



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 19, 2019

Kevin J. Archer
Director Research and Development
Viance LLC
8001 IBM Drive
Charlotte, NC 28217

Subject: Notification per PRN 98-10 – To revise the language under the use directions to explicitly address the language “must be diluted”
Product Name: UP-23
EPA Registration Number: 83997-13
Application Date: July 26, 2019
Decision Number: 554208

Dear Mr. Archer:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced product. The Antimicrobials Division (AD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10.

The label submitted with the application has been stamped “Notification” and will be placed in our records.


Should you wish to add/retain a reference to the company’s website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA’s Office of Enforcement and Compliance.

If you have any questions, you may contact Zebora Johnson at (703) 308-7080 or via email at johnson.zebora@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathryn V. Montague".

Kathryn V. Montague,
Acting Product Manager 33
Regulatory Management Branch I
Antimicrobials Division (7510P)

<p>UP-23 For the Industrial Pressure Treatment of Wood Intended for Use on Utility Poles, Cross Arms or Transportation (road or rail) Bridge Timbers</p>	 <p>Manufactured for: Viance 8001 IBM Drive Charlotte, NC 28262</p>	
<p>ACTIVE INGREDIENT: 4,5-Dichloro-2-n-octyl-3(2H)-isothiazolone 23.0% INERT INGREDIENTS: 77.0% Total: 100.0%</p> <p>CONTAINS PETROLEUM DISTILLATES</p> <p>KEEP OUT OF REACH OF CHILDREN DANGER</p> <p>FIRST AID</p> <p>IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 min. Call a poison control center or doctor for further advice</p> <p>IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 min. Remove contact lenses, if present, after first 5min. then continue rinsing eye. Call a poison control center or doctor for treatment advice</p> <p>IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth. Call a poison control center or doctor for further advice.</p> <p>IF SWALLOWED: Call a poison control center or doctor immediately for advice. Do not induce vomiting unless told to do so by a poison control center or doctor. Have person sip a glass of water if able to swallow.</p> <p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p> <p>NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression and convulsions may be necessary.</p> <p>SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS</p>	<p>PRECAUTIONARY STATEMENTS</p> <p>HAZARDS TO HUMANS AND DOMESTIC ANIMALS</p> <p>DANGER</p> <p>CORROSIVE CAUSES IRREVERSIBLE EYE DAMAGE AND SKIN BURNS MAY BE FATAL IF INHALED HARMFUL IF SWALLOWED HARMFUL IF ABSORBED THROUGH THE SKIN</p> <p>Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Do not get in eyes, on skin, or on clothing. Do not breathe vapors. Wear coveralls worn over long sleeve shirt and long pants, chemical-resistant footwear plus socks, rubber gloves, and protective eyewear. Wear a respirator with an organic-vapor removing cartridge with a pre-filter approved for pesticides (MSHA/NIOSH approval number prefix TC-23) or a canister approved for pesticides (MSHA/NIOSH approval prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P, or HE pre-filter. When mixing and loading wear a chemical resistant apron. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.</p> <p>ENVIRONMENTAL HAZARDS This pesticide is toxic to fish and aquatic invertebrates. 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 Systems (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 sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA. Do not contaminate water by cleaning of equipment or disposal of waste. Apply this pesticide only as specified on this label.</p> <p>PHYSICAL and CHEMICAL HAZARDS</p> <p>COMBUSTIBLE Do not use or store near open flames. Close container after each use</p>	<p>STORAGE AND DISPOSAL</p> <p>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.</p> <p>Container Handling: (For product in rigid, refillable containers) Refillable container; refill this container only with UP-23. Do not reuse this container for any other purpose. Cleaning the container before refilling is the responsibility of the refiller; cleaning before final disposal is the responsibility of the person disposing of the container. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10% full with solvent, then vigorously agitate or recirculate with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure 2 more times, then offer for recycling, if available, or reconditioning, if appropriate; or puncture and dispose of in a sanitary landfill; or by incineration.</p> <p>(For product packaged in rigid, nonrefillable containers greater than 5 gallons) 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 solvent. 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.</p> <p>(For the end-user's bulk tank) 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.</p> <p>SPILL OR LEAK PROCEDURES: Refer to the Safety Data Sheet (SDS) associated with this product for information on how to properly clean-up spillage.</p> <p>DIRECTIONS FOR USE It is a violation of Federal law to use this product in a manner inconsistent with its labeling.</p> <p>For use as a wood preservative to protect treated wood articles from fungi and subterranean termites.</p> <p>PRESSURE TREATMENT</p> <p>For use in industrial vacuum pressure treatment plants to treat wood intended for use as distribution poles, utility poles, cross arms or transportation (road or rail) bridge timbers.</p> <p>This product is a concentrate and must be diluted with a hydrocarbon solvent such as fuel oil, mineral spirits, diesel or petroleum distillates.</p> <p>Use 1.0 to 3.0% by weight UP-23 in the final treatment solution.</p> <p>A retention rate of 0.1 – 0.24 pounds/cubic foot (pcf) of UP-23 active ingredient is required for all the above treatments.</p> <p>NOTE: UP-23 cannot be used to treat wood intended for use in direct continuous contact with salt water. Wood treated with this product must not be used in interior applications, for packaging or other uses which will result in contact with food or feed, or in the manufacture of bee hives.</p> <p>UP-23 weighs 8.6 pounds per gallon.</p> <p>CONDITIONS OF SALE AND WARRANTY Viance warrants that this product conforms to its chemical description and is reasonably fit for the purpose stated on the label only when used in accordance with label directions under normal conditions of use. VIANCE MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES. Handling, storage, and use of the product by Buyer or User are beyond the control of Viance and Seller. Risks or other unintended consequences resulting from, but not limited to, failure to follow label directions will be assumed by the Buyer or User to the extent consistent with applicable law. IN NO CASE WILL VIANCE OR SELLER BE HELD LIABLE FOR CONSEQUENTIAL, SPECIAL, OR INDIRECT DAMAGES RESULTING FROM THE HANDLING, STORAGE, OR USE OF THIS PRODUCT to the extent consistent with applicable laws.</p>
<p>EPA Reg. No. 83997-13 EPA Est. No. 65310-TX-001</p>		<p>Label date: 7/22/19</p>

NOTIFICATION
83997-13
The applicant has certified that no changes, other than those reported to the Agency have been made to the labeling. The Agency acknowledges this notification by letter dated:
11/19/2019