



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

September 26, 2024

Leigh Ann Richardson
Senior Manager Regulatory Affairs
Koppers Performance Chemicals
Electronic Transmittal: RichardsonLA@Koppers.com

Subject: Label Amendment – Registration Review Interim Decision Label Mitigation
Product Name: K-33 (60%) Wood Preservative
EPA Registration Number: 3008-34
Received Dates: 7/25/2022, 3/30/2023
Decision Numbers: 586226, 596193

Dear Leigh Ann:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable. This approval does not affect any conditions that were previously imposed on this registration. You continue to be subject to existing conditions on your registration and any deadlines connected with them.

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all of the information submitted with your application to support the Registration Review of the above referenced product in connection with the Chromated Arsenicals Interim Decision and Copper Compounds Interim Decision, and has concluded that your submission is acceptable.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. Pursuant to 40 CFR 156.10(a)(6) you must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 12 months from the date of this letter. After 12 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. See FIFRA section 2(p)(2). If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process, FIFRA section 12(a)(1)(B). Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6. If you have any questions, please contact Peter Bergquist by phone at 202-566-0648, or via email at bergquist.peter@epa.gov.

Sincerely,

Michael J. Varco
Acting Senior Environmental Protection Specialist
Reevaluation Branch
Antimicrobials Division (7510P)
Office of Pesticide Programs

Enclosure: Stamped Label

RESTRICTED USE PESTICIDE

DUE TO ACUTE TOXICITY AND BECAUSE THIS PRODUCT CONTAINS ARSENIC AND 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 only for those uses covered by the certified applicator's certification.

K-33[®] (60%) WOOD PRESERVATIVE

(For Pressure Plant Use Only)

ACTIVE INGREDIENTS:

Arsenic Pentoxide20.0 %
Copper Oxide10.5 %
Chromic Acid.....29.9 %

OTHER INGREDIENTS:

Water39.6 %
TOTAL100.0 %

Total Arsenic as Metallic13.0 %

A C C E P T E D

09/26/2024

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

KEEP OUT OF REACH OF CHILDREN



Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

[Note to Reviewer: In accordance with 40 CFR 156.68(d), all first aid statements, as prescribed, will appear on the front panel of the product label.]

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. For general information on product use, etc., call the National Pesticides Information Center at 1-800-858-7378. In case of an emergency, call CHEMTREC toll free at 1-800-424-9300. You may also contact the poison control center at 1-800-222-1222 for emergency medical treatment information.

Note to Physician: Probable mucosal damage may contraindicate use of gastric lavage.

See side panel for additional precautionary statements.

EPA REG. NO. 3008-34 EPA EST. NO. 3008-TN-1

Manufactured by: **Koppers Performance Chemicals Inc.**
1016 Everee Inn Rd.
Griffin, GA 30224

NET CONTENTS: _____ BATCH CODE: _____

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER: Fatal if swallowed, inhaled, or absorbed through skin. Corrosive. Causes irreversible eye damage and skin burns or mucous membrane irritation. Do not get in eyes, on skin, or on clothing. 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, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

All personnel conducting the following tasks:

- maintenance, repairs, or cleaning activities on or in any part of the treatment cylinder including cylinder door gaskets, open doors, interior surfaces of the cylinder, and emission points;
- conducting activities for cylinder-loader operation and load-out loader operation;
- handling liquid concentrate or diluted wood preservative solution;
- all personnel located within 15 feet of the cylinder opening prior to cylinder ventilation, (including during door-spacer placement);
- and/or in the event of equipment malfunction,

must wear the following PPE:

- Washable or disposable coveralls or long-sleeved shirt and long pants;
- Chemical-resistant gloves covering the entire hand and wrist composed of polyvinyl chloride (PVC) or nitrile (Buna-N). Workers must not use gloves with cloth or mesh backings. Workers may remove gloves while operating mobile equipment such as forklifts or front-end loaders;
- Socks plus industrial-grade safety boots with chemical-resistant soles;
- A full face-shield; and
- A properly fitting NIOSH-approved half-mask or full-face elastomeric air purifying respirator with combination N-100 or P-100 filters and Acid Gas cartridges. If full-face respirators are worn, the face shield is not needed.

All personnel conducting cleaning activities on the drip pad must wear the following PPE:

- Washable or disposable coveralls or long-sleeved shirt and long pants;
- Chemical-resistant gloves covering the entire hand and wrist composed of PVC or nitrile (Buna-N). Workers must not use gloves with cloth or mesh backings;
- Socks plus industrial-grade safety boots with chemical-resistant soles; and
- A full face-shield.

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

- Washable or disposable coveralls or long-sleeved shirt and long pants.
- Chemical-resistant gloves covering the entire hand and wrist composed of PVC or nitrile (Buna-N). Workers must not use gloves with cloth or mesh backings.
- Socks plus industrial-grade safety boots with chemical-resistant soles.

NOTE TO USER: As used on this label, the term “respirators” means properly fitting, well-maintained, half-mask or full-mask canister or cartridge respirators which are NIOSH-approved for CCA-airborne arsenic mist or dust. Chemical-resistant clothing such as gloves must be composed of polyvinyl chloride (PVC) or nitrile (Buna-N).

See OSHA’s Respiratory Protection Standard for federal requirements on how to safely fit-test, train, and medically examine workers who will be using respirators.

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.

USER SAFETY REQUIREMENTS

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.

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 washwater or rinsate.

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. This product is a strong oxidizer. Avoid contact with reducing agents.

DIRECTIONS FOR USE

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

(For Pressure Plant Use Only)

K-33 (60%) Wood Preservative (CCA) is designed for the pressure impregnation of wood to provide protection against decay, termites and marine borers (Limnoria and Teredo).

For use only in pressure treatment processes. Dilute with water to solutions having concentrations ranging from 0.05% - 10% total active ingredients by weight. The below table represents the uses, maximum application rates, and minimum target total active retention in pounds per cubic foot (pcf) for each use category.

Uses	Maximum Application Rates (% Total Actives)	Minimum Target Total Active Retention (pcf)
Above Ground - Exterior	1.5%	0.25
Ground Contact, Fresh Water - General Use	2.5%	0.40
Ground Contact, Fresh Water - Heavy Duty Use	4.0%	0.60
Ground Contact, Fresh Water - Extreme Duty Use (Critical Structural)	4.5%	0.60
Marine Use - Salt or Brackish Water and Adjacent Mud Zone	10%	2.5

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 following the below Ventilation Process.

VENTILATION PROCESS: 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. At the conclusion of the treatment, only personnel wearing specified PPE are permitted within 15 feet of the cylinder opening prior to ventilation.

Once the first 2-cylinder volume exchange ventilation process is complete, the cylinder door shall only be completely opened when utilizing one of the following additional controls:

1. Continue the post treatment ventilation cycle for an additional 2-cylinder volume exchange based on the empty treatment cylinder volume (4 total) prior to fully opening cylinder door;
2. Utilize ventilation to continue drawing air into the fully open cylinder door opening for 60 minutes or until the next charge is installed and/or the door closed. It is acceptable to cycle the ventilation system off for the time necessary to safely open the door. These ventilation methods may include any of the following:
 - a. Process Vacuum Pump System,
 - b. Auxiliary Blower,
 - c. Air Purge System; or
3. Utilize a fume hood installed over the area of the door opening operated with a large capacity blower for 60 minutes after door opening, with the air being discharged to a containment vessel; or,
4. Upon opening the door after only 2-cylinder volume exchanges, all personnel within 15 feet of the door opening, within 60 minutes of door opening, must wear a properly fitting half-mask or full-mask elastomeric respirator (PF10) with a NIOSH-approved high-efficiency particulate air (HEPA) N-100 or P-100 filter and Acid Gas cartridge.

OTHER REQUIREMENTS:

- Mechanical methods must be used to place/remove bridge rails.
- An automatic locking/unlocking device must be used to accomplish locking and unlocking of the cylinder door.
- 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.
- After treatment, wood must be moved to a drip pad capable of recovering excess preservative until the wood is drip free.
- Conducting drip pad cleaning activities via dry sweeping methods is prohibited. If steam cleaning the drip pad workers must wear the appropriate PPE as described in Personal Protective Equipment (PPE).

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 $\frac{1}{4}$ 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.

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.**

Posts	
Use Category	Commodity
UC4A Ground contact, fresh water- general use	Posts, round, 1/2 and 1/4 round for highway construction (including guide, sign and sight) Fence (farm)
UC4B Ground contact, fresh water- heavy duty use	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

Poles	
Use Category	Commodity
UC4B Ground contact, fresh water- heavy duty use	Utility poles (including laminated) Poles for highway and agricultural construction, lighting, building structural use

Note: poles may be glue-or mechanically-laminated

Round Timber Piling	
Use Category	Commodity
UC4C Ground contact, fresh water- extreme duty use (critical structural)	Foundation and fresh water piles

Sawn Products	
Use Category	Commodity
UC3B Above ground, exterior - uncoated, poor water runoff	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 Ground contact, fresh water- general use	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)
UC4B Ground contact, fresh water- heavy duty use	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)

Sawn Products	
Use Category	Commodity
UC4C Ground contact, fresh water- extreme duty use (critical structural)	Piles for residential/business structural support, critical

Wood Composites	
Use Category	Commodity
UC3B Above ground, exterior - uncoated, poor water runoff	Composite lumber for structural uses Glue- or nail-laminated members Plywood for agriculture, farms, roof sheathing, flooring, subflooring, flat-bed trailers
UC4A Ground contact, fresh water- general use	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 Ground contact, fresh water- heavy duty use	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 Ground contact, fresh water- extreme duty use (critical structural)	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

Marine: (Salt Water/Brackish Water) Applications	
Use Category	Commodity
5A-5B-5C Marine use Salt or brackish water and adjacent mud zone	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