

3008-34

4/8/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

APR - 8 2011

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Ms. Teri Muchow
Manager-Regulatory Administration
Osmose, Inc.
980 Ellicott Street
Buffalo, NY 14209

Subject: **Osmose K-33® (60%) Wood Preservative**
EPA Registration No. 3008-34
Application Date: March 10, 2011
Receipt Date: March 15, 2011

Dear Ms. Muchow:

This acknowledges receipt of your notification, submitted under the provision of PR Notice 2007-4.

Proposed Notification:
Updating container disposal statements

General Comment:

Based on a review of the material submitted, the container disposal statements, are acceptable.

Should you have any questions or comments concerning this letter, you may contact me by telephone at (703) 308-6416 or by e-mail at Campbell-mcfarlane.Jacqueline@epa.gov or Glen McLeod by telephone at (703) 347-0181 or by e-mail at mcleod.glen@epa.gov during the hours of 8:00am to 4:00pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

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

CONCURRENCES

SYMBOL	SURNAME	DATE					



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

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

1. Company/Product Number 3008-34	2. EPA Product Manager Jacqueline Campbell-McFarlane	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Osmose K-33 (60%) Wood Preservative	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Osmose, Inc. 980 Ellicott Street Buffalo, NY 14209 <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 _____

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 label change per PR Notice 2007-4.
 This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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:				2. Type of Container	
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			<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		If "Yes" Package wgt No. per container			
3. Location of Net Contents Information		4. Size(s) Retail Container		5. Location of Label Directions	
<input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		Not for retail sale.		<input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____	
6. Manner in Which Label is Affixed to Product				<input type="checkbox"/> Lithograph Paper glued Stenciled <input checked="" type="checkbox"/> Other Pressure Sensitive Vinyl	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application).		
Name Teri Muchow	Title Manager - Regulatory Administration	Telephone No. (Include Area Code) 770-233-4244
Certification 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.		6. Date Application Received (Stamped)
2. Signature 	3. Title Manager - Regulatory Administration	
4. Typed Name Teri Muchow	5. Date March 10, 2011	

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 %

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 when going for treatment.

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA EST. NO.:	<input type="checkbox"/> 3008-TN-1	EPA REG. NO. 3008-34
	<input type="checkbox"/> 3008-SC-1	

MANUFACTURED BY:

Osmose®

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

NET CONTENTS: Tank Truck Delivery

NOTIFICATION
Date Reviewed: 4/18/11
Reviewed By: [Signature]

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

DANGER: Corrosive. Causes irreversible eye damage, skin or mucous membrane irritation. Harmful or fatal if swallowed, inhaled, or absorbed through skin. Do not breathe spray mist. Wear eye protection devices and protective clothing and chemical resistant gloves in all situations where dermal contact is expected. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly after handling and before eating, drinking; chewing gum or using tobacco.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

All personnel handling treated wood or handling treating equipment (including poles/hooks used to retrieve charge cables) that has come in contact with preservative must wear the following PPE:

- washable or disposable coveralls or long-sleeved shirt and long pants,
- chemical resistant gloves, and
- socks plus industrial grade safety work boots with chemical resistant soles.

All personnel rinsing or maintaining the treatment cylinder gasket/equipment or working with concentrate or wood treatment preservative must wear the following PPE:

- washable or disposable coveralls or long-sleeved shirt and long pants,
- chemical resistant gloves,
- socks plus industrial grade safety work boots with chemical resistant soles, and
- a full face shield.

In the event of equipment malfunction, or for door spacer placement, all personnel within 15 feet of the cylinder opening prior to ventilation must wear the following PPE:

- washable or disposable coveralls or long-sleeved shirt and long pants,
- chemical resistant gloves,
- socks plus industrial grade safety work boots with chemical resistant soles, and
- a properly fitting NIOSH-approved cartridge or canister respirator approved for inorganic arsenic and chromium.

Entry to confined spaces is regulated by Federal and/or State Occupational Safety and Health Programs. Compliance is mandated by law. Individuals who enter pressure treatment cylinders or other related equipment that is contaminated with the wood treatment preservative (e.g., cylinders that are not free of the treatment preservative or preservative storage tanks) must wear protective clothing and/or equipment as required by Federal and/or State Occupational Safety and Health Compliance laws.

Personnel must leave aprons, protective coveralls, chemical resistant gloves, work footwear, and any other material contaminated with preservative at the treatment facility. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

Eating, drinking, and smoking are prohibited in the treatment cylinder load-out area, drip pad area, and engineering control room of the wood treatment facilities. **EXCEPTION:** Where treating operator control rooms are isolated from the treating cylinders, drip pad, and work tanks, eating, drinking, and smoking (depending on local restrictions) are permitted.

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

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.

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 (60%) Wood Preservative 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 minimal visible surface deposits on the wood (Visible surface deposits means a surface residue or crystallization on the treated wood. Small isolated or infrequent spots of surface residue on otherwise clean wood shall be allowed.)

Only the categories of forest products described in the supplemental labeling may be treated with CCA. Forest products treated with this product may only be sold or distributed for uses within those described.

At the conclusion of the treatment, the cylinder must be ventilated by purging the post-treatment cylinder through fresh air exchange. The ventilation process is considered complete after a minimum of 2 volume exchanges based on the empty treatment cylinder volume. The exhaust pipe of the vacuum system or any air moving device utilized in conducting the air purge must terminate into a containment vessel such as a treating solution work tank or water/effluent tank.

The ventilation process may be accomplished by one of the following methods: 1) activating an air purge system that operates while the cylinder door remains closed; or 2) using a device to open and hold open the cylinder door (no more than 6 inches) to allow adequate ventilation and activating the vacuum pump.

If the second method is utilized, at the conclusion of the treatment, no personnel may be located within 15 feet of the cylinder when open (cracked) until the cylinder has been ventilated.

In the event of equipment malfunction, or to place the spacer to hold the door open during venting, only personnel wearing specified PPE are permitted within 15 feet of the cylinder opening prior to ventilation. After ventilation is complete, the cylinder door may be completely opened.

The treatment process must include a final vacuum to remove excess preservative from the wood. The final vacuum must attain a vacuum equal to or greater than the initial vacuum. This vacuum must be held for an appropriate time period based on wood species, retention levels, and commodity treated to remove excess preservative from the wood.

As of December 31, 2013, an automatic locking/unlocking device must be used to accomplish locking and unlocking of the cylinder door.

After treatment, wood must be moved to a drip pad capable of recovering excess preservative until the wood is drip free.

Cylinder openings and door pits must use grating and additional measures such as sumps, dams or other devices which prevent or remove spillage of the preservative.

Personnel must not directly handle the charge cables, poles or hooks used to retrieve charge cables, or other equipment that has contacted the preservative without wearing chemical resistant gloves.

As of December 31, 2013, mechanical methods must be used to place/remove bridge rails.

STORAGE AND DISPOSAL

STORAGE: Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

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:

DRUMS: Nonrefillable container. Do not reuse this container to hold materials other than pesticides or dilute pesticides (rinsate). After emptying and cleaning, it may be allowable to temporarily hold rinsate or other pesticide-related materials in the container. Contact your state regulatory agency to determine allowable practices in your state.

Residue Removal: Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat the procedure two more times. Offer for reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

TOTES: Nonrefillable container. Do not reuse this container to hold materials other than pesticides or dilute pesticides (rinsate). After emptying and cleaning, it may be allowable to temporarily hold rinsate or other pesticide-related materials in the container. Contact your state regulatory agency to determine allowable practices in your state. Empty tote container must be returned to a tote collection service. Contact product supplier for additional information.

Residue removal: Cleaning container before final disposal is the responsibility of the person disposing of the container. To clean container before final disposal, fill container about 10 percent full with water; agitate container vigorously; discard rinsate according to pesticide disposal instructions; repeat this rinsing procedure two more times. For additional container disposal information, contact product supplier.

BATCH CODE: _____

Supplemental Labeling for CCA
Categories of Forest Products That May be Treated With CCA

CCA (chromated copper arsenate) is registered for use only in pressure treatment of certain commodities. It is the treater's responsibility to comply with the terms of the label. **Only the categories of forest products in the following tables may be treated with CCA and in accordance with the respective Use Categories as specified by the American Wood Protection Association in the most current edition of the AWPA Book of Standards.** Commodity specifications are as identified by the AWPA in its most current edition of standards.

AWPA Commodity Specification: Posts	
AWPA Use Category	Commodity
UC4A	Posts, round, 1/2 and 1/4 round for highway construction (including guide, sign and sight) Fence (farm)
UC4B	Posts, round, 1/2 and 1/4 round for highway construction (including guardrail posts, spacer blocks) and for road salt/brine storage Posts, round, 1/2 and 1/4 round for building construction Round, used as structural members in agricultural uses

AWPA Commodity Specification: Poles	
AWPA Use Category	Commodity
UC4B	Utility poles (including laminated) Poles for highway and agricultural construction, lighting, building structural use

Note: poles may be glue-or mechanically-laminated

AWPA Commodity Specification: Round Timber Piling	
AWPA Use Category	Commodity
UC4C	Foundation and fresh water piles

AWPA Commodity Specification: Sawn Products	
AWPA Use Category	Commodity
UC3B	Guardrails for highway construction, including for golf course bridges meeting highway construction standards Shakes and shingles Tile batts Siding (commercial/residential/agricultural) Roller coaster construction Lumber/timbers used for fish ladders, lobster traps, oyster farming (saltwater/brackish water only)
UC4A	Lumber/timber for highway construction, including for golf course bridges meeting highway construction standards Crossarms Fence rail (farm/agricultural only, round, 1/4 round, 1/2 round) Roller coaster construction Cooling towers (fresh water contact)

AWPA Commodity Specification: Sawn Products	
AWPA Use Category	Commodity
UC4B	Highway bridge decking (above ground, structural, subject to critical/severe decay) Road salt/brine storage Highway construction materials, including cribbing, lighting Piles (structural support in residential or business construction) Posts (sawn 4 sides) for highway construction, farm/agricultural structural use, spacer blocks, important building structural use Poles for structural building use Roller coaster construction Lumber/timbers for cooling towers, permanent wood foundations Lumber/timbers (5 inches or greater) for residential/business structural use; highway construction and cribbing; retaining walls for highway uses; residential/business building support Lumber/ Timbers (2 x 8 inch and/or 3 x 6 inch or greater) for marine use (out of water, ground contact, including salt water splash)
UC4C	Piles for residential/business structural support, critical

AWPA Commodity Specification: Wood Composites	
AWPA Use Category	Commodity
UC3B	Composite lumber for structural uses Glue- or nail-laminated members Plywood for agriculture, farms, roof sheathing, flooring, subflooring, flat-bed trailers
UC4A	PSL & LVL composite lumber for highway construction Members (laminates) Plywood for farm/agricultural use, mariculture, boats, compost/flumes, flooring for industrial/commercial/ agricultural, wet industrial process areas, storage sheds, garages
UC4B	Plywood for marine use where salt water splash Plywood for road salt/brine storage, highway construction materials Plywood for permanent wood foundation Plywood for wet industrial processing areas, including cooling towers Composite lumber for highway construction Glue-laminate members (important structural or saltwater splash)
UC4C	Composite (PSL & LVL) lumber highway structural use Members (laminates) for critical structural uses

Note: laminates can be glued or mechanically fastened
 Note: PSL = parallel strand lumber, LVL = laminated veneer lumber

AWPA Commodity Specification Marine: (Salt Water/Brackish Water) Applications	
AWPA Use Category	Commodity
5A-5B-5C	Bulkhead sheathing Lumber/timbers use, including use in aqua/mariculture, timbers and cross bracing, highway construction, boats Piles for marine applications Plywood for marine construction, boat building