

64405-15

8/17/2011

10/12



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Antimicrobials Division (7510C)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

EPA Reg.

Number:

64405-15

Date of

Issuance:

AUG 17 2011

Term of Issuance:

Unconditional

Name of Pesticide Product:

QNAP5W

NOTICE OF PESTICIDE:

- Registration
- Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Nisus Corporation
100 Nisus Drive
Rockford, TN 37853

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration 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/reregistered 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 (OPP Decision No. D-430913) is unconditionally registered in accordance with FIFRA sec 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA section 4.
2. Make the following labeling changes listed below before you release the product for shipment:

Signature of Approving Official

Jacqueline Campbell-McFarlane
Jacqueline Campbell-McFarlane
Product Manager Team-34
Regulatory Management Branch II
Antimicrobials Division (7510P)

Date:

AUG 17 2011

- a. Revise the "EPA Reg. No. 64405-RS" to read, "EPA Reg. No. 64405-15."
- b. Based on the toxicity classification, reorganize the First Aid statements to the following order:
 - "If in Eyes,..."
 - "If on Skin or Clothing,..."
 - "If Swallowed,..."
 - "If Inhaled,..."
- c. The paragraph in the Precautionary Statements that are intended for residential use products is not optional. This language is mandatory for commercial products as well.
- d. Delete the last sentence of the Precautionary Statements because it appears as the last statement in the 2nd paragraph on page 4.
- e. Move the PPE, User Safety Requirements/Recommendations from page 3 to page 2 to immediately follow the Precautionary Statements.
- f. Add the content under User Safety Recommendations to the User Safety Requirements and delete "User Safety Recommendations."
- g. Revise the first sentence of the 2nd paragraph on page 4 to read: "Do not use QNAP5W treated wood for garden applications where..."
- h. As per PR Notice 2000-5, Mandatory Labeling, revise the following terms:
 - a. Delete "should" in the first sentence of the User Safety Recommendations and state "must"
 - b. Delete "recommended" in the first sentence of the Application Procedures on page 4 and rephrase the sentence to read: "Apply this product when outside temperatures..."
 - c. Delete "should" in the second to last sentence of the first paragraph of the Application Procedures and state "must."
 - d. Delete "recommended" in the last sentence of the Pressure Treatment section for the wood treatment above ground contact and again in the first sentence of the Pressure Treatment section for the Wood treatment at ground contact on page 5 and state "required."
- i. Delete the term "only" in the second sentence of the Directions for Use to read "For Exterior Use" or "Intended for Exterior Use" for which the Agency cannot enforce that this product will be used on exteriors only.
- j. As per the signal word, "Danger," the Pesticide Disposal statements must be revised to read:

"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."
- k. Revise "Container Management" in the Storage and Disposal statements to read: "Container Handling."
- l.

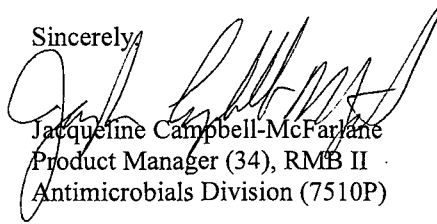
Submit three (3) copies of your final printed labeling before distributing or selling the product bearing the revised labeling.

A stamped copy of the label with conditions is enclosed for your records.

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

If you have questions concerning this matter, please contact me at (703) 308-6416 or by email at Campbell-McFarlane.Jacqueline@epa.gov or Jaclyn Carl at (703) 347-0213 or by email at carl.jaclyn@epa.gov.

Sincerely,



Jacqueline Campbell-McFarlane
Product Manager (34), RMB II
Antimicrobials Division (7510P)

Enclosure: Stamped Label with conditions

40812

QNAP5W COPPER NAPHTHENATE CONCENTRATE

ACCEPTED
with COMMENTS
EPA Letter Dated:

AUG 17 2011

**Keep Out of Reach of Children
DANGER**
See Label for additional Precautionary Statements.

Under the Federal Insecticide, Fungicide, and Herbicide Act, as amended, for the pesticide registered under EPA Reg. No. 64405-15

Active Ingredient:

Copper Naphthenate (CAS No. 1338-02-9)	45.4%*
Other Ingredients	54.6%
Total	100%

Contains Petroleum Distillates

*Equivalent to 5% copper, as metal.

Net Contents: 5.0 Gallon (18.9 Liters) Net Weight: 8.75 Pounds/Gallon (3.97 Kilos)
 [Net Contents: 55.0 Gallon (208 Liters) 275 Gallons (1041 Liters) bulk tanker]

EPA Reg. No. 64405-RS EPA Est. _____



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First Aid

If Inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.
If Swallowed	<ul style="list-style-type: none"> • Have person sip a glass of water if able to swallow. • Do not give anything by mouth to an unconscious person. • Do not induce vomiting unless told to do so by a poison control center or doctor.
If on Skin or Clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Immediately rinse skin with plenty of water for 15-20 minutes.
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 eye.
Call a poison control center or doctor for further treatment advice. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. [You may also contact 1-800-424-9300 for emergency medical treatment information.]	
NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastral lavage.	

(Note: The first aid statements' grid format will be used if market label space permits; otherwise a paragraph format will be used.)

PRECAUTIONARY STATEMENTS
Hazards to Humans & Domestic Animals

DANGER

Corrosive. Causes skin burns and irreversible eye damage. Harmful if swallowed or inhaled. Do not get in eyes, on skin, or on clothing. Do not breathe vapors or mist during brush, roll, and dip applications. Prolonged or repeated skin contact may cause allergic reaction in some individuals.

Note: The paragraph directly below will be included on the label for residential use products. Occupational users will follow the PPE and User Safety Requirements/Recommendations).

[Wear chemical resistant gloves, protective eyewear, long-sleeved shirt, long pants, socks and shoes when handling or applying this product. 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.]

Application of this product may produce a strong, lingering, unpleasant odor.

Environmental Hazards

This product is toxic to aquatic invertebrates, shrimp and oysters/clams. 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. Wood treated with this product shall not be used in the construction of beehives.

DIRECTIONS FOR USE

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

Notice

Read and understand the entire label before using. Use only according to label directions. Before buying or using this product, read **Warranty Disclaimer** and **Limitation of Remedies** statements found elsewhere on this label. If terms are unacceptable, return unopened package to seller for full refund of purchase price. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under **Warranty Disclaimer** and **Limitation of Remedies**.

Personal Protective Equipment (PPE)

[(Note: Occupational PPE Requirements will not be on label for residential use products)]

- Applicators, mixers and other handlers must wear chemical resistant gloves, protective eyewear, long-sleeved shirt, long pants, socks and shoes when handling or applying this product.
- When applying this product to non-pressure treated wood, blend/spray operators and any individual that applies the product with a brush/roller must wear an organic vapor respirator.]

Some materials that are chemical-resistant to this product are barrier laminate; butyl, nitrile, neoprene and natural rubbers ≥ 14 mils; polyethylene; polyvinyl chloride; and viton ≥ 14 mils. If you want more options, follow the instructions for category C on an EPA chemical-resistance category selection chart.

User Safety Requirements

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.

User Safety Recommendations

Users ~~should~~:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet;
- Remove clothing immediately if pesticide gets inside, then wash thoroughly and put on clean clothing;
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

QNAP5W treated wood will be protected from [kill] [control] [prevent] [stop] infestation of wood destroying organisms including subterranean termites, drywood termites, wood destroying beetles, powderpost beetles; carpenter ants and decay [fungi]. It may also be used to protect [kill] [control] [prevent] [stop] [resist] swelling, shrinking, warping, end checking [due to its anti-wicking property, which resists moisture absorption and movement from end to end] [caused by changes in moisture content of wood products], rot [wood rot], mold and mildew, and moss. QNAP5W meets the AWWPA* end cut requirements for exterior and ground contact field treatments (AWPA* M4).

Solutions of QNAP5W can be applied to wood [and] [or] [cellulose] utility and construction products (including lumber, end cuts, timber, rail ties, posts, poles, piles, plywood, particle board, oriented strand board, composite wood products, foundation sill plates, millwork, freeway fencing, siding, piers, docks, boxes, roofs, shakes, shingles, porches, steps, fences, pickets, rails and beverage cases). QNAP5W treated wood is suitable for ornamental or planting landscape timbers [ties], greenhouses, nursery flats, wooden seedling trays, outdoor décor, plant boxes, flower boxes and window boxes. The treated wood can be top-coated with paint or stain.

QNAP5W treated wood is not suitable for garden applications where fruit and or vegetables will be grown. This product is not designed for application on decks, outdoor furniture or other structures intended for seating or heavy foot traffic. Do not apply at sites on or near water or wetlands. Wood treated with QNAP5W should not be used where it may come in contact with food, feed or potable water. Application of this product may produce strong, lingering, unpleasant odor.

APPLICATION PROCEDURES:

Application is ~~recommended~~ when outside temperatures are between 50°F and 90°F, and when 24 hours of precipitation-free weather is expected. Make sure wood is dry and free of dust, dirt and debris. Agitate well before using. Wood ~~should~~ be thoroughly seasoned and free of bark. Make certain all areas are fully treated to get the maximum benefits.

QNAP5W must be diluted with water prior to use. Effective application rates vary according to severity of conditions to which the treated product is exposed but for guidance see the American Wood Protection Book of Standards for the applicable use category or commodity.

QNAP5W solutions containing 1% or 2% copper metal are appropriate for wood in non-critical applications. Mix a 1+4 dilution of QNAP5W and water to obtain 1% copper metal or 1.5+1 dilution of QNAP5W and water to obtain a 2% copper metal solution.

Water repellents, colorants [(including universal machine colorants)] and liquid glycol borate formulations may be mixed with QNAP5W.

IMPORTANT: This product will tint the wood. The color will fade over time. The wood can be stained or painted after 24 hours. QNAP5W may be re-applied to bare wood at any time. The treated wood can be top-coated with paint or stain. Always test the paint or stain in an inconspicuous area for color satisfaction.

WOOD TREATMENT: ABOVE GROUND CONTACT

DIP, ROLLER, BRUSH OR COARSE SPRAY

Apply only by coarse low-pressure spray, roller, brush or dipping. Do not apply with an airless sprayer or by fine mist. To dip, immerse wood for 3 minutes or longer. For all other applications techniques, apply 2 coats. Allow at least 1 hour between applications. The application rate for wood treatment with this product in a diptank shall not exceed 25%.

Coverage is dependent upon application method and the refractory nature of the wood being treated; One gallon of diluted QNAP5W will cover approximately 100 - 300 sq. ft. of surface area.

Composite and particle wood products can be applied to the wood furnish or mixed at 1-3%, based on the dry wood weight, with a resin or binding agent.

END CUT TREATMENTS

To satisfy AWPA* M4, apply a 1% or 2% dilution of QNAP5W to cuts, holes or injuries.

PRESSURE TREATMENT

Wood used in critical (structural) above-ground applications or that may be exposed to severe conditions such as extended periods of wetting, can be subjected to an extended soaking or pressure treatment with a solution containing 0.2% to 1.0% copper metal to a retention in the wood of 0.04 to 0.20 lbs copper metal/ ft³ is recommended (in accordance with AWPA* Standards).

WOOD TREATMENT: GROUND CONTACT

DIP, ROLLER, BRUSH OR COARSE SPRAY

Treat with a solution containing 0.75% to 1.0% copper metal to a retention in the wood of 0.04 to 0.06 lbs copper metal/ ft³ (in accordance with AWPA* Standards). Penetration of QNAP5W through the sapwood may take 24-48 hours, depending upon refractory nature of the wood being treated.

PRESSURE TREATMENT

Treat with a solution containing 0.25% to 1.0% copper metal to a recommended retention in the wood of 0.04 to 0.20 lbs copper metal/ ft³ (in accordance with AWPA* Standards).

WOOD TREATMENT: REMEDIAL APPLICATIONS

A QNAP5W solution of 2% copper metal may be used for remedial treatment of standing wood poles, piling and other existing structures.

* American Wood-Protection Association

{Specific use directions will be taken from selected portions of the QNAP5W label.}

{For product in rigid, refillable containers:}

Storage and Disposal

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

Pesticide Storage: Store in original container in a preferably locked storage area inaccessible to children and pets. Do not freeze. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Management: Refillable container; refill this container only with QNAP5W. Do not reuse this container for any other purpose. Cleaning the container before refilling is the responsibility of the refiller; cleaning before final disposal is the responsibility of the person disposing of the container. 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% full with water, then vigorously agitate or recirculate with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure 2 more times, then offer for recycling, if available, or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill; or by incineration.

{For product packaged in rigid, non-refillable containers less than or equal to 5 gallons:}

Storage and Disposal

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

Pesticide Storage: Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. Do not freeze. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container**

~~Management:~~ Nonrefillable container; do not reuse or refill this container. Triple rinse (or equivalent) 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, then offer for recycling, if available; or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill; or by incineration.

{For product packaged in rigid, non-refillable containers greater than 5 gallons:}

Storage and Disposal

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

Pesticide Storage: Store in a cool, dry (preferably locked) storage area inaccessible to children and pets. Do not freeze. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Management:** Nonrefillable container; do not reuse or refill this container. Triple rinse (or equivalent) container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ 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. Then offer for recycling, if available; or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill; or by incineration.

{Per PR Notice 2007-4 the batch code/lot number will appear on the label or container}

Warranty Disclaimer

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. To the extent not prohibited by applicable law, **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use

The directions for use of this product are believed to be adequate and must be carefully followed. It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions; abnormal conditions, the presence of other materials, climatic conditions or the manner of use/application, all of which are beyond the control of the Manufacturer. The buyer/user assumes all such risks.

Limitation of Remedies

To the extent not prohibited by applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability or other legal theories) shall be limited to, at Manufacturer's election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

To the extent not prohibited by applicable law: a) Manufacturer shall not be liable for losses or damages resulting from handling or use of this product unless Manufacturer is promptly notified of such loss or damage in writing; and b) **IN NO CASE SHALL MANUFACTURER BE LIABLE**

FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING WITHOUT LIMIT, HEALTH RELATED DAMAGES OR INJURIES.

The terms of this **Warranty Disclaimer** and **Limitation of Remedies** cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Manufacturer or the seller is authorized to vary or exceed the terms of this **Warranty Disclaimer** or **Limitation of Remedies** in any manner.

It is not intended that this product be used to practice any patent, whether mentioned or not, without procurement of a license, if necessary, from the owner, following investigation by the user.



100 Nisus Drive
Rockford, TN 37853
[Telephone Number]

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{Label Code}

