

75269-3

11-05-2009

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**U.S. ENVIRONMENTAL PROTECTION AGENCY**

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

EPA Reg.

Number:

75269-3

Date of Issuance:

NOV 5 2009

Term of Issuance:

Unconditional

Name of Pesticide Product:

Polymeric Betaine EP

**NOTICE OF PESTICIDE:**

- Registration
- Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Rutgers Organics GmbH  
Opppauer Strasse 43  
D-68305 Mannheim  
Germany

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 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 Number: D-407610) is conditionally 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 labeling changes listed below before you release the product for shipment:
  - a. Revise the EPA Registration Number to read, "EPA Reg. No. 75269-3".

Signature of Approving Official:

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

Date:

NOV 5 2009

## Labeling Comments:

- b. Revise the route of exposure under the First Aid Statement so that the "IF INHALED" is the third statement.
- c. On page one (1) delete the word "ONLY" after "For Commercial Use".
- d. On page two (2) remove all occurrences of the word "may be" and replace with "is" as per PR 2000-5 Mandatory/Advisory Language.
- e. On page two (2) the paragraph beginning with "Wood", revise the second sentence to read: "This product is not for aquatic uses".
- f. On page two (2) add respirator language to "User Safety Requirements section.
- g. Add the following language to the "Target Rate of Retention" section: 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.


Please note the Agency is moving away from review of paper submitted registration applications to electronic review of applications. Therefore, we need your help to make this an efficient and convenient process for both you and the Antimicrobials Division. Future labeling amendments may be accomplished by submitting a copy of the electronic label. Refer to the following website for guidance on electronic submissions, including label:  
<http://www.epa.gov/pesticides/regulating/registering/submissions/index.htm>.

If you have any questions concerning electronic label submissions, please refer to the above website for a list of contact personnel for more information.

If these conditions are not complied with, the 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.

A stamped label with comments is enclosed for your records. Submit one (1) copy of your final printed labeling prior to release of this product for shipment. Should you have any questions concerning this letter, please contact me by telephone at (703) 308-6427 or email address at [carlisle.shaRon@epa.gov](mailto:carlisle.shaRon@epa.gov) or Renae Whitaker telephone at (703) 308-7003 or email address at [whitaker.renae@epa.gov](mailto:whitaker.renae@epa.gov) during the hours of 8:00 am to 3:30 pm EST.

Sincerely,



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

Enclosures: (Stamped Label); DERs D357957 and 358402

# POLYMERIC BETAINE EP

For use as a wood preservative for treatment of wood to permanently protect against insects, rot and fungal decay

**FOR COMMERCIAL USE ONLY**

**DANGER**  **POISON**

**CORROSIVE TO SKIN AND EYES**

Active Ingredient –

|   |               |
|---|---------------|
| Didecyl-bis (2-hydroxyethyl) ammonium Borate..... | 59.6%         |
| Other ingredients.....                            | 40.4%         |
| <b>TOTAL.....</b>                                 | <b>100.0%</b> |

Net Contents: See waybill; shipped in bulk

RÜTGERS Organics GmbH  
Oppauer Strasse 43  
D-68305 Mannheim Germany

EPA Reg. No. 75269-G

EPA Est. No. 75269-DEU-001

| <b>FIRST AID</b>   |  |
|--|--|
| [This product contains a quaternary ammonium salt]   |  |
| <b>If in eyes</b>  | <ul style="list-style-type: none"> <li>▪ 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 eye.</li> <li>▪ Call a poison control center or doctor for treatment advice.</li> </ul>  |
| <b>If on skin or clothing</b>  | <ul style="list-style-type: none"> <li>▪ Take off contaminated clothing.</li> <li>▪ Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>▪ Call a poison control center or doctor for treatment advice.</li> </ul>  |
| <b>If swallowed</b>  | <ul style="list-style-type: none"> <li>▪ Call a poison control center or doctor immediately for treatment advice.</li> <li>▪ Have person sip a glass of water if able to swallow.</li> <li>▪ Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>▪ Do not give anything by mouth to an unconscious person.</li> </ul> |
| <b>If inhaled</b>  | <ul style="list-style-type: none"> <li>▪ Move person to fresh air.</li> <li>▪ If person is not breathing, call 911 or an ambulance, and then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>▪ Call a poison control center or doctor for further treatment advice.</li> </ul>  |
| <b>HOT LINE NUMBER</b>   |  |
| For emergency information call 1-980-253-8880  |  |
| Have container, label or product name and Registration Number with you when calling a poison control center or doctor, or going for medical treatment. |  |
| <b>NOTE TO PHYSICIAN</b>   |  |
| Probable mucosal damage may contraindicate the use of gastric lavage.  |  |

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

75269-3

6002 5 NON

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

**PRECAUTIONARY STATEMENTS**  
**HAZARD TO HUMANS AND DOMESTIC ANIMALS**  
**DANGER**

**CORROSIVE.** Causes irreversible eye damage and skin burn. Do not get in eyes, on skin, or on clothing. Fatal if inhaled. Do not breathe vapor or spray. Harmful if swallowed. Wear a chemical resistant apron. When handling in open system, wear coveralls, long-sleeved shirt and long pants, socks and chemical-resistant footwear; goggles or face shield, and chemical-resistant gloves (such as barrier laminate or butyl nitrile/neoprene Rubber, PVC, viton at  $\geq 14$  mils).

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.

**USER SAFETY REQUIREMENTS**

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. Remove-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.

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 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 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.

**DIRECTIONS FOR USE**

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

POLYMERIC BETAINE EP may be used alone or in combination with other EPA approved fungicides, insecticides and preservatives for treatment by the pressure vacuum process for the protection of lumber and timber against rot, mold, and other wood destroying organisms.

When used in combination with copper-ethanolamine solution, the wood treated by the vacuum-pressure process can be used for both above-ground and ground-contact applications.

Please ask for technical advice before mixing with other products. Concentrate becomes very viscous at low temperatures.

POLYMERIC BETAINE EP can be used to treat wood products including millwork, decking and fencing, shingles and shakes, siding, structural lumber, posts and beams, and wood composite products and engineered products including plywood, LVL, glulam, OSB, and fiber board.

Wood treated with this product can be used in critical infrastructures such as bridges, non-aquatic pilings, utility poles, foundation, and railway ties. This product is not designed for aquatic uses. Do not treat wood for aquatic uses or use in close proximity to aquatic environments

Do not apply on wood which may come in direct contact with food and animal feed, or in containers for storing food or feed unless surfaces are covered.

This product is not for use in beehives.

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

**MIXING INSTRUCTIONS:**

**Dilution:** When POLYMERIC BETAINE EP is used as a stand alone preservative or in combination with other preservatives, it is diluted to a concentration of 0.05% to 0.9% by weight of polymeric betaine in water before use in pressure vacuum treatment.

**Tank Mix:** POLYMERIC BETAINE EP may be used in a tank mix with other EPA approved wood preservatives for commercial pressure-vacuum treatment of wood. Examples of suitable preservatives that can be tank mixed with this product include "CMC 9.0 WP" (EPA Reg. No. 11435-5) and "EVIPOL® 360 SL" (EPA Reg. No. 43813-23).

**CMC 9.0 WP EXAMPLE:** When this product is tank mixed with "CMC 9.0 WP," the polymeric betaine to copper oxide ratio is 1:2.10. See mixing table for details. Allowed applications of treated wood are covered under UC1, UC2, UC3A, UC3B and UC4A as defined in the 2007 AWWA Book of Standards.

Wood treated with the CMC 9.0 WP mixture may be used as flooring, studs, roof decking lumber, exterior decking, joists, posts, fascia boards, pickets, slats, lattice, trim, millwork (coated and uncoated), guard rails, fencing and playground structures, shakes and singles, siding (coated and uncoated), sill plates, veranda floors, gazebos, pagodas, and outdoor furniture.

**EVIPOL® 360 SL EXAMPLE:** When this product is tank mixed with "EVIPOL® 360 SL," the polymeric betaine to EVIPOL® 360SL ratio is 3.62:1. See mixing table for details. Wood treated with mixtures of polymeric betaine and EVIPOL® 360SL are suitable for applications covered under UC1, UC2, UC3A, and UC3B as defined in the 2007 AWWA Book of Standards.

Wood treated with the EVIPOL® 360 SL mixture may be used for above-ground applications only as flooring, studs, roof decking lumber, exterior decking, joists, fascia boards, pickets, slats, lattice, trim, millwork (coated and uncoated), guard rails, fencing and playground structures, shakes and

singles, siding (coated and uncoated), sill plates, veranda floors, gazebos, pagodas, and outdoor furniture.

Mixing Table for Tank Mix Polymeric Betaine and CMC 9.0 WP

| Desired total concentration (%) | Solution volume (gallons) | Polymeric Betaine required (gallons) | CMC 9.0 WP required (gallons) |
|---------------------------------|---------------------------|--------------------------------------|-------------------------------|
| 0.5                             | 1000                      | 1.9                                  | 16.8                          |
| 0.75                            | 1000                      | 2.8                                  | 25.2                          |
| 1                               | 1000                      | 3.8                                  | 33.5                          |
| 1.5                             | 1000                      | 5.7                                  | 50.3                          |
| 2                               | 1000                      | 7.6                                  | 67.1                          |

Mixing Table for Tank Mix Polymeric Betaine and EVIPOL 360SL

| Desired total active concentration (%) | Solution volume (gallons) | Polymeric Betaine required (gallons) | EVIPOL 360SL required (gallons) |
|--|---------------------------|--------------------------------------|---------------------------------|
| 0.5                                    | 1000                      | 8.3                                  | 1.36                            |
| 0.75                                   | 1000                      | 12.4                                 | 2.04                            |
| 1                                      | 1000                      | 16.5                                 | 2.71                            |
| 1.5                                    | 1000                      | 19.8                                 | 3.26                            |

**Target Rate of Retention:** Calculated on the basis of polymeric betaine, the target rate of retention is 0.05-2.2 kg/m<sup>3</sup> in the treated wood. For pressure vacuum applications, the diluted working solution concentrations fall within the range of 0.05% to 0.9% by weight of polymeric betaine.

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

NOV 5 2009  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act as  
amended, for the pesticide,  
registered under EPA Reg. No. 75269-3

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## 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. Triple 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 rinsing 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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