



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs  
Antimicrobials Division (7510P)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

EPA Reg. Number:

3008-126

Date of Issuance:

01/25/2018

NOTICE OF PESTICIDE:

Registration  
 Reregistration  
(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

FS-40

Name and Address of Registrant (include ZIP Code):

Koppers Performance Chemicals Inc.  
1016 Everee Inn Road  
Griffin, GA 30224

**Note:** Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Antimicrobials Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(A). You must comply with the following conditions:

1. Submit and/or cite all data required for registration/reregistration/registration review of your product under FIFRA when the Agency requires all registrants of similar products to submit such data.

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

Date:

01/25/2018

2. Be aware that proposed data requirements for Imidacloprid have been identified in a Work Plan. For more information on these proposed data requirements, you may obtain a copy in the docket Imidacloprid EPA-HQ-OPP-2008-0844 at [www.regulations.gov](http://www.regulations.gov) or contact the Reevaluation Team Leader (Team 36): <http://www2.epa.gov/pesticide-contacts/contacts-office-pesticide-programs-antimicrobial-division>
3. Make the following label changes before you release the product for shipment:
  - Revise the EPA Registration Number to read, “EPA Reg. No. 3008-126.”
4. The data requirements for storage stability and corrosion characteristics (Guidelines 830.6317 and 830.6320) are not satisfied. A one-year study is required to satisfy these data requirements. You have 18 months from the date of registration to provide these data.
5. Submit one copy of the final printed label for the record before you release the product for shipment.

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 the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. 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. 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.

If you fail to satisfy these data requirements, EPA will consider appropriate regulatory action including, among other things, cancellation under FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

Please also note that the record for this product currently contains the following CSFs:

- Basic Formulation CSF dated 06/08/2017
- Alternate Formulation #1 dated 06/08/2017
- Alternate Formulation #2 dated 06/08/2017
- Alternate Formulation #3 dated 06/08/2017
- Alternate Formulation #4 dated 06/08/2017
- Alternate Formulation #5 dated 06/08/2017
- Alternate Formulation #6 dated 06/08/2017
- Alternate Formulation #7 dated 06/08/2017
- Alternate Formulation #8 dated 06/08/2017

If you have any questions, please contact Lorena Rivas by phone at (703) 305-5027, or via email at [rivas.lorena@epa.gov](mailto:rivas.lorena@epa.gov).

Sincerely,

A handwritten signature in red ink that reads "Jacqueline Hardy". The signature is written in a cursive style and is enclosed within a faint, light-colored rectangular border.

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

Enclose: Stamped Label  
Product Chemistry Review dated 12/06/2017

# FS-40

Termiticide, Insecticide and Fungicide Concentrate

- For the protection and preventive treatment of wood against termites, wood eating insects, wood decay fungi, and for control of such pests in infested wood or wood composites.
- For treatment of wood products including logs, timbers, dimensional lumber, engineered wood products and wood composites
- For treatment of wood during construction
- For preventative treatment of wood in existing structures

**ACTIVE INGREDIENT:**

Disodium Octaborate Tetrahydrate..... 40.0%

Imidacloprid..... 0.2%

**OTHER INGREDIENTS:** ..... 59.8%**TOTAL:** ..... 100.0%**ACCEPTED****01/25/2018**Under the Federal Insecticide, Fungicide  
and Rodenticide Act as amended, for the  
pesticide registered under

EPA Reg. No. 3008-126

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

EPA Reg. No. 3008-126

EPA EST. No.  3008-TN-01 3008-SC-01

NET CONTENTS: \_\_\_\_\_ BATCH CODE: \_\_\_\_\_

Manufactured by:

Koppers Performance Chemicals Inc.  
1016 Everee Inn Road, Griffin, GA 30224**FIRST AID**

IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
IF IN EYES:	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15 – 20 minutes. Remove contact lens, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
Have the product container or label with you when calling a poison control center, doctor, or going for treatment. For non-emergency information concerning this product, call the National Pesticides Information Center (NPIC) at 1-800-858-7378 (NPIC Web site: <a href="http://www.npic.orst.edu">www.npic.orst.edu</a> ).	

SEE BACK OR SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

**PRECAUTIONARY STATEMENTS:**

CAUTION: May cause eye or skin irritation. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

**ENVIRONMENTAL HAZARDS:** Do not contaminate water when disposing of equipment wash-waters. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark.

**For Containers greater than 5 Gallons:** 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.

**GENERAL INFORMATION:**

FS-40 is a water-soluble inorganic borate and imidacloprid containing concentrate wood preservative that provides control and protection against termites, wood eating insects, and wood decay fungi.

**DIRECTIONS FOR USE:**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**SURFACE PREPARATION:** Wood must be clean and bare, free of dirt, wax, and surface finishes. Remove all previous coatings or sealants. Remove mold or mildew prior to applying product. Do not apply to frozen wood. Surface temperature must be between 40°F and 90°F.

**Dip Application:** Dipping freshly cut timber, railroad ties, landscape timbers, wooden containers, millwork, pallets, lumber, engineered wood products, processed wood products and other wood products into the treatment composition can control wood destroying microorganisms. The dipping composition may be prepared by diluting FS-40 in water, glycols, glycerin and/or a polymer binder. In addition, FS-40 may be combined with an appropriate fungicide/moldicide for control of other wood inhabiting fungi. Use a dilution rate up to 1 part product:20 parts solvent (refer to Dilution Table 1). Totally submerge the wood in the diluted composition up to 15 minutes at ambient condition and then allow to dry in a suitable location. Dipping compositions must be agitated if left unused for a period of time, such as overnight. For best performance and economy avoid heavy buildup of wood debris in dipping vessels as the active ingredient may bind to the debris and thus reduce the strength of the dilution.

**Spray and Brush Application:** Spraying or brushing the treatment composition onto freshly cut timber, railroad ties, landscape timbers, wooden containers, millwork, pallets, engineered wood products, processed wood products and other wood products can control wood destroying microorganisms. Spray or brush the wood thoroughly, including backs and ends. Ensure all surfaces, voids, and channels are treated. When spraying, use a sprayer capable of delivering a coarse, low pressure (about 20 psi) spray. On logs, thoroughly treat bark as any untreated areas are subject to attack by microorganisms. When treating engineered wood products or processed wood products, FS-40 may be sprayed onto wood chips or mixed with a compatible adhesive (such as spraying, rolling, or blending). FS-40 may be diluted with water, glycols and/or glycerin. For optimum adherence, FS-40 may be combined with a polymer binder. In addition, FS-40 may be combined with fire retardant compositions for additional fire protection to wooden products. FS-40 may also be combined with an appropriate fungicide/moldicide for control of other wood inhabiting fungi. Use a dilution rate up to 1 part product:20 parts solvent for maximum efficacy (refer to the Dilution Table 1). Conduct a small-scale test for compatibility and application before full-scale production.

**Pressure Treating Application:** Apply the solutions of FS-40 by pressure treatment for optimum, long-term control of wood destroying microorganisms in railroad ties, landscape timbers, lumber, wooden containers, engineered wood products, millwork, pallets, processed wood products, utility poles, and fence posts and other wood products that may be pressure treated. FS-40 treating solutions may be prepared by mixing FS-40 with water, glycols or glycerin. In addition, FS-40 may be combined with an appropriate fungicide/moldicide for control of other wood-inhabiting organisms. FS-40 may be used alone for pressure treatment. In addition, FS-40 may be further diluted with water, glycols and/or glycerin to achieve a solution strength of up to 40% total actives (refer to Dilution Table 2). The retention of total actives in wood is in the range of 0.02 to 0.50 pcf total actives.

Table 1 - Dilution Table for FS-40

FS-40, parts	Solvents/other inert, parts	Active Concentrations % DOT + % Imidacloprid
1	0	40.00 + 0.20
1	1	20.00 + 0.10
1	2	13.33 + 0.067
1	3	10.00 + 0.050
1	4	8.00 + 0.040
1	5	6.67 + 0.033
1	6	5.71 + 0.029
1	7	5.00 + 0.025
1	8	4.44 + 0.022
1	9	4.00 + 0.020
1	10	3.64 + 0.018
1	12	3.08 + 0.015
1	14	2.67 + 0.013
1	16	2.35 + 0.012
1	18	2/11 + 0.011
1	20	1.90 + 0.010

Table 2 - Dilution Table for FS-40

FS-40, parts	Solvents/other inert, parts	Active Concentrations % DOT + % Imidacloprid
100	0	40.00 + 0.200
90	10	36.00 + 0.180
80	20	32.00 + 0.160
70	30	28.00 + 0.140
60	40	24.00 + 0.120
50	50	20.00 + 0.100
45	55	18.00 + 0.090
40	60	16.00 + 0.080
35	65	14.00 + 0.070
30	70	12.00 + 0.060
25	75	10.00 + 0.050
20	80	8.00 + 0.040
15	85	6.00 + 0.030
10	90	4.00 + 0.020
5	95	2.00 + 0.010
1	99	0.40 + 0.002

### **STORAGE AND DISPOSAL**

**Pesticide Storage:** Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food, or feed by storage or disposal.

**Pesticide Disposal:** Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

**Container Disposal:**

**For Containers equal to or less than 5 Gallons:** Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling if available. If recycling is not available: then dispose of container in a sanitary landfill or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**For Containers greater than 5 Gallons:** Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank.

Fill the container 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 this procedure two more times. Offer for recycling if available. If recycling is not available: then dispose of container in a sanitary landfill or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**For Bulk containers: (Refillable Container)** Refill this container with pesticides only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the re-filler. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or re-circulate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.