



THIS CORRESPONDENCE CONTAINS CONFIDENTIAL BUSINESS INFORMATION

February 28, 2021

Document Processing Desk [REGFEE]
Office of Pesticide Programs (7504P)
Antimicrobials Division
US Environmental Protection Agency
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

ATTENTION: Aidan Fife
Product Manager, Team 33 (Acting)

SUBJECT: Viance, LLC.
UP-50 (EPA Reg. No. 83997-XX)
Application for Pesticide Registration – PRIA Category A550
New End Use product, uses other than FIFRA sec. 2 (mm); Non-FQPA product

Dear Mr Fife:

I am applying to register a new end-use wood preservative product, **UP-50**. As I interpret the PRIA submission category table the submission for UP-50 corresponds to PRIA category A550. From the PRIA table the registration fee for Category A550 is \$13,888.00 and it was submitted by credit card online to www.Pay.gov on February 25, 2021. The Agency tracking ID is 76080457243 and the Pay.GOV Tracking ID is 26RBULNB.

UP-50 contains the active ingredient DCOIT and is manufactured from a registered TGAi Kathon 287T (EPA No. 707-224). In the last 10 years, the agency has registered at least four end use wood preservative products containing the active ingredient DCOIT. For the agency's reference those products are Kathon™ 287WT (EPA # 707-307), EL2 One Pack (EPA # 83997-9) and KRD 1403 (EPA # 3008-124) UP-23 (EPA # 83997-13). While Kathon 287WT, EL2 One Pack and KRD 1403 are intended for above ground use for residential applications such as fencing and decking. In contrast UP-50 is intended for use for the industrial pressure treatment of utility poles, cross arms or transportation (road or rail) bridge timbers and not residential treated wood products. UP-50 is a 50% active solid concentrate that will be diluted with organic solvents such as #2 diesel fuel. The diluted product will be applied only by vacuum pressure processes at wood treating facilities located across the U.S.

The data portion of the application package contains 20 individual volumes containing the required product chemistry data for an end use product as well as acute toxicology data. Titles for the different volumes are summarized in a separate transmittal letter.

The submission includes two data waiver requests. The first request relates to the Honey Bee acute contact toxicity test Study Guideline 850.3020. The rationale for the request is based on the intended use sites (protection of utility poles, cross arms and industrial road and rail bridge timbers from decay and termite attack), the method of application (closed vacuum pressure industrial wood treatment vessels) and the fact the label use directions explicitly state that wood treated with UP-50 shall not be used to treat beehives. The second waiver request relates to the Acute Inhalation Study Test Guideline 870.1300. The request is



based on the conclusions of the Product Safety Laboratories (PSL) Study report 451402 entitled UP-50 Acute Inhalation Feasibility Study Report included as Volume 7 of the UP-50 registration submission. That report stated that PSL scientists made several attempts to prepare a test atmosphere containing UP-50 for an acute inhalation toxicity test but they were unable to successfully aerosolize the product due to its inherent physical properties as a waxy solid.

The data portion of the submission includes non-guideline study results of dislodgeable surface residues for two species of UP-50 treated wood (Douglas fir – Volume 14 and Western red cedar – Volume 11) collected using a wipe sampling roller technique. In addition, a water leaching study using the American Wood Protection Association (AWPA) E11 protocol is provided as Volume 17 and a soil leaching study using the AWPA E20 protocol is provided as Volume 20.

The efficacy of the active ingredient DCOI against termites was reviewed by the agency as part of the registration submission for UP-23 EPA # 83997-13 (granted 4/19/18 - Decision 531609). Accordingly, the Data Matrix (EPA form 8570-35) included with this submission lists MRID 50190315 and 50335203 in support of the efficacy of UP-50.

In conclusion, please find enclosed the following documents to support the proposed registration for UP-50:

- 1) Transmittal Document.
- 2) Application for Pesticide Registration (EPA Form 8570-1)
- 3) Two (2) copies Confidential Statement of Formula (EPA Form 8570-4)
- 4) Formulator's Exemption Statement (EPA Form 8570-27)
- 5) Five (5) copies of the proposed product label
- 6) Certification with Respect to Citation of Data (EPA Form 8570-34)
- 7) Data Matrices (both Public and Agency copies) (EPA Form 8570-35)
- 8) Three (3) copies of each of the study reports listed in the attached Transmittal Document.
- 9) One copy of the PRIA A550 online submission fee receipt for \$13,888.00

If you have any questions about the enclosed submission, please contact me by telephone at 704-971-2902 or by email at karcher@viance.net

Sincerely,

Kevin J. Archer, PhD
Director Research and Development
Viance, LLC

Enclosures:

Rationale to support a study waiver request for the Honey Bee Acute contact testing requirement (Guideline 850.3020) for the product UP-50 intended for use as an oil-borne industrial wood preservative for vacuum pressure impregnation of utility poles, utility cross arms and industrial bridge timbers.

Case No.: 0403

PC code Chemical number: 128101

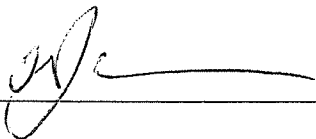
EPA registered number: 83997-RG-UP-50

Decision No: _____

Company Name: Viance, LLC
8001 IBM Drive
Charlotte, NC 28262

STUDY AND GUIDELINE	RATIONALE FOR WAIVER or non applicability
850.3020 Honey Bee Acute Contact Toxicity Test	A waiver for this study is appropriate for UP-50 based on the intended uses sites (protection of utility poles, cross arms and Industrial bridge timbers from decay and termite attack), the method of application (closed vacuum pressure wood industrial wood treatment vessels) and the fact that the label use directions for the product explicitly state that wood treated with UP-50 shall not be used to construct beehives).

I certify that the statements made above are true accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine, imprisonment under applicable law.

Signed:  _____

Title: Director Research and Development

Date: 2/28/2021

Rationale to support a study waiver request for the Acute Inhalation testing requirement (Guideline 870.1300) for the product UP-50 intended for use as an oil-borne industrial wood preservative for vacuum pressure impregnation of utility poles, utility cross arms and industrial bridge timbers.

Case No.: 0403

PC code Chemical number: 128101

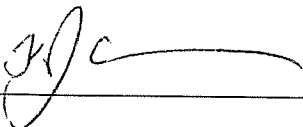
EPA registered number: 83997-RG-UP-50

Decision No: _____

Company Name: Viance, LLC
8001 IBM Drive
Charlotte, NC 28262

STUDY AND GUIDELINE	RATIONALE FOR WAIVER or non-applicability
870.1300 Acute Inhalation Study Test	A waiver for this study is requested for UP-50 based on the conclusions of the Product Safety Laboratories (PSL) study entitled UP-50 Acute Inhalation Feasibility Study Report 51402 dated June 23, 2020 (Volume 7 of the UP-50 registration submission). PSL scientists made several attempts to prepare the test substance for a suitable test atmosphere for an acute inhalation toxicity test in accordance with the 870.1300 protocol. PSL concluded that the physical properties of the UP-50 prevented the product from being successfully aerosolized so the required testing concentration could not be attained. As a result, EPA guidelines for acute inhalation testing could not be satisfied.

I certify that the statements made above are true accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine, imprisonment under applicable law.

Signed:  _____

Title: Director Research and Development

Date: 2/28/2021

UP-50 – Draft version For the Industrial Pressure Treatment of Wood Intended for Use on Utility Poles, Cross Arms or Transportation (road or rail) Bridge Timbers.		 Manufactured for: Viance, LLC 8001 IBM Drive Charlotte, NC 28262
ACTIVE INGREDIENT: 4,5-Dichloro-2-n-octyl-3(2H)-isothiazolone 50.0% INERT INGREDIENTS: 50.0% Total: 100.0%	PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER CORROSIVE CAUSES IRREVERSIBLE EYE DAMAGE AND SKIN BURNS HARMFUL IF SWALLOWED HARMFUL IF ABSORBED THROUGH THE SKIN 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. 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. PHYSICAL and CHEMICAL HAZARDS Do not use or store near open flame. Close container after use.	STORAGE AND DISPOSAL 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. Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Container Handling: (For product in rigid, refillable containers) Refillable container; refill this container only with UP-50. 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. SPILL OR LEAK PROCEDURES: Refer to the Safety Data Sheet (SDS) associated with this product for information on how to properly clean-up spillage. DIRECTIONS FOR USE It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For use as a wood preservative to protect treated wood articles from fungi and subterranean termites. PRESSURE TREATMENT 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. This product is a solid concentrate and must be diluted with a hydrocarbon solvent such as fuel oil, mineral spirits, diesel or petroleum. Use 147 – 606 lbs of UP-50 per 1000 gallons of final treatment solution (1-4% of UP-50 active ingredient) in the final treatment solution. A retention rate of 0.1 – 0.4 pounds/cubic foot (pcf) of UP-50 active ingredient is required for all the above treatments. NOTE: UP-50 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 beehives. UP-50 weighs 8.75- 8.99 pounds per gallon. 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.
KEEP OUT OF REACH OF CHILDREN DANGER FIRST AID 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 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 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. 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. Have the product container or label with you when calling a poison control center or doctor, or going for treatment. NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression and convulsions may be necessary. SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS	Net Contents:	Label date: 02/28/2021
EPA Reg. No. 83997-XX EPA Est. No. 10465-NC-01		