

241-420

07/16/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUL 16 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

J. Michael Kelley, Ph.D
Consultant for BASF
toXel
7140 Heritage Village Plaza
Gainesville, VA 20156

Subject: Cu-HDO MUP
EPA Registration Number: 241-420
Application Date: April 27, 2010
Receipt Date: April 27, 2010

Dear Dr. Kelley:

The following amendment submitted in connection with registration under FIFRA, as amended, is acceptable with conditions.

Proposed Amendment

- Update Container Disposal Statements per PR Notice 2007-4
- Update Precautionary Statements per Label Review Manual

Conditions

Revise the label as follows:

- 1.) Revise the claim above the ingredients statement to read "For use in the formulation of wood preservatives." The phrase, against fungal decay, is an efficacy claim that must appear on end-use products.
- 2.) The "Pesticide Disposal" statements must be updated in accordance with PR Notice 83-3 and the chapter 13 of the Label Review Manual to state the following:

This pesticide is acutely hazardous. Improper disposal of excess pesticide, spray, or mixture of rinsate is in violation of Federal law. If these wastes cannot be disposed of by use according to label directions, contact your State Pesticide or Environmental Control Agency, or the hazardous waste representative at the nearest EPA Regional Office for guidance.

General Comments

A stamped label acceptable with conditions is enclosed for your records. Submit a copy of your final printed label before distributing or selling the product bearing the revised labeling.

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

If you have further questions concerning this letter, then please contact me by telephone at (703) 308-6416 or by e-mail at campbell-mcfarlane.jacqueline@epa.gov or Killian Swift by telephone at (703) 308-6346 email address at swift.killian@epa.gov . When you are submitting information or data in response to this letter, send a copy of this letter to accompany the submission in order to facilitate processing.

Sincerely,



Jacqueline Campbell-McFarlane
Product Manager 34
Regulatory Management Branch II
Antimicrobials Division (7510P)

Enclosure: EPA stamped label

CONCURRENCES

SYMBOL							
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DATE							

Cu-HDO - Bis (N-Cyclohexyldiazeniumdioxy)-copper

MANUFACTURING USE PRODUCT

For use in the formulation of wood protectants against fungal decay

Active Ingredient	Bis-(N-Cyclohexyldiazeniumdioxy)-copper	97.75 %*
Inert Ingredients		<u>2.25 %</u>
Total		100.00 %

* Corresponds to a metallic copper equivalent of 17.75 %

EPA Reg. No. 241-420
 EPA Est. No. 005526-DEU-001

ACCEPTED
 with COMMENTS
 in EPA Letter Dated:

JUL 16 2010

Under the Federal Insecticide,
 Fungicide, and Rodenticide Act as
 amended, for the pesticide,
 registered under EPA Reg. No. 241-420

KEEP OUT OF REACH OF CHILDREN

DANGER

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER

Corrosive. Causes irreversible eye damage. Maybe fatal if inhaled. Harmful if absorbed through the skin. Do not breathe dust. Do not get in eyes or on skin or on clothing. Wear a mask or a pesticide respirator jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health. Wear protective eyewear (goggles, face shield, or safety glasses). Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

If In Eyes:

- Hold eyelids open and rinse slowly and gently with water for 15 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for further treatment advice.

If Inhaled:

- Move person to fresh air
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.

- Call a poison control center or doctor for further 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 to do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious person

If On Skin:

- 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.

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.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not discharge effluents containing this product into lakes, streams, ponds, estuaries, oceans, or public water unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment authority. For guidance contact your state Water Board or Regional Office of the U. S. Environmental Protection Agency.

DIRECTIONS FOR USE

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

For use in formulating wood preserving end use products only. Wood treated with Cu-HDO shall not be used for preservative treatment of forest products being used in freshwater and saltwater contact in the following UC'S: 4 A-C, 5 A-C. Wood treated with Cu-HDO must not be used for packaging food or feed. Lumber used in the construction of bee-hives must not be treated with Cu-HDO.

STORAGE AND DISPOSAL

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

STORAGE:

Store this product in a dry, cool place below 110 degrees Fahrenheit. Keep container tightly sealed when not in use. Do not reuse empty container. Keep this product and its vapors away from desirable plants, seeds, fertilizers, insecticides and other agricultural chemicals, as plant injury or loss may result from contamination.

PESTICIDE DISPOSAL:

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

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 puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

CONDITIONS OF SALE AND WARRANTY

BASF Corp. warrants that the product conforms to its chemical description and the specifications thereof. BASF CORP. MAKES NO OTHER EXPRESS OF IMPLIED WARRANTIES EITHER OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR USE. Handling, storage and use of the product Buyer are beyond the control of BASF Corp., and BASF Corp. shall not be liable for, and Buyer assumes responsibility for, all personal injury and property damage resulting from the handling, possession, use or resale of the material, whether the same is used alone or in combination with other substances. IN NO EVENT WILL BASF CORP. BE RESPONSIBLE FOR SPECIAL INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER BUYER'S CLAIM IS IN CONTRACT, NEGLIGENCE OR OTHERWISE:

BASF Corp.
26 Davis Drive
P.O. Box 13528
Research Triangle Park, NC 27709-3528

NET WEIGHT POUNDS (KILOGRAM)