

71406-2

05/21/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

MAY 21 2010

OFFICE OF  
PREVENTION,  
PESTICIDES  
AND TOXIC SUBSTANCE

J. Michael Kelley  
Agent for Dr. Wolman GmbH  
toXcel  
Toxicology & Regulatory Affairs  
7140 Heritage Village Plaza  
Gainesville, VA 20156

Subject: **Protectol CX Type A**  
EPA Registration No. 71406-2  
Application Date: April 27, 2010  
Receipt Date: April 27, 2010

Dear Dr. Kelley:

This will acknowledge receipt of your notification, submitted under the provisions of PR Notice 2007-4.

**Proposed Notification:**

- Updating Container Disposal statement

**General Comment:**

Based on a review of the submitted materials, your notification for updating the Container Disposal statements is acceptable and a part of the records on file.

Should you have any questions concerning this letter, please contact Heather Garvie at (703) 308-0034 or by email address at [garvie.heather@epa.gov](mailto:garvie.heather@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline McFarlane".

Jacqueline McFarlane  
(Acting) Product Manager (34)  
Regulatory Management Branch  
Antimicrobials Division (7510P)

	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
	<b>Application for Pesticide - Section 1</b>		

1. Company/Product Number <b>Dr. Wolman GmbH/ 71406-2</b>	2. EPA Product Manager <b>Jacqueline Campbell-McFarlane</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>Dr. Wolman GmbH/ Protectol CX type A</b>	PM# <b>Team 34</b>	

5. Name And Address Of Applicant (Include ZIP Code) <b>Dr. Wolman GmbH P.O. Box 1160 76545 Sinzheim, Germany</b> <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____
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**Section II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final Printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain Below.

**Explanation:** Use additional page(s) if necessary. (For section I and Section II.)  
**Notification of labeling for Protectol CX Type A, Product No. 71406-2. Changes have been made to container disposal language per PR Notice 2007-4. No other changes have been made to this label.**  
 Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

**Section III**

1. Material This Product Will Be Packaged In:			
Child Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per Container 1000 l IBC (2 label) and tank truck	If "Yes" Unit Packaging wgt. No. per Container

3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(S) Retail Container <b>1100 kg IBC, tank truck (metal)</b>	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithographed <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____

**Section IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name <b>J. Michael Kelley, Ph.D, toXcel, LLC</b>	Title <b>Agent for Dr. Wolman GmbH</b>	Telephone No. (Include Area Code) <b>703-754-0248 x112</b>

<b>Certification</b>		6. Date Application Received <b>(Stamped)</b>
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		
2. Signature 	3. Title <b>Agent for Dr. Wolman GmbH</b>	
4. Typed Name <b>J. Michael Kelley, Ph.D, toXcel, LLC</b>	5. Date <b>May 14, 2010</b>	

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# toXcel

**Toxicology & Regulatory Affairs**  
7140 Heritage Village Plaza  
Gainesville, VA 20156  
USA

Phone: (703) 754-0248

Fax: (703) 310-6950

Hand Delivery

27 April 2010

Document Processing Desk (NOTIF)  
U.S. Environmental Protection Agency  
Office of Pesticide Programs  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202  
Attn.: Ms. Jacque Campbell-McFarlane, PM-34  
Antimicrobial Division (Mail Code 7510P)

**Re: Label Notification for Protectol CX Type A, EPA File Symbol No. 71406-2**

Dear Ms. Campbell-McFarlane,

On behalf of Dr. Wolman GmbH, the enclosed labeling for Protectol CX Type A, EPA Reg. No. 71406-2, is hereby submitted to the Agency to place in the file for Protectol CX Type A as the current labeling.

This label has been revised according to Pesticide Registration (PR) Notice 2007-4 in regards to container disposal. No other changes have been made to this label.

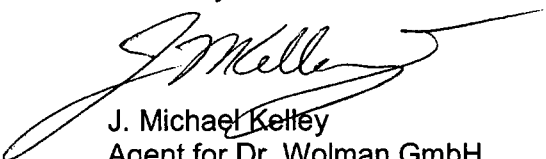
An electronic copy of this label is also included with this submission on the enclosed CD.

Enclosed with this covering letter:

- One copy highlighted copy of the labeling
- One copy of the final labeling
- EPA Form 8570-1
- CD containing revised labeling
- Certification with respect to label integrity form

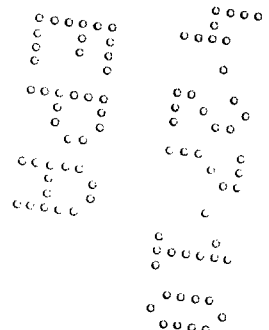
If you have any questions, please contact myself at [mike.kelley@toxcel.com](mailto:mike.kelley@toxcel.com) or 703-754-0248 x112.

Sincerely,



J. Michael Kelley  
Agent for Dr. Wolman GmbH

cc: Bernd Seidel (Dr. Wolman GmbH)



Dr. Wolman GmbH

# Protectol CX™ Type A

Industrial Wood Preservative Concentrate

## ACTIVE INGREDIENTS [% w/w]:

Bis-(N-cyclohexyldiazoniumdioxy)copper\* 3.5

Copper carbonate\* 16.3

Boric acid: 5.0

INERT INGREDIENTS [% w/w]: 75.2

TOTAL [%w/w] 100.0

\* Metallic copper equivalent, 10 %

Product weight: 10.6 lbs / gallon (1.27 kg/l)

## KEEP OUT OF REACH OF CHILDREN

### DANGER

#### FIRST AID:

**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. Call a poison control center or doctor for treatment advice.

**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 for treatment advice.

**IF SWALLOWED:** Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

**IF INHALED:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice. In case of chemical emergency: Call CHEMTREC (1-800-424-9300) day or night for assistance and information concerning spilled material, fire exposure and other chemical accidents.

Have the product container or label with you when calling a poison control center or doctor or going in for treatment. You may also contact 1-800-832-4357 for emergency medical treatment information.

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage.

EPA REG.NO. 71406-2

EPA EST.NO. 005526-DEU-001

DR. WOLMAN GMBH

Postfach 1160  
D - 76545 Sinzheim  
011-49 7221 800 0

#### NOTIFICATION

Date Reviewed: 5/21/10  
Reviewed By: H. Kromer

Protectol and CX are trademarks of Dr. Wolman GmbH

## PRECAUTIONARY STATEMENT HAZARDS TO HUMANS & DOMESTIC ANIMALS

### DANGER

**Corrosive. Causes irreversible eye damage or skin burns. May be fatal if swallowed. Harmful if absorbed through skin or inhaled. Avoid breathing spray mist.**

### GENERAL USER SAFETY RECOMMENDATIONS

Users should wear protective clothing (see section below) when handling the product. Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. User should remove personnel protective equipment immediately after handling this product. Wash outside of gloves before removing. As soon possible wash thoroughly.

### PERSONAL PROTECTIVE EQUIPMENT:

Applicators and other handlers must wear:

- Long sleeved shirt and long pants,
- Socks and shoes
- Chemical resistant gloves (such as: Barrier Laminate, or any of the following gloves at  $\geq 14$  mils thickness: butyl nitrile, neoprene rubber, polyvinyl chloride or Viton),
- Goggles or face shield

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions exist for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Applicators must leave protective clothing and work shoes or boots and equipments at the treatment plant.

### ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not contaminate water when disposing of equipment washwaters. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other 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 systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

### STORAGE AND DISPOSAL

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

**STORAGE:** Store in original container in a cool, dry place. Keep containers closed when not in use.

**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:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two or more times. Then offer for recycling, if available, or reconditioning, if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

### DIRECTIONS FOR USE

**FOR INDUSTRIAL USE ONLY:** It is a violation of Federal Law to use this product in a manner inconsistent with this labeling.

**INSTRUCTIONS FOR PRESSURE-TREATMENT OF WOOD:** PROTECTOL CX TYPE A is for use of treating wood such as e.g. structural and non-structural lumber, plywood in vacuum-pressure treating systems. Typical application product would be e.g. Decking, Rails, Spindles, Framing, Sill Plates, Gazebos, Fencing, Posts. To be used only in vacuum pressure impregnation of wood products utilizing water solutions having concentrations ranging from 0.2 percent to 3.0 % active ingredients by weight. Do not use in contact with brass, bronze or copper. Treatment procedures shall rigidly adhere to the current specification of Dr. Wolman GmbH and/or applicable specifications of the American Wood Preserver's Association.

### GENERAL RESTRICTIONS:

Lumber used in the construction of bee-hives must not be treated with Protectol CX Type A.

### NOTICE OF WARRANTY AND DISCLAIMER:

The manufacturer warrants that this product conforms to the chemi description on the label thereof and is reasonably fit for the purposes stated on such label only when used in accordance with the directions under normal use conditions. It is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as presence of other materials or the manner of use or application, which are beyond the control of the manufacturer. The manufacturer shall not be responsible for losses or damages resulting from use of this product in any manner not set forth on this label. User assumes all risks associated with the use of this product in any manner not specifically set forth on this label. In no case shall the manufacturer be liable for consequential, special, punitive, or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. The manufacturer makes no warranties of merchantability nor fitness for a particular purpose nor any other express or implied warranty except as stated above. Buyer's exclusive remedy and the manufacturer's exclusive liability, whether in contract, tort, negligence, strict liability or otherwise, shall be limited to repayment of the purchase price of Protectol CX Type A.

**NET WEIGHT:** lbs ( kg)

**LOT-No.:** USA CX Type A 100519

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