

3008-101

1/14/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

JAN 14 2010

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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

Subject: ORD-X170
EPA Registration Number: 3008-101
Application Date: October 16, 2009
Receipt Date: October 16, 2009

Dear Ms. Muchow:

The following amendment, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide (FIFRA), as amended, is acceptable with comments.

Proposed Amendment:

Amend label to propose alternative container handling language to that which is required by PR Notice 2007-4.

Label Comments:

Revise your label as follows:

- 1.) Revise the "Personal Protective Equipment (PPE)" statement to be in agreement with the Copper RED by including "coveralls" as protective clothing.
- 2.) Revise the heading, "User Safety Recommendations" to be in compliance with PR Notice 2000-5, Mandatory Labeling, by stating "User Safety Requirements." Also, revise the statements within this section to be in compliance by deleting the term, should, and stating "must."
- 3.) Revise the "Environmental Hazards" statements to be in agreement with the Copper RED by adding the following statements:

This pesticide is toxic to fish and aquatic invertebrates and *may contaminate water through runoff*. This product has a potential for runoff for several months after application. Poorly draining soils with shallow water tables are more prone to product runoff that contains this product. For terrestrial uses, do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash waters or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Certain water conditions including low pH (less than or equal to 6.5), low dissolved organic carbon (DOC) levels (3.0 mg/L or lower), and "soft" waters (i.e., alkalinity less than 50 mg/L), increases the potential acute toxicity to non target aquatic organisms.

4.) Revise the last statement in the second paragraph under the "Directions for Use" to be in compliance with Mandatory Labeling by deleting the term, should, and stating "must."

SYMBOL							
SURNAME							
DATE							

5.) Since your container is returned to a supplier, you need to provide final rinsate instructions for the supplier. Revise the "Container Disposal" statement to read:

Container Disposal: Nonrefillable Container. Do not reuse or refill this container. Empty tote container must be returned to a tote collection agent.

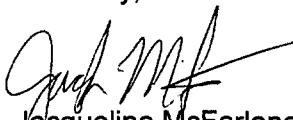
Residue Removal: Cleaning container before final disposal is the responsibility of the person disposing of the container. To clean container before final disposal, fill container about 10 percent full with water; Agitate container vigorously; discard rinsate according to pesticide disposal instructions;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

General Comments:

A stamped accepted label with conditions is enclosed. Submit three (3) copies of your final printed labeling before distributing or selling the product bearing the revised labeling.

Should you have further questions concerning this letter, 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 or by email at swift.killian@epa.gov. 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
 (Acting) Product Manager 34
 Regulatory Management Branch II
 Antimicrobials Division (7510P)

Enclosure: Stamped Label

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

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

CAUTION: Causes moderate eye irritation. Harmful if swallowed or absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water 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)

Mixers, loaders, applicators, and other handlers must wear the following: Long-sleeved shirt, long pants, shoes plus socks, eye protection and rubber gloves.

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.

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. As soon as possible, wash thoroughly and change into clean clothing. Wash the outside of gloves before removing.

Applicators must not eat or 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, chemicals, handling freshly treated wood).

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic invertebrates. Do not contaminate water by cleaning of equipment or disposal of wash waters. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other 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.

**ACCEPTED
with COMMENTS
EPA Letter Dated:**

JAN 14 2010

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide, registered under EPA Reg. No. **3008-101**

**ORD-X170
ANTIMICROBIAL - WOOD PRESERVATIVE**

Active Ingredients:

Copper Carbonate*..... 57.60 %
(CAS No. 12069-69-1)
Tebuconazole..... 1.32 %
Inert Ingredients..... 41.08 %
Total : 100.00 %

*Metallic Copper Equivalent: 33.31%

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

FIRST AID	
IF ON SKIN:	<ul style="list-style-type: none"> 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:	<ul style="list-style-type: none"> 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 rinsing. Call a poison control center or doctor for treatment advice.
IF SWALLOWED:	<ul style="list-style-type: none"> 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.
HOT LINE NUMBER	
In case of emergency, call CHEMTREC toll free at 800-424-9300. Have the product container or label with you when calling a poison control center or doctor or going for treatment.	

SEE LEFT PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA Registration No. 3008-101
EPA Establishment No. 3008-TN-1
 3008-SC-1

Manufactured by
Osmose, Inc.
980 Ellicott Street
Buffalo, NY 14209

DIRECTIONS FOR USE

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING.

Use ORD-X170 to control all types of fungal decay of wood products - brown, white and soft rot and wood eating insects. ORD-X170 should be used to treat any wood product that will be exposed to conditions favorable to rot, decay or insect attack both above and in ground, or water. Types of products include lumber, timbers, landscape ties, fence boards, and posts, building poles and decks, docks, walkways, and wood shingles.

Dilute ORD-X170 with water. Apply the tank mix solution by vacuum pressure impregnation with solutions having concentrations ranging from 0.05% - 3.0% active ingredients weight. The percent solution to be used should be based on the retention, in lbs., per cubic foot (pcf), specified by the purchaser and by the treating process used.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store unused product in original containers in a cool, dry well ventilated area.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these pesticides 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:
TOTES: Nonrefillable container. Do not reuse or refill this container. Empty tote container must be returned to a tote collection service. Contact product supplier for additional information.

Net Contents: _____

Batch Code: _____

WJA