

09/14/2006

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

September 14, 2006

Dennis Morgan  
President  
**Forest Products Research Laboratory, LLC**  
4660 Main Street B-320  
Springfield, OR 97478

Subject: Notification in Accordance with PR Notice 98-10  
**Treaters Choice**  
EPA Registration Number 75832-3  
Application: August 31, 2006  
Receipt Date: September 1, 2006

Dear Mr. Morgan:

This will acknowledge receipt of your notification, submitted under the provisions of PR Notice 98-10, FIFRA section 3 (c) 9.

**Proposed Notification:**

Alternate Brand Name: **CopperShield® Industrial Use**

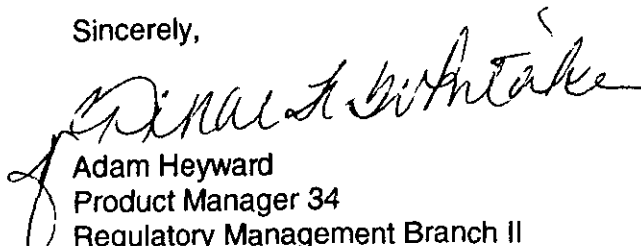
**General Comment:**

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

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

Should you have any questions or comments concerning this letter, please contact me by telephone at (703) 308-6422 or email address at: [heyward.adam@epa.gov](mailto:heyward.adam@epa.gov), or Renae Whitaker by telephone at (703) 308-7003 or email address at: [whitaker.renae@epa.gov](mailto:whitaker.renae@epa.gov).

Sincerely,

  
Adam Heyward  
Product Manager 34  
Regulatory Management Branch II  
Antimicrobials Division (7510P)

**CONCURRENCES**

SYMBOL								
SURNAME								



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# Forest Products Research Laboratory

*Dedicated To Research Excellence*

August 31, 2006

Document Processing Desk (DPD) (AMEND)  
Office of Pesticide Programs (7504P)  
US Environmental Protection Agency  
Room S-4900 One Potomac Yard  
2777 South Crystal Drive  
Washington, DC 22202-4501

## TRANSMITTAL DOCUMENT

### 1. Name & Address of Submitter:

Forest Products Research Laboratory, LLC  
4660 Main Street Suite B320  
Springfield, OR 97478

### 2. Regulatory Action in Support of Which This Package is Submitted

75832-3 TREATERS CHOICE Notification – Alternate Brand Name

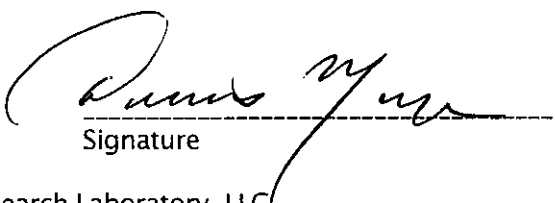
### 3. Transmittal Data

One copy of label with change highlighted.

### 4. Required Fee:

None

Company Official: Dennis Morgan

  
Signature

Company Name: Forest Products Research Laboratory, LLC

Company Contact: Dennis Morgan

Phone: 541-484-9477

*"Treating You Right"*



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0080. Approval expires 2-28-95

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United States  
Environmental Protection Agency  
Washington, DC 20460

☐ Registration  
☐ Amendment  
☒ Other

OPP Identifier Number

### Application for Pesticide - Section I

1. Company/Product Number 075832-3	2. EPA Product Manager Adam Heyward	3. Proposed Classification <input type="checkbox"/> None <input checked="" type="checkbox"/> Restricted
4. Company/Product (Name) TREATERS CHOICE	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Forest Products Research Laboratory, LLC 4660 Main Street B-320 Springfield, OR 97478 <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 Alternate Brand Name - CopperShield Industrial Use per PR Notice 98-10. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46 and no other changes have been made to the labeling or the confidential statement of formula of 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 this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, 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		<input checked="" type="checkbox"/> Metal	
* Certification must be submitted				<input checked="" type="checkbox"/> Plastic	
If "Yes" Unit Packaging wgt. No. per container		If "Yes" Package wgt No. per container		<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 55 gal; bulk		5. Location of Label Directions <input checked="" type="checkbox"/> label side panel	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> 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 Dennis Morgan		Title President		Telephone No. (Include Area Code) 541-484-9477	
<b>Certification</b> 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 or both under applicable law.					6. Date Application Received  (S'tamped)
2. Signature 		3. Title President			
4. Typed Name Dennis Morgan		5. Date August 31, 2006			

**RESTRICTED USE PESTICIDE**

DUE TO ACUTE TOXICITY AND BECAUSE THIS PRODUCT CONTAINS CHROMIUM COMPOUNDS SOME TYPES OF WHICH HAVE BEEN ASSOCIATED WITH TUMOR DEVELOPMENT IN HUMANS.  
FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS OR PERSONS UNDER THEIR DIRECT SUPERVISION, AND FOR THOSE USES COVERED BY THE CERTIFIED APPLICATOR'S CERTIFICATION.

**CopperShield® Industrial Use**

(For Pressure Plant Use Only)  
(Not For Use Or Storage In Or Around The Home)

**ACTIVE INGREDIENTS:**

Copper Oxide 14.07%  
Chromic Acid 35.46%

**INERT INGREDIENTS:** 50.47%  
Total: 100.00%

Metallic Copper Equivalent .... 11.31%

**KEEP OUT OF REACH OF CHILDREN**  
**DANGER**

**FIRST AID**

If in eyes	Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, and then continue rinsing. Call a Poison Control Center or doctor for treatment advice.
If on skin or clothing	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	Move person to fresh air. If person is not breathing, call 911 or an ambulance, and then give artificial respiration, preferably mouth to mouth, if possible. Call a Poison Control Center or doctor for further treatment advice.
If swallowed	Call 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 by a Poison Control Center or doctor. Do not give anything by mouth to an unconscious person.
In case of emergency call 1-800-222-1222.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
<b>NOTE TO PHYSICIAN:</b> " Probable mucosal damage may contraindicate the use of gastric lavage."	

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

EPA EST. NO. xxxxxx-ST-xxx

EPA REG. NO. 075832-3

Net contents: Gallons

FOREST PRODUCTS RESEARCH LABORATORY, LLC  
4660 MAIN STREET B-320  
SPRINGFIELD, OR 97478

## DIRECTIONS FOR USE

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

### (For Pressure Plant Use Only)

**CopperShield® Industrial Use** is designed for the pressure impregnation of wood to provide protection against decay and termites.

**CopperShield® Industrial Use** is for the preservative treatment of wood by pressure process according to American Wood Preservers' Association (AWPA) Use Category System: Processing and Treatment Standard T1. **CopperShield® Industrial Use** must be diluted prior to use to meet AWPATreatment Standard T1 to between 0.5% to 7% active ingredients in treating solution. Dilution rate will vary based on wood species, treatment cycle and final retention.

This product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (T1) of the 2001 edition of the American Wood Preservers' Association (AWPA) standards: Lumber and Timber for mine ties and bridge ties, Lumber and Timber for salt water use (also includes brackish water) only (C2), Piles (C3); Poles (C4); Wood for Highway Construction (C14); Round, Half Round and Quarter Round Fence Posts (C16); Poles, Piles and Posts Used as Structural Members on Farms (C16); Wood for Marine Construction for Salt Water Use (also includes brackish water) immersion and/or subject to saltwater (or brackish water) splash ["subject to saltwater (or brackish water) splash" means any member of a marine structure which is positioned above mean high tide but is subject to frequent wetting from wave action], [Pilings (round and square), and Timbers; Walers, Framing, Stringers and Cross Bracing (2" x 6" and/or 3" x 6" and larger nominal dimensions and treated to a minimum of 0.50 pcf) (C18); Round Poles and Posts Used in Building Construction (C23); Sawn Timber Used To Support Residential and Commercial Structures (C24); Sawn cross arms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34); and in accordance with the respective cited standard (T1) of the 2002 edition of the American Wood-Preservers' Association Standards: Lumber and Timbers for Cooling Towers (C30). Forest products treated with this product may only be sold or distributed for uses within the AWPATreatment Standards under which the treatment occurred.

## Consumer Information Tag (CIT)

Treater shall place a Consumer Information Tag (CIT) on each piece of wood treated with **CopperShield® Industrial Use**. The CIT shall conform to the form below and shall be firmly attached to each piece of treated wood.

1. The consumer information tag shall have the following minimum dimensions: 0.625 by 2.5 inches.
2. The consumer information tag shall include the following statements on the tag:

### OBTAIN CONSUMER INFORMATION SHEET AT [www.chromesafety.org](http://www.chromesafety.org)

Copper and Chromium are in the pesticide applied to this wood. Chemicals may migrate from treated wood or be dislodged from the woods surfaces. Use **respiratory protection, gloves, and goggles when sanding, cutting or handling**. Cut outdoors. After working with this wood, wash exposed skin thoroughly, wash work clothes separately from other clothing.

**DO NOT USE** this wood where it may come into contact with drinking water except for incidental contact such as fresh water docks. Do not use in direct contact with food, animal feed, or beehives. Do not use this wood, saw dust, chips or scraps for mulch or burn in open fires or in stoves, fireplaces or residential boilers.

Product performance will vary by installation location.

## ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply where runoff is likely to occur. Do not contaminate water when disposing of equipment washwaters.

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 Environmental Protection Agency.

## PHYSICAL OR CHEMICAL HAZARDS

Avoid contact with aluminum or zinc galvanized metal.  
Do not mix with alkaline materials.

### STORAGE AND DISPOSAL

**STORAGE:** Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Do not reuse empty container.

**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.

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

## PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**DANGER:** Corrosive. Causes irreversible eye damage, and skin burns. May be fatal if swallowed. Harmful if inhaled. Wear protective eyewear such as goggles or face shield. Wear coveralls worn over long-sleeved shirt and chemical-resistant gloves. Wash thoroughly with soap and water after handling, before eating, drinking, chewing gum or using tobacco. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

Entry to confined spaces is regulated by Federal and/or State Occupational Safety and Health Programs. Compliance is mandated by law. Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment solution (e.g. cylinders that are in operation or are not free of the treatment solution or solution storage tanks) must wear protective clothing and/or equipment as required by Federal and/or State Occupational Safety and Health Compliance laws.

## Personal Protective Equipment

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

- coveralls, over long-sleeved shirt and long pants
- socks and chemical resistant foot wear;
- goggles or face shields,
- chemical resistant gloves (such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride, viton).

For mixing/loading: Wear a chemical resistant apron.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions exist for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Applicators and other handlers must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (e.g. handling freshly treated wood.)

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 regulation.

Individuals in the work area of a wood treatment plant using ~~concentrate or wood treatment solutions~~ must wear properly fitting, well-maintained, high efficiency filter respirators MSHA/NIOSH-approved for hexavalent chromium, if the level of hexavalent chromium in the work area exceeds or can reasonably be expected to exceed 5.0 micrograms per cubic meter of air (5.0  $\mu\text{g}/\text{m}^3$ ) average over an 8-hour work period or is unknown. Air monitoring programs, procedures and record retention and submission must be conducted in accordance with 29CFR Parts 1910, 1915, and 1926.

## User Safety Recommendations

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 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.

#### **LIMITATION OF LIABILITY**

IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THE NATURE OF PENALTIES RELATING TO THE GOODS SOLD. MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR RISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

#### **WARRANTY DISCLAIMER**

THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER, MANUFACTURER AND SELLER MAKE NO OTHER WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER. IN NO CASE SHALL MANUFACTURER OR SELLER, 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, USER, OR ITS CUSTOMERS. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.