

64405-26

9/4/2014

1/8



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

SEP -4 2014

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Georgia Anastasiou
Nisus Corporation
Agent for Nisus Corporation
122 C Street, N.W.
Suite 505
Washington, DC 20001

Subject:

EPA Registration Number: 64405-26
Application Date: June 5, 2014
Receipt Date: June 9, 2014

Dear Ms. Anastasiou:

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

Proposed Amendment

- Label Revision: Add Child Resistant Packaging, Correct the coverage range for product sold in quarts to 25 to 75 sq ft., Update Storage and Disposal

General Comments

A stamped accepted label is enclosed for your records. This labeling supersedes all previous labeling. The next printing of this product must use this labeling unless subsequent changes have been approved. You must submit one copy of the final printed label before selling or distributing the product bearing the revised labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling, or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

If you have further questions concerning this letter, please contact me by telephone at (703) 308-6440 or by email at grigsby.stacey@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,

A handwritten signature in cursive script that reads "Stacey Grigsby".

Stacey Grigsby
Registration Risk Manager
Regulatory Management Branch II
Antimicrobials Division (7510P)

Enclosure: stamped label

2/8

Monkey Paste™ Wood Preservative

WOOD PRESERVATIVE PASTE
FOR EXTERIOR USE ONLY

For the prevention and remedial control of wood infesting organisms including:

Carpenter Ants, Decay Fungi, Soft Rot Fungi, Termites, and Wood Boring Beetles

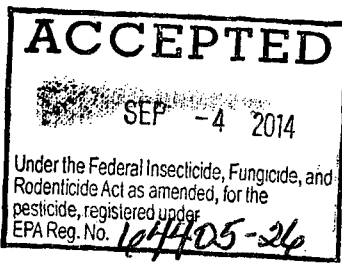
A wood preservative for preventative protection and remedial treatment of decks, lumber (<4"), timbers (>4"), posts, poles, piles and ties against fungal decay and wood destroying insects including termites

Active Ingredients:

Copper naphthenate (CAS No. 1338-02-9)	18.16%*
Disodium octaborate tetrahydrate (CAS No. 12280-03-4).....	30.00%
Other Ingredients	51.84%
Total	100.00%

***Equivalent to 2% copper & 54.5% Borax**

**KEEP OUT OF REACH OF CHILDREN
DANGER**



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 eyes. • Call a Poison Control Center or doctor for treatment advice.
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. • 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 for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told by a Poison Control Center or doctor. • Do not give anything by mouth to an unconscious person.
<p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate use of gastral lavage.</p> <p>Have the product container or label with you when calling a Poison Control Center or doctor or going in for treatment. You may also contact 1-800-XXX-XXXX for emergency medical treatment information.</p>	

See label for additional Precautionary Statements and First Aid

Net Contents: 0.5 through 500 pounds, tankers
Net Weight: 8.0 Pounds (3.6 kilos)

EPA Reg. No. 64405-26

EPA Est. No. 64405-TN-1



© Made in the U.S.A.

SUBMISSION

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

DANGER Corrosive. Causes skin burns. Causes irreversible eye damage. May be fatal if absorbed through the skin. May be fatal if swallowed. Do not get in eyes, on skin, or on clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Personal Protective Equipment (PPE)

Applicators must wear chemical resistant gloves (such as Barrier Laminate, Butyl Rubber, Neoprene Rubber, Nitrile Rubber), shoes plus socks.

Applicators must wear protective eyewear (goggles, face shield or safety glasses) and long sleeved shirt and long pants during the application process and all situations where dermal contact is expected.

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.

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 public 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.

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:

Monkey Paste™ Wood Preservative treated wood will prevent infestation of wood destroying organisms including termites, wood boring beetles, carpenter ants, soft rot and decay fungi. Monkey Paste [This product]

[This product] meets the American Wood Protection Association (AWPA) Standard M4 requirements for exterior and ground contact field treatments.

Monkey Paste [This product] is [both] a ready-to-use formula [and a dilutable concentrate]. Effective application rates vary according to severity of conditions to which the treated product is exposed and the wood species to be treated.

APPLICATION PROCEDURES:

For Exterior Use Only

Monkey Paste [This product] is intended for use as a remedial or preventive treatment for standing wood utility poles, piles, lumber, timber, posts, ties and other exterior wooden structures including those standing in or in proximity to the ground, such as decks, that are susceptible to attack by decay and soft rot fungi, termites, carpenter ants, carpenter bees or wood boring beetles.

This product may produce a strong, lingering, unpleasant odor. Monkey Paste [This product] treated wood is not suitable for garden applications where fruit and or vegetables will be grown. Wood treated with Monkey Paste [This product] [this product] must not be used where it may come in contact with food, feed or potable water.

Monkey Paste [This product] will tint the wood. The color will fade over time. The treated wood, once dry, can be top-coated with paint or stain. Always test the paint or stain in an inconspicuous area for color satisfaction. Water repellents and colorants (including universal machine colorants) may be mixed with Monkey Paste. Make sure wood is thoroughly seasoned, free of bark, bare, dry and free of dust, dirt and debris. Make certain all areas are fully treated to get the maximum benefits. Agitate before using.

END CUT AND DIP TREATMENTS: To satisfy AWPA M4, apply Monkey Paste [This product] to cuts, holes or other injuries to previously pressure treated wood. To meet AWPA M4, a 1% to 2% copper as metal strength is required.

For use as a liquid dip or brush application, Monkey Paste [this product] may be diluted from a 1:1 ratio (by weight) to make a 1% copper /15% DOT solution for wood species that are difficult to penetrate (such as Douglas fir or white oak) to a 2:1 ratio for wood species that are easily penetrated (such as southern pine). Monkey Paste [this product] can be applied to the wood furnish of composite and particle wood products or mixed at a 1:3 ratio, based on the dry wood weight, with a resin or binding agent prior to pressing.

PRESSURE TREATMENT

Wood used in above-ground applications, in ground contact 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 or in accordance with AWPA Standards.

IN SERVICE TREATMENTS:

For prevention or control of exterior decay in utility poles, piles, posts, and other wooden structures standing in the ground or if below grade, excavate the soil away from the structure to a depth of 18" – 24". Thoroughly clean and remove any decay or damaged wood from the treatment zone before applying the preservative. Apply [this product] at rates from 1/16" to 3/8" thick to the area that is 2" above ground line down

to a depth of up to 24". Application rate and treatment zone is dependent on the severity of the infestation, age and condition of the original preservative. After treatment, thoroughly dry or cover the treatment zone plus the area 2" above, with an impermeable moisture barrier such as polyethylene-backed Kraft paper [those containing polyethylene, copper or aluminum].

For control of internal decay in utility poles, pilings, posts, and other wooden structures drill 3/8" – 7/8" diameter holes into each quarter of the area near the internal decay. Do not drill holes nearer than two feet of each other in the vertical direction. These holes should be at a 45 degree angle downward or other appropriate angle and to a depth equal to or slightly greater than the radius of the pole. Pack or inject the preservative into the holes leaving enough room at the top to insert a tightly fitting treated wood or plastic plug to cap the hole. When filling internal cavities, Monkey Paste [this product] may be diluted using a 1:1 ratio (by weight) with water and injected or foamed into the cavity.

When applying to railroad ties, bridges and other wooden structures apply by brush, trowel, roller or injection. Apply [this product] at a rate of 1/6" to 3/8" thick or until void area or drill hole is full, allowing room for a plug. Apply by brush or trowel to adzed, cut or damaged areas that are exposed. Apply by injection to internal areas. Internal treatment holes should be sealed with a tightly fitting treated wood or plastic plug after treatment.

Pre-packaged Monkey Paste Wood Preservative bandages may be used to cover ground line areas of structures in bands typically 18" – 22" (45 – 55 cm) in height. Monkey Paste [This product] should be applied to at least cover the wood surface 4" (10 cm) below the last evidence of decay and at least 2" (5 cm) above the ground line. More than one bandage may be used in special cases where the structure spans a height greater than 22" (55 cm), such as on hillsides or if the circumference of the structures exceeds the bandage length.

Cut off sufficient length of Monkey Paste [This product] bandage [this product] leaving 2" – 6" (5 - 15 cm) of wrap to serve as overlap. Lay on ground, exposing the pouches of preservative. Peel off top layer exposing the saturated pad below. [Cut open pouches by slicing diagonal lines every 3" – 4" through the inner plastic layer, exposing the saturated pads.] Wrap the proper length of Monkey Paste [This product] bandage [this product] around the pole with the saturated pad against the pole and staple or tack firmly in place. Allow wrap to extend at least 2" (5 cm) above ground line. Overlap ends of the bandage to ensure complete coverage of pole with preservative paste. Wrap bandage tightly over wooden structure, stapling or nailing it in place. Back-fill and tamp dirt firmly, mounding within 1" (2.5 cm) of bandage top. Do not back-fill above top edge of bandage.

6/8

{For product packaged in one-time use caulking tube and one-time use plastic pouch}

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:** Offer for recycling if available or dispose of in trash or in a sanitary landfill or by incineration.

{For product packaged in rigid, non-refillable containers with liners}

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. Plastic and/or paper packaging materials may be used as wraps to cover the Monkey Paste treatment around the poles. **Container Handling:** Nonrefillable container; do not reuse or refill this container. Completely empty bag into application equipment, then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration. If [container] [drum] [pail] is contaminated and cannot be reused or recycled, dispose of it in the manner required for its liner.

{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 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.

{The Batch Code or Lot Number will appear either on the container or labeling per PR Notice 2007-4}

CONTAINER HANDLING: *{For the end-user's bulk tanks}*. Refillable container. Refill with pesticide 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 refiller. Use standard industry practices for cleaning bulk containers or contact the registrant for more information.

Spill or Leak Procedures: Refer to the Material Safety Data Sheet (MSDS) associated with this product for information on how to properly clean-up spillage.

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)]

Monkey Paste Wood Preservative is a trademark and Nisus Corporation is a registered trademark of Nisus Corporation.

Made in the U.S.A.

© _____

{Label Code}

{Marketing Claims}

[Non Restricted Use Wood] [Ground Contact] [Wood] Preservative
 General Use Pesticide
 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
 For wood in contact with soil and water
 Preserves Wood
 Prolongs The Life Of Non-Pressure Treated Wood
 Meets Or Exceeds AWWA Standards P-25 and P-34 [Specifications In U-1 And T-1]
 [Ideal For] [Pressure-Treated Wood] End Cut Protection
 Brush on preservative especially formulated for the remedial treatment of pressure treated wood
 For Use on {insert application sites listed on label}
 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
 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}
 Deep Penetrating formula
 Printed in USA
 Covers 6-25 sq. ft. (0.5-2.3m2) {to be used on the 1 gallon container}
 Contains Copper Naphthenate
 Contains Disodium Octaborate Tetrahydrate [DOT]
 2% by Weight Metallic Copper
 Contains 4 Naturally Found Components
 Contains No Synthetic Carboxylic Acids [per AWWA Standard P-36]
 This product produced from 100% recycled Copper metal and by-products from the refining industry
 Non Emulsion Forming
 Non Corrosive to Utility Hardware [Railroad Spikes and Tie Plates]
 Can Help Prevent "Spike Kill"
 Treated Wood Does Not Become Brittle or Hard
 Easy soap and water clean-up
 Water clean up

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