

Reg. # 3008-36

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Osmose Wood Preserving, Inc.
980 Ellicott Street
Buffalo, NY 14209

MAR 27 1986

Attention: Gerald L. Daugherty

Gentlemen:

Subject: Osmoplastic, EPA Registration No. 3008-4
Osmosalts, EPA Registration No. 3008-7
Osmoplastic-F, EPA Registration No. 3008-13
Osmoband, EPA Registration No. 3008-14
Osmoplastic-B, EPA Registration No. 3008-15
Osmose K-33 (72%), EPA Registration No. 3008-16
Osmose K-33-C (72%), EPA Registration No. 3008-17
Pole Topper Fluid, EPA Registration No. 3008-19
Special K-33 Preservative, EPA Registration No. 3008-21
PCP 1-10 Concentrate, EPA Registration No. 3008-25
24-12, EPA Registration No. 3008-28
10% PCP TUR Solution, EPA Registration No. 3008-30
Osmose K-33 (60%), EPA Registration No. 3008-34
Osmose K-33-C (50%), EPA Registration No. 3008-36
Osmopenta, EPA Registration No. 3008-37
Osmose K-33-A (50%), EPA Registration No. 3008-42
PCP 5% RTU Solution, EPA Registration No. 3008-45
Osmotox-Plus, EPA Registration No. 3008-48
Your Application Submission Dated February 13, 1986

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act FIFRA, is acceptable subject to the comments listed below. Five copies of the finished labeling must be submitted before you release the product for shipment.

1. Insert a "Physical and Chemical Hazards" heading and applicable statements immediately following the environmental hazards section on those labels lacking such information.
2. Change the hazard warning word from "Warning" to "Danger" on applicable labels.

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3. Rephrase all environmental hazard statements to read " This product is toxic to fish and wildlife. Do not apply directly to water. Do not apply where runoff is likely to occur. Do not contaminate water by cleaning of equipment or disposal of wastes."
4. The label for EPA Registration No. 3008-8 will not be approved because of the product's previous cancellation in 1975. If you desire to market this product, you must apply for a new registration.
5. The distribution label for EPA Registration No. 10771-2-3008 also will not be approved. The registrant (EPA Company Number 10771) is responsible for all pesticide label matters under FIFRA.
6. Only one stamped approved label will be issued per EPA Registration Number. Your submissions include two labels for EPA Registration No. 3008-13 which carries two different product names with identical labeling. One stamped approved label will be applicable to all additional products or brand names carried under the registration.
7. The "total arsenic" and "water soluble arsenic as metallic" ingredient percentage claims must be transferred as a substatement to be below the ingredient statement on the label of EPA Registration No. 3008-34.
8. The net contents statement must be further clarified. The current contents indicate two figures. One figure (usually the top or beginning) presumably addresses the total contents. The second or last statement provides content information on specific contents (i.e., 166 lb Oxide Basic, minimum as indicated on the label of EPA Registration No. 3008-34). If this secondary content statement is actually part of the total contents, then enclose the statement in parentheses.
9. Resubmit revised Confidential Statements of Formula to indicate, under item 13a, the amounts in gal, lb, or lb/gal.

Submit five (5) copies of each of the revised labeling.

Sincerely yours,



Henry M. Jacoby
Product Manager (21)
Fungicide-Herbicide Branch
Registration Division (TS-767C)

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 AWWA 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.)

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment solution (e.g., cylinders that are in operation or are not free of the treatment solution) must wear protective clothing, including overalls, jacket, gloves, and boots, impervious to the wood treatment formulation. In addition, individuals who enter pressure-treatment cylinders must wear properly fitting, well-maintained, high efficiency filter respirators, MSHA/NIOSH-approved for inorganic arsenic, if the level of inorganic arsenic in the plant is unknown or exceeds 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$) average over an 8-hour work period. Air monitoring programs, procedures and record retention and submission must be conducted in accordance with the instructions on the attached labeling material.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out protective clothing and workshoes or boots must be left at the plant and disposed of in a manner approved for pesticide disposal and in accordance with state and federal regulations.

Individuals in the work area of an arsenical wood treatment plant must wear properly fitting, well-maintained high efficiency filter respirators, MSHA/NIOSH-approved for inorganic arsenic, if the level of inorganic arsenic in the plant is unknown or exceeds 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$) average over an 8-hour work period. Air monitoring programs, procedures and record retention and submission must be conducted in accordance with the instructions on the attached labeling material.

RESTRICTED USE PESTICIDE

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.

OSMOSE[®] K-33-C (50%) WOOD PRESERVATIVE

(For Pressure Plant Use Only)

(Not For Use Or Storage In Or Around The Home)

ACTIVE INGREDIENTS:

Arsenic Pentoxide.....	17.00%
Copper Oxide.....	9.25%
Chromic Acid.....	23.75%

INERT INGREDIENT:

Water.....	50.00%
	100.00%

ARSENIC AS ELEMENTAL ARSENIC.....	11.00%
WATER SOLUBLE ARSENIC AS ELEMENTAL.....	11.00%

KEEP OUT OF REACH OF CHILDREN



**DANGER
POISON**



SEE SIDE PANELS FOR PRECAUTIONARY STATEMENTS

EPA Est. 3008-TN-1

E.P.A. Reg. No. 3008-36

Manufactured by
**OSMOSE WOOD PRESERVING CO.
OF AMERICA, INC.**

980 Ellicott St., Buffalo, NY 14209

NET CONTENTS: 55 GALLONS (660 LBS.)

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.

**ACCEPTED
with COMMENTS
in EPA Letter Dated**

MAR 27 1986

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

3008-36

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: Induce vomiting by touching the back of the throat with finger. Avoid aspiration of vomit. Do not induce vomiting of an unconscious person. Call physician immediately.

IF INHALED: Remove victim to fresh air. Apply respiration if indicated. Call a physician immediately.

IF ON SKIN: Remove contaminated clothing and wash affected area with soap and water.

IF IN EYES: Flush eyes with plenty of water. Call a physician immediately.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMAN & DOMESTIC ANIMAL DANGER: POISONOUS IF SWALLOWED OR ABSORBED THROUGH THE SKIN

Causes eye and skin irritation. Do not breathe vapor. Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling and before eating or smoking. Wear eye protection devices and protective clothing and rubber gloves in all situations where dermal contact is expected. In case of contact flush skin or eyes with plenty of water. For eyes call medical attention. Wash clothing before use. Do not breathe spray mist.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and wildlife. Do not apply directly to water. Do not contaminate water by cleaning of equipment or disposal of wastes. Keep out of lakes, ponds, or streams.

STORAGE AND DISPOSAL

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

MAR 27 1986

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

3008-36

The following statement is part of the label for Osmose K-33-C (50%), EPA Registration No. 3008-36.

Implementation of the Permissible Exposure Limit (PEL) Monitoring Program.

Each arsenical wood treatment plant employer shall require all employees potentially exposed to airborne inorganic arsenic to wear properly fitting, well maintained high efficiency filter respirators MSHA/NIOSH-approved for inorganic arsenic for the entire period that the employees are in the treatment application work area or engaged in any activity associated with the treatment process. Alternatively, to potentially relieve employees from the burden of wearing respirators, the employer may implement a Permissible Exposure Limit (PEL) monitoring program. This requirement becomes effective for existing plants on July 10, 1986. Any plants which begin operations in the future will have 3 months from the date of initial operation to implement this requirement.

All wood treatment plant employers who elect to implement the PEL monitoring program must determine the current levels of airborne arsenic, averaged over an 8-hour period, to which their employees are exposed by July 10, 1986. Monitoring data obtained two years prior to this implementation date may be used to determine the initial levels of airborne exposure to employees, if the data were obtained in the same manner as described below in the "Monitoring and Measurements Procedures" unit, and if the employer can certify that no changes have been made since the time of monitoring that could have resulted in new or additional employee exposure to inorganic arsenic including events on the "PEL Checklist" below.

If the initial or subsequent monitoring demonstrates that airborne inorganic arsenic in a work area is greater than 10 ug/m^3 , all employees working in that area are required to wear properly fitting, well-maintained high efficiency respirators MSHA/NIOSH-approved for inorganic arsenic. If in subsequent monitoring, at least two consecutive measurements taken at least 7 days apart, the inorganic arsenic levels are below 10 ug/m^3 , employees in those areas may discontinue the wearing of respirators, except as discussed in the "PEL Checklist" below. However, if the employee exposure is above 5 ug/m^3 and below 10 ug/m^3 , the employer shall repeat monitoring at least every 6 months until at least two consecutive measurements, taken at least 7 days apart, are below 5 ug/m^3 . The employer may then discontinue monitoring, except as discussed in the "PEL Checklist" below.

5 of 6

PEL Checklist

In all cases where there has been a change in production, process, control, or employee handling procedures, or if any events in the PEL Checklist occurred, or if, for any other reason an employer should suspect new or additional airborne inorganic arsenic, additional monitoring that complies with the requirements for initial monitoring shall be completed. Responses to the Checklist will become part of the monitoring records. Monitoring is required within 3 months if any of the following events/questions on the checklist can be answered in the affirmative with respect to any events which may have occurred since the last monitoring report submitted to the Agency:

1. After the wood has been treated, have you changed from hand stacking to mechanical stacking or from mechanical stacking to hand stacking? If yes, when?
2. Has your production capacity increased significantly? If yes, when?
3. Have you changed from a ready-to-use or dilute concentrate to a mix-it-yourself formulation? Has the proportional amount of arsenic in the solution increased, e.g., have you shifted from CCA type A or C to type B? If yes, when.
4. Has a significant, i.e., reportable under the "Comprehensive Environmental Response, Compensation and Liability Act of 1980" (Superfund), 42 U.S.C. 9601 et seq., spill occurred? If yes, when?
5. Is treated wood being retained on the drip paid for less time? If yes, when?
6. Have there been any other production, process, control or employee handling procedure changes which could result in new or additional airborne inorganic arsenic? Identify change, and when it occurred.

Monitoring and Measurement Procedures.

The employer shall collect personal air samples, including at least one sample which is adequate to represent typical conditions for a full work shift (at least 7 hours) for each job classification in each work area. Sampling should be done using a personal sampling pump calibrated at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size membrane filter (37 mm diameter). The method of sampling analysis should have an accuracy of not less than +25 percent (with a confidence limit of 95 percent) for 10 micrograms per

cubic meter of air (10 ug/m^3) and ± 35 percent (with a confidence limit of 95 percent) for concentrations of inorganic arsenic between 5 and 10 ug/m^3 .

Monitoring may be conducted through a request made to the Occupational Safety and Health Administration (OSHA) for monitoring assistance which may be provided free of charge under the terms of the OSHA consultation program as provided under section 7(c)(1) of the OSHA Act, or by employees or contractors of the employer's choosing.

The Environmental Protection Agency (EPA) may direct that remonitoring take place at statistically selected establishments to assure that the Checklist is effective in identifying events which increase airborne arsenic. Selected employers will be notified by EPA/State enforcement representatives. The employer will be responsible for obtaining current air monitoring data within the time specified in the remonitoring notification and for submitting these data and reports to the EPA as described below.

Data Submission and Certification

The employer shall establish and maintain accurate records which include responses to the PEL Checklist and all monitoring reports. The annual records or copies thereof shall be submitted to the U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances Office of Compliance Monitoring (EN-342), 401 M Street SW, Washington, DC 20460. All records submitted will be certified by the employer as accurate and in compliance with all calibration, analytical and sampling requirements outlined in this program. If the employer received assistance from an OSHA 7(c)(1) consultant, that consultant's report to the employer will be an acceptable record of calibration, analysis and monitoring requiring no additional certification.

