

70227-2

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APR 12 2010

Ross Gilbert
Agent
Diacon Technologies Ltd.
c/o Pyxis Regulatory Consulting, Inc.
4110 136th St. NW
Gig Harbor, WA 98332

Subject: **Mycostat -QM**
EPA Registration Number 70227-2
Notification Dated March 24, 2010
EPA Received Date March 30, 2010

Dear Mr. Gilbert:

This will knowledge receipt of your notification, submitted under the provisions of FIFRA section 3c 9. Based on a review of the submitted material the following comment apply.

Proposed Amendment:

- Revised Storage and Disposal statement

General Comments:

Based on a review of the material submitted, the following comment apply:

The notification is acceptable for the following. A copy has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, please contact Drusilla Copeland at (703) 308-6224.

Sincerely,

Drusilla Copeland
for Velma Noble
Product Manager (31)
Regulatory Management Branch I
Antimicrobials Division (7510P)

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

2098

Please read instructions on reverse before completing form.

Form Approved

No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 70227-2	2. EPA Product Manager V. Noble	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Diacon Technologies Ltd. / Mycostat QM	PM# 31	
5. Name and Address of Applicant (Include ZIP Code) Diacon Technologies Ltd. c/o Pyxis Regulatory Consulting, Inc. 4110 136th St. NW Gig Harbor, WA 98332 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Metal <input type="checkbox"/>		<input checked="" type="checkbox"/> Plastic
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 5.28 gal., 54.16 gal., 264.17 gal.		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph Paper glued Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Ross Gilbert	Title Agent	Telephone No. (Include Area Code) (253) 853-7369
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Agent	
4. Typed Name Ross Gilbert	5. Date 3/24/10	

4110 136th St. NW
Gig Harbor, WA 98332

Phone: 253-853-7369
Fax: 253-853-5516
www.PyxisRC.com

March 24, 2010

COURIER DELIVERY

Velma Noble (PM 31)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Diacon Technologies Ltd. – Mycostat QM (EPA Reg. No. 70227-2)
Revision to Container Disposal Instructions per PRN 2007-4

Dear Ms. Noble,

On behalf of Diacon Technologies Ltd. please find the enclosed label notification revising the container disposal instructions for Mycostat QM per PRN 2007-4.

In support of this notification submission, we submit the following documents:

1. Completed Application for Registration (EPA Form 8570-1)
2. One (1) copy of the Mycostat QM labeling with changes tracked
3. One (1) copy of the Mycostat QM labeling with changes incorporated
4. Certification with Respect to Label Integrity
5. One (1) copy of the Mycostat QM labeling on CD
6. Letter of Authorization

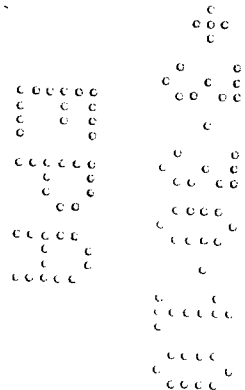
Please feel free to contact me by phone (253) 853-7369 or by email at Ross@PyxisRC.com if you have any questions or need any additional information.

Sincerely,

Ross Gilbert

Enclosures

cc: K. Mehrtabar; Diacon Technologies Ltd.



MYCOSTAT™-QM

A Wood Treatment Preservative

Treatment can be done by pressure, double vacuum, dip or spray-box method. Wood articles that will be protected by these treatments include millwork, construction timbers, decking, and posts.

ACTIVE INGREDIENT:

Didecyl dimethyl ammonium chloride 50.00%

OTHER INGREDIENTS: 50.00%

TOTAL:..... 100.00%

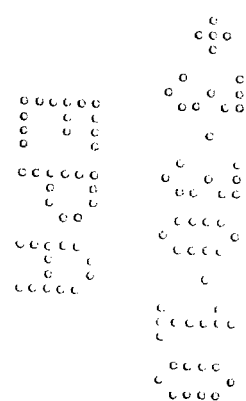
Contains 7.4 lbs. of product per gallon

KEEP OUT OF REACH OF CHILDREN DANGER

FIRST AID	
If on skin or clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
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 treatment advice.
If swallowed:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
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. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For general product information, call Diacon Technologies Ltd at (604) 271-8855 between the hours of 9 a.m. – 4 p.m. Pacific Time.	
NOTE TO PHYSICIAN	
Probable mucosal damage may contraindicate the use of gastric lavage.	

See side panel for additional precautionary statements

Made In USA
DIACON TECHNOLOGIES LTD.
 #135-11960 Hammersmith Way
 Richmond, BC V7A 5C9
 (604) 271-8855
 Toll Free:
 1-888-290-2299



E.P.A. Reg. No. 70227-2
E.P.A. Est. No.

Individuals who enter pressure treatment cylinders and other related equipment that are contaminated with the wood treatment solution (e.g. cylinders that are in operation or are not free of all treatment solution) must wear coveralls over a long sleeved shirt and long pants, socks, chemical-resistant footwear and protective eyewear. Federal, State and local confined space entry procedures need to be followed.

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 frames out of cylinders, mixing chemicals, handling freshly treated wood). Wash thoroughly after skin contact and before eating, drinking, use of tobacco products or using restroom. 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.

STORAGE AND DISPOSAL

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

1) STORAGE INSTRUCTIONS

Open dumping is prohibited. Store in original containers and place in locked storage area. Keep from freezing.

2) 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 representative at the nearest EPA regional Office for guidance.

3) CONTAINER DISPOSAL

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into the application equipment or a mix tank. Fill the container 1/4 full of 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. Do not reuse empty container. Triple rinse (or equivalent). Then offer for recycling or reconditioning if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

NOTICE OF WARRANTY:

Diacon Technologies Ltd. warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with the directions under normal use conditions. It is impossible to eliminate all risk inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Diacon Technologies Ltd. In no case shall Diacon Technologies Ltd. be liable for consequential, special or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. **DIACON TECHNOLOGIES LTD. MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESSED OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.**

