



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

July 24, 2024

Sarah Beth Watson
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Washington, DC 20036
Electronic Transmittal: [swatson@wiley.law]

Subject: Notification per PRN 98-10 – change to the net weight language, replacing “Patent Pending” with the patent number and (3) moving the precautionary statement to be closer to the first aid statement.

Product Name: SmartFume™

EPA Registration Number: 93077-1

Received Date: 5/22/2023

Action Case Number: 452258

Dear Ms. Watson:

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) lists 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 Assurance.

If you have any questions, please contact Stacey Grigsby via email at grigsby.stacey@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Stacey Grigsby".

Stacey Grigsby, Acting Product Manager, 34
Regulatory Management Branch II
Antimicrobials Division (7510M)

NOTE: [Bracketed text indicates optional language or note to EPA reviewer.] Text separated by / denotes and/or options.

RESTRICTED USE PESTICIDE

DUE TO ACUTE TOXICITY

For retail sale and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.



NOTIFICATION

93077-1

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:

07/24/2024

A controlled release fumigant cartridge for advanced control of wood decay

FUNGICIDE/PESTICIDE FOR WOOD

ACTIVE INGREDIENT: Chloropicrin 99.7 %

INERT INGREDIENTS: 0.3 %

100.0 %

Net Weight: 3 lbs. 9 oz. (~~36—1.6 oz (45 g)~~ 74.776 oz (22g) cartridges)

KEEP OUT OF REACH OF CHILDREN

PRECAUCION AL USURIO: Si usted no lee Ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliament.



DANGER/PELIGRO POISON



FIRST AID

If Inhaled	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.
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 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, then continue rinsing eye. Call a poison control center or doctor for treatment advice.
If Swallowed	Call a poison control center or doctor immediately for treatment advice. Have the person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do Not give anything by mouth to an unconscious person.
Have the product container or label with you when calling the poison control center or doctor, or going for treatment. You may also contact the American Association of Poison Control Center's Poison Help Line at 1-800-222-1222 seven days a week, 24 hours a day or your local poison control center for emergency medical treatment information.	
NOTE TO PHYSICIAN: Chloropicrin is a volatile liquid that is the active ingredient in tear gas. As a gas, it is a powerful lachrymator. Early symptoms of overexposure are lachrymation, respiratory distress and vomiting. Pulmonary edema may develop later. Treatment is symptomatic.	

SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

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Manufactured for:
SmartFume Co.
PO Box 3026
Albany, OR 97321

EPA Reg. No. 93077-1

EPA Est. No. 94497-MO-1

~~U.S. Patent Pending~~ Pat. No. 10,661,048 Made in the USA

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER: May be fatal if inhaled or swallowed. Corrosive. Poisonous liquid and vapor. Liquid causes skin burns and irreversible eye damage. Do not get in eyes, on skin or on clothing. Do not breathe vapor or gas. Chloropicrin is readily identifiable by smell. Exposure to very low concentrations of vapor will cause irritation of eyes, nose, and throat. Continued exposure after irritation or higher concentrations may cause painful irritation to the eyes or temporary blindness. Always work with another person when applying the cartridges.

PRODUCT INFORMATION

~~SmartFume™ is a slow release cartridge that contains chloropicrin, a proven fungicidal fumigant. When the cartridge is activated, chloropicrin is gradually released at a controlled rate, allowing time for implanting the cartridge into a bored treatment hole. Properly installed as directed, there is minimal hazard to the applicator. SmartFume™, when used as directed, will prevent or arrest internal decay present in Douglas fir, Western Red Cedar, and Southern Pine poles, piling and similar large wood timber members in outdoor sites. Do Not Use Indoors.~~

PERSONAL PROTECTION EQUIPMENT

Applicators and other handlers must wear long-sleeved shirt and long pants, socks, chemical resistant footwear, gloves resistant to chloropicrin, and a full face shield or safety glasses. In the event of a cartridge rupture and liquid spill, wear a NIOSH/MSHA approved mask for organic vapors or a pesticide respirator, goggles or face shield, protective clothing and neoprene gloves to prevent worker exposure to chloropicrin liquid or vapor while securing the site.

USER SAFETY REQUIREMENTS

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, 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.

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USER SAFETY RECOMMENDATIONS

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. Remove safety glasses/face shield after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

PRECAUTIONARY STATEMENTS

~~STORAGE AND DISPOSAL~~

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

~~**STORAGE:** Store in a cool, dry, well-ventilated area under lock and key. Post as a pesticide storage area. Persons moving or handling containers must wear the personal protective equipment specified in the PPE section of this labeling. Store in closed original packaging.~~

~~**LEAK PROCEDURES:** Evacuate immediate area of spill or leak. Use SCBA or combination air-supplied/SCBA respiratory for entry into affected area to correct problem. Move leaking container or box outdoors or to an isolated location, observing strict safety precautions. Work upwind if possible. Allow leaking material to evaporate, or absorb into vermiculite, dry sand, earth or similar absorbent material which may be disposed of on site, or at an approved disposal facility. Do not permit entry into a leak area by unprotected persons until concentration of chloropicrin is determined to be less than 0.15 ppm.~~

~~**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:** Non-refillable cartridge. Do not reuse or refill the cartridge for any purpose.~~

- ~~• **Fiberboard Box:** Completely empty fiberboard box. Offer for recycling, if available, or dispose of in a sanitary landfill.~~
- ~~• **Canister:** Completely empty canister of cartridges. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill or by other procedures allowed for by state and local authorities.~~
- ~~• **Cartridges: Unused Cartridges:** Ship unused (unopened) cartridges to the manufacturer in original packaging. Contact manufacturer for shipping instructions. **Empty cartridges:** Place in container with vermiculite, dry sand or earth. Dispose of in a sanitary landfill or by other procedures allowed for by state and local authorities.~~

~~HAZARDS TO HUMANS AND DOMESTIC ANIMALS~~

~~**DANGER:** May be fatal if inhaled or swallowed. Corrosive. Poisonous liquid and vapor. Liquid causes skin burns and irreversible eye damage. Do not get in eyes, on skin or on clothing. Do not breathe vapor or gas. Chloropicrin is readily identifiable by smell. Exposure to very low concentrations of vapor will cause irritation of eyes, nose, and throat. Continued exposure after irritation or higher concentrations may cause painful irritation to the eyes or temporary blindness. Always work with another person when applying the cartridges.~~

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ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. Do not apply directly to water, or to areas below mean high water level, or to intertidal areas below the mean high water mark. Keep out of lakes, streams or ponds. Use a secondary containment system when working over water. Do not contaminate water by cleaning of equipment or disposal of waste.

PHYSICAL OR CHEMICAL HAZARDS

This product may be corrosive under certain conditions. Chloropicrin is a nonflammable liquid.

PRODUCT INFORMATION

SmartFume™ is a slow release cartridge that contains chloropicrin, a proven fungicidal fumigant. When the cartridge is activated, chloropicrin is gradually released at a controlled rate, allowing time for implanting the cartridge into a bored treatment hole. Properly installed as directed, there is minimal hazard to the applicator. SmartFume™, when used as directed, will prevent or arrest internal decay present in Douglas-fir, Western Red Cedar, and Southern Pine poles, piling and similar large wood timber members in outdoor sites. Do Not Use Indoors.

DIRECTIONS FOR USE

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

This fumigant is a highly hazardous material and should be used only by persons trained in its proper use. Before using, read and follow all label precautions and directions. All persons working with this fumigant should be trained in the hazards, use of required PPE equipment, emergency procedures and proper use of fumigant.

For use as an internal remedial treatment in large pressure-treated wood members such as utility poles, pilings, bridge timbers and laminated wood products located out-of doors. Apply to areas of timbers where decay is suspected or could occur.

Refer to the Application Tables before use and for additional information.

For remedial treatment of wooden poles/timbers:

1. Plug the pre-drilled holes immediately after application;
2. Do not treat structures/beams that are fully or partially indoors;
3. Do not drill an application hole through seasoning checks. If the hole intersects a check, plug the hole and drill another. If more than 2 treatment holes intersect an internal void or rot pocket, re-drill the holes farther up the pole into relatively solid wood.
4. The cartridge may be inserted into an unaltered 3/4" or 7/8" diameter holes. If the entrance of the hole is distorted, drill a new hole for treatment. Minimum hole depth is 11 inches.

GROUND-LINE POLE APPLICATION: The ground-line area of a 40" circumference standing pole is taken as a guide and example for application of this product. Bore a pattern of 4 holes at a 45 degree downward angle. For smaller diameter poles or timbers, it will be necessary to increase the boring angle to allow for an 11" deep hole. For a non-excavated pole, the first hole shall be at the ground-line and succeeding holes about 6" - 18" higher and rotated about 90 degrees from the next lower hole. For an excavated pole, the first hole shall be below the ground line utilizing the pattern and spacing presented in the table below.

1. Always open canister and cartridges in an outdoor area.
2. Open canister carefully and remove the required number of cartridges for the application.
3. For poles, it is recommended that the open end of the cartridge be placed downwards. For other timbers, it may be appropriate to insert with open end up.

Use the following directions when installing conventional treated wood and plastic plugs:

4. Grasp the cartridge in one hand with the crimp-cap facing upward.
5. Remove the crimp-cap and seal.
6. Insert the cartridge fully into the hole, open end down.

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7. Promptly insert a treated tapered wooden or plastic plug and close the hole.

[OPTIONAL] Use the following directions when installing with the SmartPlug (7/8" diameter hole only):

4. Attach the SmartPlug to the end of the cartridge.
5. Grasp the cartridge in one hand with the crimp-cap facing upward.
6. Remove the crimp-cap and seal.
7. Insert the cartridge fully into the hole, open end down, until the SmartPlug closes the opening.
8. Using the "T" bit and a cordless driver, screw the SmartPlug clockwise into the pole until it is flush or slightly recessed in the hole.]

[End OPTIONAL Use Directions when Installing with the SmartPlug (7/8" diameter hole only)]

GROUND-LINE APPLICATION TABLE: Dosage Rate and Drill Pattern for Utility Poles.

Pole Circumference (in Inches)	Number of Cartridges Installed and Drill Pattern
35" or less	3 holes beginning at groundline spaced 120 degrees apart and 6" to 18" higher than the previous hole.
36" to 49"	4 holes beginning at groundline spaced 90 degrees apart and 6" to 18" higher than the previous hole.
50" to 59"	5 holes beginning at groundline spaced 70 degrees apart and 9" to 12" higher than the previous hole.
60" to 69"	6 holes beginning at groundline spaced 60 degrees apart and 9" to 12" higher than the previous hole.
70" to 79"	7 holes. The first 2 at groundline 180 degrees apart and the remaining 5 spaced 60 degrees apart and 8" to 10" higher than the previous hole.
80" to 90"	8 holes. The first 2 at groundline 180 degrees apart and the remaining 6 spaced 50 degrees apart and 8" to 10" higher than the previous hole.

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ELEVATED POLE APPLICATION TABLE: Dosage Rate and Drill Pattern for Utility Poles.

Pole Circumference (in Inches)	Pressure-Treated Poles	Nonpressure-Treated Poles
36" or less	1 hole spaced 8 feet apart vertically.	1 hole spaced 4 feet apart vertically.
37" or more	2 holes spaced by rotating the holes 90 degrees apart and 12" – 18" apart vertically. Space the 2-hole treatment zones 8 – 12 feet apart vertically.	2 holes spaced by rotating the holes 90 degrees apart and 12" – 18" apart vertically. Space the 2-hole treatment zones 4 - 6 feet apart vertically.

ELEVATED TIMBER APPLICATIONS:

SmartFume™ can be applied to any accessible surface of large sawn timbers. The most ideal placement of treatment holes is the top surface of horizontal members. Seasoning checks and other obstacles will force deviations from the ideal hole pattern.

When treating elevated positions on timbers, drill holes at least 11 inches deep and apply 1 cartridge per hole. For timbers requiring 2 holes per treatment location, stagger the holes, alternating side to side and separating 12" – 18" apart longitudinally. For pressure-treated wood members, space the treatment locations 8 - 12 feet apart longitudinally. For **non**pressure-treated wood members, space the treatment locations 4 - 6 feet apart longitudinally.

STORAGE AND DISPOSAL

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

STORAGE: Store in a cool, dry, well-ventilated area under lock and key. Post as a pesticide storage area. Persons moving or handling containers must wear the personal protective equipment specified in the PPE section of this labeling. Store in closed original packaging.

LEAK PROCEDURES: Evacuate immediate area of spill or leak. Use SCBA or combination air-supplied/SCBA respiratory for entry into affected area to correct problem. Move leaking container or box outdoors or to an isolated location, observing strict safety precautions. Work upwind if possible. Allow leaking material to evaporate, or absorb into vermiculite, dry sand, earth or similar absorbent material which may be disposed of on site, or at an approved disposal facility. Do not permit entry into a leak area by unprotected persons until concentration of chloropicrin is determined to be less than 0.15 ppm.

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CONTAINER DISPOSAL: Non-refillable cartridge. Do not reuse or refill the cartridge for any purpose.

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- **Canister:** Completely empty canister of cartridges. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill or by other procedures allowed for by state and local authorities.
- **Cartridges: Unused Cartridges:** Ship unused (unopened) cartridges to the manufacturer in original packaging. Contact manufacturer for shipping instructions. **Empty cartridges:** Place in container with vermiculite, dry sand or earth. Dispose of in a sanitary landfill or by other procedures allowed for by state and local authorities.

WARRANTY DISCLAIMER

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Seller warrants that this product complies with the specifications expressed in this label. SELLER 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. To the extent consistent with applicable law, Seller's liability for default, breach, or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.



[Lot number: _____] *[Note to EPA: Lot/Batch number may appear elsewhere on the label or on the container.]*