

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

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

December 29, 2003

Teri Muchow
Regulatory Specialist
OSMOSE, Inc.
980 Ellicott Street
Buffalo, New York 14209

Subjects:

K-33-C (72%) Wood Preservative

EPA Registration No. 3008-17

K-33-C (50%) Wood Preservative

EPA Registration No. 3008-36

K-33-A (50%) Wood Preservative

EPA Registration No. 3008-42

K-33 (60%) Wood Preservative

EPA Registration No. 3008-34

Arsenic Acid 75%

EPA Registration No. 3008-66

Osmose Arsenic Acid 75%

EPA Registration No. 3008-72

Applications Date: December 10, 2003 EPA Receive Date: December 12, 2003

Dear Mrs. Muchow:

The labeling amendments referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, are accepted.

Proposed amendments:

Revised Directions for use to include AWPA Standard C30.

General Comments:

A stamped copy of the labeling accepted with conditions is enclosed. Should you have any questions or comments concerning this letter, please contact me at (703) 308-6422.

Sincerely,

Adam Heyward

Product Manager 34

Regulatory Management Branch II Antimicrobials Division (7510C)

enclosures:

DIRECTIONS FOR USE

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

(For Pressure Plant Use Only)

OSMOSE K-33 -A is designed for the pressure impregnation of wood to provide protection against decay, termites and marine borers (Limnoria and Teredo).

Processes used to apply inorganic arsenic formulations shall leave no visible surface deposits on the wood, as defined by AWPA Standard C-1 and AWPA Standards, LP2 and LP22. (Visible surface deposits means a surface residue or crystallization on the treated wood. Small isolated or infrequent spots of chemical on otherwise clean wood shall be allowed.)

This product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood Preservers' Association Standards: Lumber and Timber for Salt Water Use Only (C2), Piles (C3) Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms and Plywood Used on Farms (C18), Wood for Marine Construction (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used to Support Residential and Commercial Structures (C24), Sawn Crossams (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34); and in accordance with the respective cited standard of the 2003 edition of the American Wood Preservers' Standards: Lumber, Timbers and Phywood for Cooling Towers (C-30), Forest products treated with this product may only be sold or distributed for uses within the AWPA Commodity Standards under which the treatment occurred,

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not apply directly to water, areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply where runoff is likely to occur. Do not contaminate water when disposing of equipment washwaters.

Do not discharge effluent containing this product into takes, streams, ponds, estuaries, oceans or public waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

PHYSICAL OR CHEMICAL HAZARDS

Do not use, pour, spill or store near heat or open flame.

Note to User: Examples of acceptable materials for protective clothing (eg. gloves, overalls, jackets, and boots) required during application and handling of inorganic arsenicals are viryl, polyvinyl chloride (PVC), neoprene, NBR (Buna-N), rubber and polyethylene.

STORAGE AND DISPOSAL

STORAGE: Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container. PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray midure, or rimeate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your state Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill, or by other approved state and local procedures.

RESTRICTED USE PESTICIDE ...

DUE TO ACUTE TOXICITY AND BECAUSE THIS PRODUCT CONTAINS ARSENIC AND/OR CHROMIUM COMPOUNDS SOME TYPES OF WHICH HAVE BEEN ASSOCIATED WITH TUMOR DEVELOPMENT IN HUMANS. For retail sale to and use only by certified applications or persons under their direct supervision, and for those uses covered by the certified applicator's certification.

OSMOSE K-33-A (50%) WOOD PRESERVATIVE

(For Pressure Plant Use Only)
(Not For Use Or Storage In or Around The Home)

 ACTIVE INGREDIENTS:
 8.20%

 Arsenic Pentoxide
 32.75%

 Chromic Acid
 32.75%

 Copper Oxide
 9.05%

 INERT INGREDIENTS:
 50.00%

 Arsenic as Elemental Arsenic
 5.35%

 Water Soluble Arsenic as Elemental
 5.35%



KEEP OUT OF REACH OF CHILDREN

DANGER POISON

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Induce vomiting by touching the back of the throat with finger. Avoid aspiration of vomit. Do not induce vomiting of an unconscious person. Call a physician immediately.

IF INHALED: Remove victim to fresh air. Apply respiration if indicated. Call a physician immediately.

IF ON SKIN: Remove contaminated clothing and wash affected area with soap and water.

IF IN EYES: Flush eyes with plenty of water. Call a physician immediately.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA EST. NO. 3008-TN-1

3008-SC-1

3008-OR-1

3008-CN-1

MANUFACTURED BY:



Osmose, Inc. 980 Ellicott Street Buffalo, New York

EPA REG. NO. 3008-42

NET CONTENTS: 600 Pounds (240 lbs. Oxide Basis, Min.)

PRECAUTIONAR HAZARDS T AND DOMES DANGER: PO SWALLOWED O THROUGH

Causes eye and skin irritation. If eyes, on skin, or on clothing. Wash eating or smoking. Wear eye protection rubber gloves in all situations where discontact flush skin or eyes with plet attention. Wash clothing before reuse

Applicators must wear gloves formulation in all situations where handling freshly treated wood and mai

Individuals who enter pressure to equipment that is contaminated with cylinders that are in operation or armust wear protective clothing, including impervious to the wood treatment for enter pressure-treatment cylinders maintained, high efficiency fifter responding arsenic, if the level of inorgate exceeds 10 micrograms per cubic meshour work period. Air monitoring retention and submission must be instructions on the attached labeling metals.

Applicators must not eat, drink, or parts of the application process the treatment formulation (e.g. manually of trams out of cylinders, mixing cherwood).

Wash thoroughly after skin contact tobacco products, or using restrooms.

Protective clothing must be a contamination. Applicators must lear or boots and equipment at the plan workshoes or boots must be left at the approved for pesticide disposal and regulations.

Individuals in the work area of an wear properly fitting, well-maintaine MSHA/NIOSH-approved for inorgani arsenic in the plant in unknown or exiof air (10 ug/m³) average over an programs, procedures and record conducted in accordance with the i material.

Osmose and K-33 are registered t