



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 AWWA 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,

A handwritten signature in black ink, appearing to read "Adam Heyward".

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-C 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 arsenical formulations shall leave no visible surface deposits on the wood, as defined by AWPFA Standard C-1 and AWPB 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 (C16), 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 Crossarms (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 Plywood for Cooling Towers (C-30). Forest products treated with this product may only be sold or distributed for uses within the AWPFA Commodity Standards under which the treatment occurred.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not apply directly to water, or to 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 lakes, 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 systems without previously notifying the local sewage 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 (e.g. gloves, overalls, jackets, and boots) required during application and handling of inorganic arsenicals are vinyl, 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 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 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 applicators or persons under their direct supervision, and for those uses covered by the certified applicator's certification.

OSMOSE K-33 (60%) WOOD PRESERVATIVE (For Pressure Plant Use Only)

ACTIVE INGREDIENTS:

Arsenic Pentoxide.....	20.0%
Copper Oxide.....	10.5%
Chromic Acid.....	29.9%

INERT INGREDIENTS:

Water.....	39.6%
Total	100.00%

Total Arsenic as Metallic..... 13.0%

Water Soluble Arsenic as Metallic..... 13.0%

KEEP OUT OF REACH OF CHILDREN



**DANGER
POISON**



FIRST AID

IF SWALLOWED: Call a Poison Control Center or doctor immediately for treatment advice. Have a 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 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.

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.

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 to rinse eye. Call a Poison Control Center or doctor for treatment advice.

Have the product container or label with you when you call a Poison Control Center or doctor, or when going for treatment.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA EST. NO. 3008-TN-1
 3008-SC-1
 3008-OR-1
 3008-CN-1

EPA REG. NO. 3008-34

MANUFACTURED BY:

Osmose

Osmose, Inc.
980 Ellcott Street
Buffalo, New York
14209

NET CONTENTS: Tank Truck Delivery

**PRECAUTIONAL
HAZARDS
AND DOME
DANGER: P
SWALLOWED
THROUGH**

Corrosive. Causes irreversible eye damage. Harmful or fatal if swallowed, inhaled, or a mist. Wash thoroughly after handling and use protection devices and protective clothing. Dermal contact is expected. Prolonged or allergic reactions in some individuals.

Applicators must wear gloves in pressure situations where dermal contact is expected (manually opening cylinder doors).

Individuals who enter pressure treatment areas contaminated with the wood treatment shall not be free of the treatment. They must wear a jacket, gloves and boots, and shall be monitored. Individuals who enter pressure treatment areas shall maintain high efficiency filter respirators. If the level of inorganic arsenic is greater than 10 micrograms per cubic meter or air (10 ug/m³), monitoring programs, procedures and methods shall be conducted in accordance with the instructions.

USER SAFETY RE

Applicators must not eat, drink, or use tobacco during application process that may expose them to the wood treatment. Manually opening/closing cylinder doors shall be done with care, and handling freshly treated wood shall be done with care.

User should wash hands before eating, drinking, or using the toilet. User should not enter the treated area until the wood has dried inside. Then wash thoroughly and put on clean clothes.

PERSONAL PROTE

Handlers must wear: goggles or face shield and long pants, chemical-resistant gloves (Neoprene Rubber, Nitrile Rubber), shoes (MSHA/NIOSH approved number prefix TC-1, N, R, P or HE prefilter).

Protective clothing must be changed after use. Applicators must leave protective clothing at the treatment plant. Worn-out protective clothing and waste shall be disposed of in a manner approved for by state and federal regulations.

Individuals in the work area of an arsenical application shall wear a fitting, well-maintained high efficiency filter respirator. If the level of inorganic arsenic is greater than 10 micrograms per cubic meter of air (10 ug/m³), monitoring programs, procedures and methods shall be conducted in accordance with the instructions.

ACCEPTED
with COMMENTS
EPA Letter Dated:

DEC 29 2003

Osmose and K-33 are registered

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended for the pesticide,
registered under EPA Reg. No. 3008-34