

75269-2

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

AUG 10 2009

Robert M. Sielaty
Agent for Rutgers Organics
c/o ToXcel
7140 Heritage Village Plaza
Gainsville, VA 20155

Subject: Product Name: *Impralit KDS™*
 EPA Reg. Number: 75269-2
 Application Date: 02-May-2008
 EPA Receipt Date: 05-May-2008

Dear Mr. Sielaty:

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

Proposed amendment:

- Application for amended label with increased maximum retention in wood

General comments:

- The dermal risks to children contacting treated decks and play sets for polymeric betaine and DDAC do not trigger risk concerns at the 9.6 kg/m³ KDS retention rate (equivalent to 2.16 Kg/m³ polymeric betaine). This assessment is based on the maximum retention rate proposed on the KDS label to represent the high end of exposure.

Labeling Comments:

- On page one delete the word "ONLY" after "For Commercial Use".
- On page two delete the word "Recommendations" from the heading User Safety as per PR Notice 2000-5 and replace with "Instructions".
- On page two above the paragraph beginning with "Follow" add the heading "User Safety Requirements".

- On page three under Mixing Instructions delete the word "should" and replace with "must" as per PR Notice 2000-5, Mandatory and Advisory Label statements. **Mandatory statements** are generally written in **imperative or directive terms** (such as "shall," "must," "do this," "do not") so that a typical user will understand that these statements direct the user to take or avoid certain actions, and that failure to follow these instructions is a misuse of the product. **Advisory statements** are generally best written in **descriptive or nondirective terms** to support the mandatory statements or provide information. Suggestive terms such as "should," "may" or "recommend" may be confusing or ambiguous, or potentially conflict with mandatory labeling statements; thus, they are to be avoided.

A copy of the accepted labeling is enclosed for your files.

Should you have further questions concerning this letter, please contact me by telephone at (703) 308-6427 or by e-mail at carlisle.shaRon@epa.gov, or Renae Whitaker by telephone at (703) 308-7003 or by email at whitaker.renae@epa.gov during the hours of 8:00 am to 3:30 pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,



ShaRon Carlisle
(Acting) Product Manager (34)
Regulatory Branch II
Antimicrobials Division (7510P)

Enclosure: DER D393052 dated July 16, 2009

Impralit KDS

A wood preservative for vacuum-pressure treatment of wood to permanently protect against insects, rot and fungal decay.

FOR COMMERCIAL USE ONLY

KEEP OUT OF REACH OF CHILDREN

DANGER  **POISON**

CORROSIVE TO SKIN AND EYES

ACTIVE INGREDIENTS –

- Didecyl-bis(2-hydroxyethyl) ammonium borate.....5.96%
 - Copper Carbonate, as Copper oxide12.47%
(CAS No. 12069-69-1)
 - Boric acid.....8.00%
 - Other ingredients..... 73.57%
 - Total100.00%
- Contains 10% Copper

Net Contents: See waybill; shipped in bulk

RÜTGERS Organics GmbH
Oppauer Strasse 43
D-68305 Mannheim Germany

EPA Reg. No. 75269-2

EPA Est. No. 75269-DEU-001

ACCEPTED
with **COMMENTS**
in EPA Letter Dated:

AUG 10 2009

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as
amended, for the pesticide,
registered under EPA Reg. No. 75269-2

20090722. REVISED KDS Amendment

FIRST AID	
[This product contains a quaternary ammonium salt]	
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 first 5 minutes then continue rinsing. ▪ 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. ▪ Rinse skin immediately with plenty of water for 15-20 minutes. ▪ Call a poison control center or doctor for treatment advice.
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 mouth-to-mouth if possible. ▪ Call a poison control center or doctor for further 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.
HOT LINE NUMBER	
For emergency information call 980-253-8880	
Have label or product name and Registration Number with you when calling a poison control center or doctor, or going for medical treatment.	
NOTE TO PHYSICIAN	
Probable mucosal damage may contraindicate the use of gastric lavage.	

3046

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Corrosive. Causes irreversible eye damage and skin burns. Do not get in eyes, on skin, or on clothing. Fatal if inhaled. Do not breathe vapor or spray. Harmful if swallowed and absorbed through skin. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers working with or around concentrate or wood treatment solutions must wear:

- Coveralls worn over long-sleeved shirt and long pants.
- Socks and chemical-resistant foot wear.
- Protective eyewear.
- Chemical resistant gloves (such as barrier laminate, butyl/nitrile/neoprene rubber \geq 14 mils, PVC \geq 14 mils, and viton \geq 14 mils). Clean or replace PPE at the end of each day's work period. Rinse off pesticides at rest breaks. For other options, use natural rubber \geq 14 mils and polyethylene materials, but clean or replace PPE within an hour or two of contact.
- For mixing/loading: Wear a chemical resistant apron.
- Respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P or HE prefilter.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

Applicators and other handlers must wear chemical resistant gloves when handling concentrated chemicals. Wear chemical resistant gloves where dermal contact is expected, such as handling freshly treated wood and

manually opening cylinders doors. When entering pressure treatment cylinders or related equipment that is contaminated with treatment solution, wear protective clothing, including chemical resistant overalls, gloves and boots. For overhead exposure wear chemical resistant head gear.

Remove contaminated clothing and wash clothing before reuse. Promptly wash hands and skin with soap and water after handling. 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 the state and federal regulations.

USER SAFETY RECOMMENDATIONS

Applicators must not eat, drink or use tobacco products during those parts of application process that 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).

Users must wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users must remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users must 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 fish and aquatic invertebrates, including oysters and shrimp. 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.

Do not treat lumber used in the construction of bee-hives with *Impralit KDS*.

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AUG 10 2009

4060

CHEMICAL HAZARDS

This product, and its diluted solutions, are not compatible with non-ferrous heavy metals such as zinc, brass and galvanized equipment. Cement troughs must be protected with a suitable coating. This product is not compatible with certain commercial wood preservative salts. Please ask for technical advice before mixing with other products. Concentrate becomes very viscous at low temperatures and will freeze at or below 23°F (-5°C).

DIRECTIONS FOR USE

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

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the State or Tribal agency responsible for pesticide regulation. Do not enter or allow others to enter until dusts have settled.

This product is a water-thinnable dark blue salt concentrate weighing approximately 10.5 lbs/gal (1.26 kg/L) at ambient temperatures (72°F or 22°C). It contains preservatives to control fungal decay, rot and insect attack. Treated wood is odorless and tinted light green when dry.

This product is to be used only for commercial vacuum-pressure impregnation of wood. Do not apply by brushing, spraying, and dipping or tank immersion. Do not apply on wood which may come in direct contact with food and animal feed. Do not apply to wood used in containers for storing food or feed.

Wood treated with this product can be used in critical infrastructures such as bridges, non-aquatic pilings, utility poles, foundation, and railway ties. Do not treat wood for freshwater or saltwater contact uses or use in close proximity to aquatic environments for AWPAC UC4 and UC5 applications.

Treated wood is used as flooring, studs, roof decking lumber, joists, posts and beams, fascia boards, pickets, slats, lattice, trim, millwork (coated and uncoated), guard rails, fencing, playground structures, shakes and shingles, siding (coated and uncoated), sill plates, veranda floors, gazebos, pagodas, and outdoor furniture, and wood composite products and engineered products including plywood, LVL, glulam, OSB, and fiber board.

20090722. REVISED KDS Amendment

Target Rate of Retention: Calculated on the basis of active ingredients by weight, the target rate of retention is 0.1-0.6 pcf of wood treated (1.6-9.6 kg/m³) for sapwood of softwood species such as pine and spruce. The 9.6 kg/m³ retention is for critical infrastructure use only. Do not exceed 6.0 kg/m³ retention for above ground applications (AWPA UC1-UC3).

This product will mix with water in any proportions. Diluted working solution concentrations fall within the range of 0.45 to 4.0% by weight of active ingredients. The wide concentration range is for different applications (low concentration for above ground contact, high concentrations for critical infrastructure) and for different wood species. Wood species that are more difficult to treat, such as Douglas fir and hem-fir, need higher concentrations than pine species, such as Southern yellow pine.

MIXING INSTRUCTIONS:

Mix 30 gallons of *Impralit KDS* (314.7 lbs) with 970 gallons water to prepare 1,000 gallons of a 1.0% by weight of active ingredients in a solution. Solution concentration can be checked with a hydrometer or chemical analysis. Please contact RÜTGERS or a distributor for measuring equipment and product density tables. For methods and assistance with chemical analysis, or to have samples analyzed, contact RÜTGERS or the distributor of *Impralit KDS*.

Diluted treatment solutions may be reused. Replenish solution levels as necessary using fresh treatment solution of the same concentration.

Ideally wood should have a moisture level of <30% by weight before treating. During cold weather, wood and treatment solution should be warmed above 40°F but not over 150°F during treatment.

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5086

STORAGE AND DISPOSAL

Batch Code: _____

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

Pesticide Storage: Store in an appropriate container, such as iron or steel. Keep container tightly sealed. Protect from extreme heat and cold.

Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide concentrate, diluted solution, 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.

Intermediate Bulk Containers (IBC's): Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Pressure rinse (or equivalent) promptly after emptying. Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Insert pressure rinse nozzle into the opening on the top of the container, and rinse at about 40 PSI for at least 30 seconds. Open the drain valves on the bottom of the container to drain the rinsing water. Drain for 10 seconds after the flow begins to drip.

ISO Containers, Tankers Return: Refillable container. Refill this container with Polymeric Betaine EP only. Do not reuse this container for any other purpose. Return empty shipping container to the supplier/distributor or the shipping company after offloading PB at the customer's site.

WARRANTY

RÜTGERS Organics GmbH warrants that this product complies with the specifications expressed on the label. To the extent consistent with applicable law, RÜTGERS Organics GmbH makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose.

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