

62190-14

03/17/2003

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

March 17, 2003

Certified Mail
Return Receipt Requested

William J. Baldwin
Arch Wood Protection, Inc.
1955 Lake Park Drive, Suite 250
Smyrna, GA 30080

RE: Cancellation Order: Cancellation of Products and Termination of Uses

Dear Mr. Baldwin:

This letter serves as the final cancellation order in response to certain of your requests under Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, to voluntarily cancel or amend registrations to terminate certain uses of pesticide registrations containing chromated copper arsenic (CCA). In light of issues raised in the comments received regarding the use of CCA to treat wood used for agricultural fence posts and permanent wood foundations, the Agency has decided to defer its action on your request to terminate those uses until the Agency has fully evaluated those uses through its reregistration process. If at any time during the reregistration review the Agency determines it has sufficient information to take an action, that is to either accept or refuse the requests for termination of those uses, the Agency will take appropriate action at that time.

EPA's decision on the portions of your requests upon which it is acting is as follows:

A) The following product registrations are canceled effective immediately (March 17, 2003):

- | | |
|----------|--|
| 62190-5 | Wolmanac Concentrate 70% |
| 62190-11 | CCA Type C 50% Chromated Copper Arsenate |

		CONCURRENCES					
SYMBOL	7510C	7510C	7510C				
SURNAME	WJ	AW	WJA				

- B) The following manufacturing product registration is amended to delete certain terminated uses effective May 16, 2003:

62190-7 Arsenic Acid 75%

For the above identified manufacturing-use product, the accepted amended label reads as follows:

“Effective December 31, 2003, this product may only be used (1) for formulation of the following end-use wood preservative products: ammoniacal copper zinc arsenate (ACZA) or chromated copper arsenate (CCA) labeled in accordance with the Directions for Use shown below, or (2) by persons other than the registrant, in combination with one or more other products to make: ACZA wood preservative; or CCA wood preservative that is used in accordance with the Directions for Use shown below.

Effective December 31, 2003, this product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers Association Standards: Lumber and Timber for Salt Water Use Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34). Forest products treated with this product may only be sold or distributed for uses within the AWPAs Commodity Standards under which the treatment occurred.”

- C) The following end use product registrations are amended to delete certain terminated uses as of May 16, 2003:

62190-2	Wolmanac Concentrate 50%
62190-8	Wolmanac Concentrate 72%
✓62190-14	Wolmanac Concentrate 60%

For the above identified end-use products, the accepted amended label reads as follows:

“Effective December 31, 2003, this product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers Association Standards: Lumber and Timber for Salt Water Use Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes

and Shingles (C34). Forest products treated with this product may only be sold or distributed for uses within the AWWPA Commodity Standards under which the treatment occurred."

- D) Further amendments to the product label may be made by **Arch Wood Protection, Inc.** via notification to the Agency on or before December 1, 2003, to (1) delete the use directions in effect prior to these amendments, and (2) delete the preface phrase "Effective December 31, 2003," from the amended labels such that the statement begins by reading "This product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers' Association Standards..." These specific changes may be done via notification.
- E) **Arch Wood Protection, Inc.** must notify its customers of the amended registrations/labels by certified mail. This is to ensure that those who are affected by the cancellation order are aware of the labeling changes.
- F) 40 CFR 152.132 provides that a distributor (or supplemental registrant) is considered an agent of the registrant for intents and purposes under the act, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.
- G) The following existing stocks provisions are incorporated as part of this order:

For purposes of this Order, the term "existing stocks" is defined, pursuant to EPA's existing stocks policy (56 FR 29362, June 26, 1991), as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation or amendment. Any distribution, sale or use of existing stocks in a manner inconsistent with the terms of the cancellation order or the existing stocks provisions contained in the order will be considered a violation of section 12(a)(2)(K) and/or section 12(a)(1)(A) of FIFRA. The following summarizes the effective dates of cancellation as well as the existing stocks provisions for each product subject to the cancellation order.

a. Canceled registrations (in A, above):

The effective date of cancellation is March 17, 2003, the date upon which this cancellation order was signed. **Arch Wood Protection, Inc.** has 60 calendar days from this date (until May 16, 2003) in which to sell or distribute the products affected by this order. You were notified of the signing of the cancellation order and of the required changes to labels on the date the order was signed by telephone and facsimile transmission. Any sale, distribution or use by **Arch Wood Protection, Inc.** of these affected products on or after that date is prohibited. Sale, distribution or use by persons other than the registrant may continue until supplies are exhausted. Additionally, sale, distribution, or sale of the stocks in the channels of trade by persons other than **Arch Wood Protection, Inc.** may continue until depleted, provided any sale, distribution, or use is in accordance with the existing label of that product.

b. Registrations amended to delete terminated uses (B and C, above):

The effective date of the cancellation effectuating the use terminations is May 16, 2003. **Arch**

Wood Protection, Inc.'s voluntary requests for termination of uses had requested that EPA allow use of the previous (unamended) labels for a period of 60 calendar days from the date on which the particular affected registrant receives EPA's approval of the amendments. The Agency is granting this request by making the effective date of cancellation 60 calendar days following the date of this cancellation order. You were notified of the signing of the cancellation order and of the required changes to labels on the date the order was signed by telephone and facsimile transmission. This 60 day period is intended to allow a sufficient period of time for an orderly transition to the amended labels without disrupting supply and availability of product. On or after May 16, 2003, any sale, distribution or use of existing stocks by **Arch Wood Protection, Inc.** of these affected products is prohibited. Sale, distribution, or use by persons other than **Arch Wood Protection, Inc.** may continue until supplies are exhausted. Additionally, sale, distribution, or use of the stocks in the channels of trade by persons other than **Arch Wood Protection, Inc.** may continue until depleted, provided any sale, distribution or use is in accordance with the existing label of that product.

H). Approval of Amended Labels

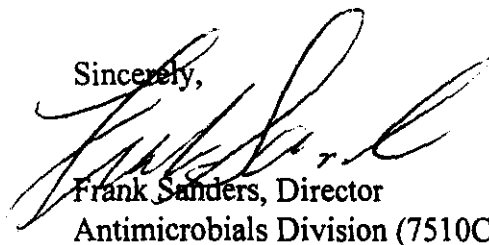
The Agency is approving, subject to certain modifications, the proposed label amendments for the products listed in sections B and C, submitted on February 5, 2002. The attachments to this cancellation order include the accepted labels and set forth the specific language the labels must contain. (See also sections B and C of this order, as applicable.)

Note: The first aid statement should be revised in accordance to PR Notice 2001-1 by October 31, 2003.

Stamped copies of the labels are enclosed for your records. Submit three (3) copies of the revised final printed labels before distributing/selling these products.

If you have any questions, please do not hesitate to contact the Product Manager, Mr. Adam Heyward (703.308.6422), or the Chemical Review Manager, Dr. B. A. Akinlosotu (703.605.0653).

Sincerely,



Frank Sanders, Director
Antimicrobials Division (7510C)

cc: Connie Welch, Chief
Regulatory Management Branch II

Attachments

Wolmanac Concentrate 60%

For Industrial Use Only

KEEP OUT OF REACH OF CHILDREN

Danger



Poison

FATAL IF SWALLOWED, ABSORBED THROUGH THE SKIN, OR THE MIST BREATHED IN. CAUSES SEVERE BURNS TO THE EYES AND SKIN.

DIRECTIONS FOR USE:

Restricted use pesticide

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

Effective December 31, 2003, this product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers' Association Standards: Lumber and Timber for Salt Water Use Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction (C18), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34). Forest products treated with this product may only be sold or distributed for uses within the AWP Commodity Standards under which the treatment occurred.

Contents for use only in pressure-treating forest products. Cannot be used in concentrated form. DO NOT attempt to use without reading the manual and having the necessary safety equipment. To be used only in pressure impregnation of forest products utilizing water solutions having concentrations ranging from 0.5 percent to 10.0 percent by weight. Impregnation procedures must rigidly adhere to the current specifications by Arch Wood Protection and/or those of the American Wood-Preservers' Association.

Preservative treatment of forest products with time-tested Wolmanac® Preservative provides wood in all its forms with "built-in" protection against termites, ascomycetes, white rot, brown rot and dry rot.

STORAGE AND DISPOSAL

STORAGE: Keep closures tight and upright to prevent leakage. Keep container closed when not in use. In case of spillage, absorb and dispose of in accordance with local applicable regulations. Do not contaminate water, food, or feed by storage and disposal.

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 representatives 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 procedures approved by state and local authorities.

SPILLS: In case of spillage, treat with 99 pounds (45 kg) of lime or 375 pounds (170 kg) of cement per (100 kg) of spill. Dispose of in accordance with local, state, and federal applicable regulations.

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 uses covered by the certified applicator certification process.

ACCEPTED
EPA COMMENTS

EPA Letter Dated:

MAR 17 2003

Ingredients

Active Ingredients

Chromic Acid (CrO₃) 28.50%

Cupric Oxide (CuO) 11.10%

Arsenic Pentoxide (As₂O₅) 20.40%

Inert Ingredients 40.00%

Water 100.00%

Total 100.00%

Arsenic content is 13.30% as elemental arsenic.

Registered under EPA Reg. No. 62190-14

E.P.A. Reg. No. 62190-14

E.P.A. Est. 62190-GA-001 E.P.A. Est. 62190-IN-001

E.P.A. Est. 62190-WA-001

PRECAUTIONARY STATEMENTS: HAZARDS TO HUMANS AND DOMESTIC ANIMALS —

DANGER

Do not get in eyes, on skin, on clothing. Wear face shield, plastic gown with long sleeves and plastic gloves when handling. WASH THOROUGHLY AFTER USING. Avoid breathing mist. Keep container closed. USE ONLY WITH ADEQUATE VENTILATION.

FIRST AID:

CALL A PHYSICIAN.

If swallowed, drink promptly a large quantity of milk, egg whites, gelatin solution or if these are not available, drink large quantities of water. Avoid alcohol. Call a physician immediately.

In case of contact, immediately remove all contaminated clothing and shoes while flushing the skin or eyes with plenty of water for at least 15 minutes. Call a physician immediately.

If inhaled, remove to fresh air. Call a physician immediately.

ENVIRONMENTAL HAZARDS:

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.

MEDICAL EMERGENCIES: 800-837-0496

Outside USA: 404-616-9000

WARRANTY: We warrant this material to comply with our published specifications and to be of good merchantable quality and such as will regularly pass in the trade for goods within the description, and further warrant it to be fit for the normal purposes for which such goods are used. We assume no responsibility that this material is fit for any particular purpose outside of the general purposes of goods of the description.

APPLICATOR SAFETY

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 (10ug/m³) averaged 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 (PEL Monitoring Program).

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 product or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and work shoes or boots and equipment at the plant. Worn out protective clothing and work shoes 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.

Examples of acceptable 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) and polyethylene.

AIR QUALITY MONITORING

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 ug/m³) averaged 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.

Processes used only to apply inorganic arsenical formulations shall leave no visible surface deposits on the wood, as defined by AWP 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.)

Refer to label attachment. "Permissible Exposure Limit (PEL) Monitoring Program" for additional information concerning the use of this product.

Arch Wood Protection, 1955 Lake Park Drive, Ste. 250, Smyrna, GA 30080

ACEAN 24-hr. Emg. Resp. 800-654-6911

NET CONTENTS: 46,000 LBS.

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