

64405-21

2/7/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 7 2013

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Eliot Harrison Agent for Nisus
c/o Lewis & Harrison
122.C Street, N.W. Suite 505
Washington, D.C. 20001

Subject: **QNAP™ 1 Copper Naphthenate RTU**
EPA Registration Number: 64405-21
Application Date: November 2, 2012
Receipt Date: November 29, 2012

Dear Mr. Harrison:

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

Proposed Amendments

Registrant is deleting all spray applications from their label and revising other label language.

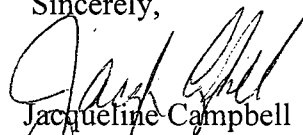
Comment

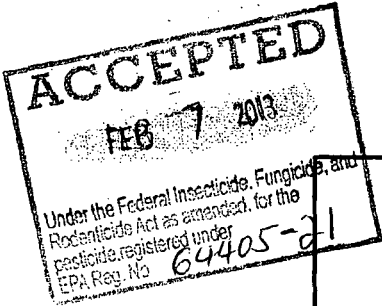
A stamped copy of the accepted label is enclosed. Submit two (2) copies of your final printed label before distributing or selling the product bearing the revised labeling.

General Comment:

If you have further questions concerning this letter, then please contact me by telephone (703) 308-6416 or by e-mail at campbell-mcfarlane.jacqueline@epa.gov or Glen McLeod by telephone at (703) 347-0181 or by email at mcleod.glen@epa.gov. When you are submitting information or data in response to this letter, send a copy of this letter to accompany the submission in order to facilitate processing.

Sincerely,


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



**QNAP™ 1
COPPER NAPHTHENATE RTU**

**Keep Out of Reach of Children
WARNING**

See Label for additional Precautionary Statements.

Active Ingredient:	
Copper Naphthenate (CAS No. 1338-02-9)	8.5%*
Other Ingredients	91.5%
Total	100%

Contains Petroleum Distillates
 *Equivalent to 1% metallic copper

**Net Contents: 1 Gallon (3.785 Liters)
 Net Weight: 6.7 Pounds (3.0 Kilos) /Gallon**

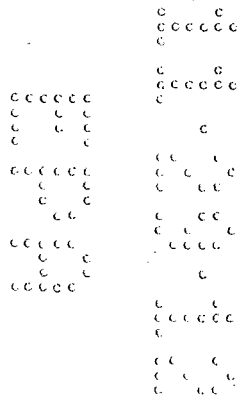
- [Net Contents: 1 U.S. Quart (.9 Liters) 5.0 Gallons (18.93 Liters) 50.0 Gallons (189.3 Liters)
 55.0 Gallons (208.2 Liters) 275 Gallons (1040.99 Liters) bulk tanker]

EPA Reg. No. 64405-21 EPA Est. _____

Lot Number _____



© _____ Made in the U.S.A.



First Aid

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.
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 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 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.
<p>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.]</p>	
<p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastral lavage.</p>	

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

PRECAUTIONARY STATEMENTS

Personal Protective Equipment (PPE)

- 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 with a brush/roller, applicant 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.

Users must:

- 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.

Hazards to Humans & Domestic Animals

WARNING

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

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.

Physical or Chemical Hazards

Combustible: Do not use or store near heat or open flame.

DIRECTIONS FOR USE

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

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**.

PRODUCT INFORMATION:

QNAP1-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] warping, swelling, shrinking, 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.

Solutions of QNAP1 can be used for remedial or preventive treatment of standing wooden poles, piling and other existing structures, wooden [and] [or] [cellulose] utility and construction products (including lumber, end cuts, timber, rail ties, posts, poles, freeway fencing, siding, boats, piers, docks, boxes, roofs, shakes, cedar shake roofs, shingles, porches, steps, fences, rails and beverage cases). QNAP1-treated wood is suitable for ornamental or planting landscape timbers [ties], wooden seedling trays, outdoor décor, flower boxes and window boxes. QNAP1 meets the American Wood Protection Association (AWPA) Standard M4 end cut requirements for exterior and ground contact field treatments.

Wood treated with QNAP1 must not be used where it may come in contact with food, feed or potable water. QNAP1-treated wood is not suitable for garden applications where fruit and or vegetables will be grown. Wood treated with this product shall not be used in the construction of beehives. When field treating, do so in a manner that the product does not drip into sensitive environments. Whenever possible, apply field treatments prior to assembling the structure over the body of water or sensitive environment.

This product will tint the wood and may produce a strong, lingering odor. The color and odor will fade over time. [{for use only on formulas made with mineral spirits} The treated wood can be top-coated with paint or stain. Always test the paint or stain in an inconspicuous area for compatibility and color satisfaction. Water repellents, colorants (Including universal machine colorants) and borate formulations may be mixed with QNAP1].

APPLICATION PROCEDURES:

Intended for Exterior Use.

QNAP1 is a ready-to-use formula. Agitate well before using. Make sure wood is bare, dry and free of dust, dirt and debris. Make certain all areas are fully treated to get the maximum benefits. Allow at least 1 hour between applications. Effective application rates vary according to severity of conditions to which the treated product is exposed and the wood species to be treated.

APPLICATION BY DIP TANK

The application rate for wood treated with copper naphthenate in a dip tank shall not exceed 25%.

DIP, ROLLER OR BRUSH APPLICATION

ABOVE GROUND CONTACT: Do not apply with any sprayer or by fine mist. Coverage is dependent upon application method and the refractory nature of the wood being treated. One gallon of QNAP1 will cover approximately 100 - 300 sq. ft. of surface area. [One quart of QNAP1 will cover approximately 40-50 sq. ft. of surface area.] In high hazard areas, two applications may be desirable.

GROUND CONTACT: Treat with QNAP1 to a retention in the wood of 0.04 to 0.06 lbs copper metal/ ft³ (in accordance with AWPA Standards). Two applications or extended soaking may be desirable to achieve adequate retention.

END CUT TREATMENTS To satisfy AWPA M4, apply QNAP1 to cuts, holes or injuries.

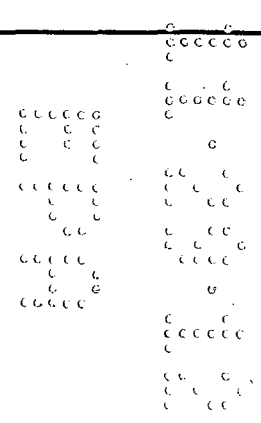
{Specific use directions will be taken from selected portions of the QNAP1 label.}

(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 Handling:** Refillable container; refill this container only with QNAP1. 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 solvent, 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 Handling:** 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 solvent 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 Handling:** 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 solvent. 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.

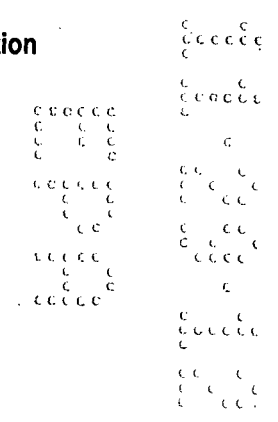


100 Nisus Drive
Rockford, TN 37853 USA
[Telephone Number]

QNAP and Nisus are Registered Trademarks of Nisus Corporation

Made in the U.S.A.

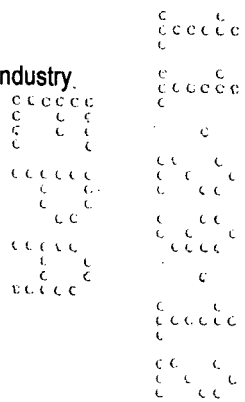
© _____
{Label Code}



{ Marketing Claims }

- Green [Black] [Brown] [Cedartone] Wood Preservative
- Imparts Green [Black] [Brown] [Cedartone] Color
- Green [Black] [Brown] [Cedar] Color

- [Non Restricted Use Wood] [Ground Contact] [Wood] Preservative
- General Use Preservative
- Suitable [Approved] For Use On Wood With Ground Contact
- [Use] Above Or Below Ground [& Ground Contact]
- For Exterior And Ground Contact Use Only
- For Wood In Contact With Soil
- Preserves Wood
- Prolongs The Life Of Non-Pressure Treated Wood
- For Preserving Cedar Shake Roofs
- Cedar Shake Roof Preservative
- Meets AWWPA Standard M-4 [For End Cut Treatments]
- Meets AWWPA Standard P-36 [Specifications In U-1 And T-1]
- [Ideal For] [Pressure-Treated Wood] End Cut Protection
- Brush on preservative especially formulated for the coating of freshly sawn ends of pressure treated Outdoor wood.
Pressure-Treated Wood End Cut Solution
- End Cut Solution is a brush-on preservative especially formulated for the coating of freshly sawn ends of pressure-treated wood products that have been surface coated with a brown stain.
- For Use on {insert application sites listed on label}
- Great for Small Projects
- For Preservation of Wood Against {insert pests listed on label}
- Prevents {insert pests listed on label}
- Protects Against Decay {insert pests listed on label}
- Resists mold and mildew
- Anti-wicking - controls moisture damage
- Stops {insert pests listed on label}
- Kills {insert pests listed on label} {insert application sites listed on label}
- Highly Effective Against {insert pests listed on label}
- Paintable and Stainable
- Deep Penetrating formula
- Note: application of product on redwood and cedar will darken wood
- Made in USA
- Printed in USA
- Covers 100 - 300 sq. ft. (9-28m²) *{to be used on the 1 gallon container}*
- Covers 40 - 50 sq. ft. (4-5 m²) *{to be used on the 1 quart container}*
- Contains Copper Naphthenate
- 1% by Weight Metallic Copper
- This product produced from 100% recycled Copper Metal and by-products from the refining industry.
- Non Corrosive to Utility Hardware [Railroad Spikes and Tie Plates]
- Non Conductive
- Low Leaching
- Treated Wood Does Not Become Brittle or Hard
- Prevents Warping, Swelling, Shrinking, End Checking, Rot, Mold, Mildew and Moss



[] Denotes alternate/optional language
 { } Denotes language that will not appear on market labeling