains anticoagulant ingredient. For humans or animals ingesting bait and/or showing obvious poisoning symptoms (bleeding or prolonged prothrombin times), give Vitamin K<sub>1</sub> intramuscularly or orally. In severe cases, blood transfusions may be needed.

## Section 5: Fire-fighting Measures

**Extinguishing media:** Use media suitable for the surrounding fire  
**Specific fire or explosion hazards:** None known  
**Special cautions for firefighters:** Wear self-contained breathing apparatus (full facepiece) & full protective clothing. Contain runoff to prevent pollution.

## Section 6: Accidental Release Measures

**Precautions, PPE and Procedures:** Wearing PPE as specified in Section 8, isolate and contain spill. Limit access to spill area to necessary personnel. Do not allow spilled material to enter sewers, streams or other waters.  
**Methods and materials:** Scoop up spilled material and place in a closed, labeled container for use according to label instructions or disposal.

## Section 7: Handling and Storage

**Precautions for safe handling:** Read the entire product label before using this rodenticide. **Conditions for safe storage:** Store in original container in a cool, dry area out of reach of children, pets and domestic animals. Do not contaminate water, food or feed. Keep container tightly closed. Do not remove or destroy the product label.

## Section 8: Exposure Controls / Personal Protection

**Established exposure limits:** Not applicable

**Appropriate engineering controls:** Special ventilation is not required for the normal handling and use of this product when following label instructions.  
**Individual protection measures:** Wear long pants, shoes, socks and waterproof gloves when handling this product. Follow manufacturer's instructions for cleaning/maintaining PPE, or else wash with detergent and hot water. Keep and wash PPE separately from other laundry. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. Wash hands thoroughly after applying bait and before eating, drinking, chewing gum, using tobacco or using the toilet, and change into clean clothing.

## Section 9: Physical and Chemical Properties

**Appearance:** Soft paste, blue color, raw grain odor. Odor threshold not determined.  
**Water solubility:** Negligible  
**Relative density:** 1.11 g/cc  
**% Volatile (volume):** Not applicable  
**Vapor density:** Not applicable  
**Boiling point:** Not determined  
**Flash point (ASTM D92):** >150 °C  
**Flammability:** Not a flammable solid  
**Explosive limits - Lower limit:** Not applicable; **Upper limit:** Not applicable  
**Partition coefficient (n-octanol/water):** Not applicable  
**pH:** Not applicable  
**Viscosity:** Not applicable  
**Evaporation rate:** Not applicable  
**Vapor pressure:** Not applicable  
**Freezing point:** Not applicable  
**Autoignition temp.:** Not determined  
**Decomposition temp.:** Not determined

## Section 10: Stability and Reactivity

**Reactivity:** Not reactive, not sensitive to shock or static discharge  
**Chemical stability:** Stable  
**Hazardous reactions:** None  
**Incompatible materials:** None  
**Conditions to avoid:** None  
**Hazardous decomposition products:** Oxides of carbon

## Section 11: Toxicological Information

**Likely routes of exposure:** Ingestion, skin absorption.  
**Symptoms of toxicity:** Lethargy, loss of appetite, reduced clotting ability of blood, and bleeding.  
**Eye effects/eye irritation:** Mild, transient irritant  
**Acute oral effects:** LD<sub>50</sub> (oral-rat): >5000 mg/kg  
**Acute inhalation effects:** LC<sub>50</sub> (rat, 4 hour): 200 mg/L (extrapolated)  
**Acute dermal effects:** LD<sub>50</sub> (dermal-rabbit): >2000 mg/kg  
**Skin irritation:** Non-irritating  
**Skin sensitization:** Not a skin sensitizer  
**Carcinogenicity:** No ingredient listed by NTP, IARC or OSHA

## Section 12: Ecological Information

This product is extremely toxic to birds and mammals. Do not apply this product directly to water, where surface water is present or to intertidal areas below the mean high water mark. Carefully follow label cautions and directions to reduce hazards to children, pets and non-target wildlife.

## Section 13: Disposal Considerations

**Disposal:** Wastes resulting from the use of this product according to the label instructions must be disposed of as specified on the product label.  
**RCRA waste status:** This product is not regulated as a hazardous waste under Federal law. State and local regulation may affect the disposal of this product. Consult your state or local environmental agency for disposal of waste generated other than by use according to label instructions.

## Section 14: Transport Information

**Transportation data (49 CFR):** This product is not regulated as a hazardous material for all modes of transportation within the U.S.  
**Hazard Class, Packing Group and UN ID No.:** Not applicable

## Section 15: Regulatory Information

**TSCA:** All components of this product are listed on the TSCA inventory.  
**SARA section 313:** Contains no reportable components.  
**CA Proposition 65:** Contains no substances subject to Prop 65 requirements.  
**FIFRA:** This product is registered as a pesticide with the U.S. Environmental Protection Agency. The label requirements under Federal pesticide law differ from the classification criteria and hazard information required by OSHA on this Safety Data Sheet. Read and follow all cautions, directions and use restrictions on the product label on the container.

## Section 16: Other Information

**Prepared by:** K. Paavola  
**Date:** 13 August 2019  
This Safety Data Sheet is believed to be accurate at time of publication. No warranty, expressed or implied, is made with regard to this information. This information may not be adequate for every application, and the user must determine the suitability of this information due to the manner or conditions of use or storage, or local regulation.



**Follow-up:** Replenish contaminated or spoiled bait immediately. Wearing waterproof gloves, scrub and dispose of all visible dead animals and leftover bait, as well as any bait that has become inaccessible to non-target animals. To encourage reinestation, limit sources of rodent food, water and harborage as much as possible. If reinestation does occur, repeat treatment. For a continuous infestation, set up permanent bait stations and rebait as needed. (090115)

# SAFETY DATA SHEET

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**Uses or restrictions:** Rodenticide with difethialone  
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## Section 3: Composition / Information on Ingredients

**Hazardous Ingredients:**  
Difethialone (CAS registry no. 104653-34-1) 0.0025%

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**Emergency overview:** This material may reduce the clotting ability of the blood and cause bleeding. Symptoms of toxicity include lethargy, loss of appetite, reduced clotting ability of blood, and bleeding. Have the product label with you when obtaining treatment advice.  
**If swallowed:** Call a poison control center or doctor. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor.  
**If inhaled:** Move person to fresh air. If person is not breathing, call an ambulance, then give artificial respiration and call poison control or doctor.  
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**If on skin or clothing:** Take off contaminated clothing. Rinse skin with plenty of cool water for 15-20 minutes. Call a poison control center or doctor.  
**Note to Physician or Veterinarian:** Contains anticoagulant ingredient. For humans or animals ingesting bait and/or showing obvious poisoning symptoms (bleeding or prolonged prothrombin times), give Vitamin K<sub>1</sub> intramuscularly or orally. In severe cases, blood transfusions may be needed.

## Section 5: Fire-fighting Measures

**Extinguishing media:** Use media suitable for the surrounding fire  
**Specific fire or explosion hazards:** None known  
**Special cautions for firefighters:** Wear self-contained breathing apparatus (full facepiece) & full protective clothing. Contain runoff to prevent pollution.

## Section 6: Accidental Release Measures

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## Section 8: Exposure Controls / Personal Protection

**Established exposure limits:** Not applicable  
**Appropriate engineering controls:** Special ventilation is not required for the normal handling and use of this product when following label instructions.

**Individual protection measures:** Wear long pants, shoes, socks and waterproof gloves when handling this product. Follow manufacturer's instructions for cleaning/maintaining PPE, or else wash with detergent and hot water. Keep and wash PPE separately from other laundry. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. Wash hands thoroughly after applying bait and before eating, drinking, chewing gum, using tobacco or using the toilet, and change into clean clothing.

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**Relative density:** 1.11 g/cc **Viscosity:** Not applicable  
**% Volatile (volume):** Not applicable **Evaporation rate:** Not applicable  
**Vapor density:** Not applicable **Vapor pressure:** Not applicable  
**Boiling point:** Not determined **Freezing point:** Not applicable  
**Flash point (ASTM D92):** >150 °C **Autoignition temp.:** Not determined  
**Flammability:** Not a flammable solid **Decomposition temp.:** Not determined  
**Explosive limits - Lower limit:** Not applicable; **Upper limit:** Not applicable  
**Partition coefficient (n-octanol/water):** Not applicable

## Section 10: Stability and Reactivity

**Reactivity:** Not reactive, not sensitive to shock or static discharge  
**Chemical stability:** Stable **Hazardous reactions:** None  
**Incompatible materials:** None **Conditions to avoid:** None  
**Hazardous decomposition products:** Oxides of carbon

## Section 11: Toxicological Information

**Likely routes of exposure:** Ingestion, skin absorption.  
**Symptoms of toxicity:** Lethargy, loss of appetite, reduced clotting ability of blood, and bleeding.  
**Eye effects/eye irritation:** Mild, transient irritant  
**Acute oral effects:** LD<sub>50</sub> (oral-rat): >5000 mg/kg  
**Acute inhalation effects:** LC<sub>50</sub> (rat, 4 hour): 200 mg/L (extrapolated)  
**Acute dermal effects:** LD<sub>50</sub> (dermal-rabbit): >2000 mg/kg  
**Skin irritation:** Non-irritating  
**Skin sensitization:** Not a skin sensitizer  
**Carcinogenicity:** No ingredient listed by NTP, IARC or OSHA

## Section 12: Ecological Information

This product is extremely toxic to birds and mammals. Do not apply this product directly to water, where surface water is present or to intertidal areas below the mean high water mark. Carefully follow label cautions and directions to reduce hazards to children, pets and non-target wildlife.

## Section 13: Disposal Considerations

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## Section 15: Regulatory Information

**TSCA:** All components of this product are listed on the TSCA Inventory.  
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**CA Proposition 65:** Contains no substances subject to Prop 65 requirements.  
**FIFRA:** This product is registered as a pesticide with the U.S. Environmental Protection Agency. The label requirements under Federal pesticide law differ from the classification criteria and hazard information required by OSHA on this Safety Data Sheet. Read and follow all cautions, directions and use restrictions on the product label on the container.

## Section 16: Other Information

**Prepared by:** K. Paavola **Date:** 13 August 2019  
This Safety Data Sheet is believed to be accurate at time of publication. No warranty, expressed or implied, is made with regard to this information. This information may not be adequate for every application, and the user must determine the suitability of this information due to the manner or conditions of use or storage, or local regulation.