

577 - 539

05/05/2010

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



Office of Pesticide Programs

The Sherwin-Williams Company
Environmental, Health and Regulatory Services
101 Prospect Avenue, N. W.
Cleveland, OH 44115-1075

MAY - 5 2010

Attention: Madelyn K. Harding, Corporate Manager
Regulatory Affairs

Subject: Semi-Transparent Wood Preservative Stain
EPA Registration No. 577-539
Notification Dated April 21, 2010

This will acknowledge receipt of your notification, submitted under the provisions of FIFRA Section 3(c)(9).

Proposed Notification

- To Make Minor Changes to the Label Text

General Comments

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

The Notification is in compliance with PR Notice 98-10 and is acceptable. This information has been made a part of your file.

If you have any questions concerning this letter, please contact Martha Terry at (703) 308-6217.

Sincerely,

A handwritten signature in black ink that reads "M Swindell".

Marshall Swindell
Product Manager (33)
Regulatory Management Branch 1
Antimicrobials Division (7510P)



SHERWIN-WILLIAMS.

THE SHERWIN-WILLIAMS COMPANY
Environmental, Health & Regulatory Services
101 Prospect Avenue NW
Cleveland, Ohio 44115-1075
Facsimile: (216) 566-2730

BY FEDERAL EXPRESS NO.

April 21, 2010

Mr. Marshall Swindell (PM 33)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, Virginia 22202-4501

RE: Application for Pesticide Notification Semi-Transparent Wood Preservative Stain,
EPA Reg. No. 577-539

QUALIFIES FOR FAST TRACK REVIEW

Dear Mr. Swindell,

This letter and the attached Application (OPP Identifier Number 155106) are a notification to modify a minor part of the label. The current label states:

Beautifies and highlights the rich grain and texture of wood. A clear wood preservative designed for maximum penetration on bare exterior wood surfaces. Also provides for protection from water damage, rot, mildew, and deterioration. Covers unfinished wood siding, shingles, shakes, fences, railings, picnic tables, furniture, decks and floors. For above ground use on wood exposed to moisture and weather. [PRODUCT NAME] contains TBTO and FOLPET - wood preservative, mildewcide and fungicide. Its water repellency allows water to bead up and roll off.

We will be changing the text to state:

Beautifies and highlights the rich grain and texture of wood. A semi-transparent wood preservative stain designed for maximum penetration on bare exterior wood surfaces. Also provides for protection from water damage, rot, mildew, and deterioration. Covers unfinished or previously stained (semi-transparent only) wood siding, shingles, shakes, fences, railings, picnic tables, furniture, decks and floors. For above ground use on wood exposed to moisture and weather. [PRODUCT NAME] contains TBTO and FOLPET - wood preservative, mildewcide and fungicide. Its water repellency allows water to bead up and roll off.

As required, I certify that this notification is consistent with PR 95-2 and EPA regulations at 40 CFR 152.46 and that no other changes have been made to the labeling of this product or the confidential statement of formula. 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 95-2 and 40 CFR 152.46, then 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.

Attached please find 5 clean copies of the label plus one copy showing the revisions. Additions are shown in blue underlines and deletions are shown with red cross outs.

If you have any questions regarding this submission, please do not hesitate to contact me at 216-566-2630, or by e-mail at mkharding@sherwin.com or by facsimile at 216-263-8635. Thank you for your prompt attention to this matter.

Sincerely,



Madelyn K. Harding, Corporate Manager
Regulatory Affairs

Attachments

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United States Environmental Protection Agency Office of Pesticide Programs (H7505C) EPA Washington, DC 20460 Application for Pesticide:	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other: Notification	OOP Identifier Number
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Section I		
1. Company/Product Number 577-539	2. EPA Product Manager M. Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Semi-Transparent Wood Preservative Stain	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) THE SHERWIN-WILLIAMS COMPANY 101 WEST PROSPECT AVENUE CLEVELAND, OH 44115-1075		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 1/21/05	<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.)

To make minor changes to the label in discussing product attributes and uses.

Section III			
1. Material This Product Will Be Packaged In:			
Child Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No <i>*Certification must be submitted.</i>	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,* No. per Unit Package wt. Container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,* No. per Package wgt. Container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container	5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label Is Affixed To Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other (_____) <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section IV		
1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Madelyn K. Harding	Title Manager, Regulatory Affairs	Telephone No. (Include Area Code) (216) 566-2630

Certification		
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 of both under applicable law.		
2. Signature 	3. Title Manager, Regulatory Affairs	6. Date Application Received (Stamped)
4. Typed Name Madelyn K. Harding	4. Date 4/21/2010	

FRONT PANEL

Sherwin-Williams Semi-Transparent Wood Preservative Clear Base A14T5

Exterior Oil Alkyd

for decks and wood siding
quality performance

- for new or weathered wood
- highlights natural grain & texture of wood
- superior penetrating stain

OR

- Exterior Alkyd
- Water Repellent
- Protects Wood from Rot, Deterioration, and Mildew

[PRODUCT IDENTIFICATION NUMBERS]

For Semitransparent preservatives:
Must Be Tinted Before Using

For Clear Preservative:
Do Not Tint

KEEP OUT OF REACH OF CHILDREN.

WARNING!

COMBUSTIBLE! VAPOR HARMFUL. IRRITATES EYES, SKIN AND RESPIRATORY TRACT. HARMFUL OR FATAL IF SWALLOWED

See back panel for additional Precautionary Statements

For Semitransparent preservatives:

3.73 liter / 3 qt 1 pt 14 fl oz

BEFORE COLOR IS ADDED

For Clear Preservative:

1 U.S Gal 3.78 L

ACTIVE INGREDIENTS

Bis(tri-n-butyltin)oxide	0.34%
Folpet [N-trichloromethylthio]phthalimide]	0.66%

INERT INGREDIENTS99.00%

TOTAL100.00%

Contains petroleum distillates

EPA Reg. No. 577-539

EPA Est. No. 577-CA-1, 577-GA-1, 577-IL-1, 577-MD-1, 577-NJ-1, 577-TX-1, 577-OH-1, 577-KY-1, 577-NC-1, 577-FL-1, 577-IL-2, 577-KS-1, 577-CA-3

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BACK OR SIDE PANEL

CAS No.	Ingredient
64742-47-8	Mineral Spirits
Unknown	Alkyd Polymer
14807-96-6	Talc

VOC: ca 628-673 gms/L - 5.24-5.6 1 lbs/gal

NON-PHOTOCHEMICALLY REACTIVE
DO NOT THIN

H	HEALTH	2
F	FLAMMABILITY	2
R	REACTIVITY	0
	PERSONAL PROTECTION	

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 SWALLOWED: Immediately call a poison control center or doctor. Do not induce vomiting, unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

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.

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.

HAVE THE PRODUCT CONTAINER OR LABEL WITH YOU WHEN CALLING A POISON CONTROL CENTER OR DOCTOR, OR GOING FOR TREATMENT.

For additional information in case of emergency, call the National Pesticide Information Center toll free at 1-800-858-7378.

Note to Physician

Contains petroleum distillate - vomiting may cause aspiration pneumonia.

**PRECAUTIONARY STATEMENT
HAZARDS TO HUMAN AND DOMESTIC ANIMALS****WARNING! HARMFUL OR FATAL IF SWALLOWED**

Warning. Causes skin irritation. Harmful if inhaled. Do not get on skin or on clothing. Avoid breathing spray mist.

Contents are combustible. Keep away from heat and open flame.

CONTAINS ALIPHATIC HYDROCARBONS. VAPOR HARMFUL. Use only with adequate ventilation. If you experience eye watering, headaches, or dizziness, increase fresh air, or wear respiratory protection (NIOSH approved) or leave the area. Keep container closed when not in use.

ENVIRONMENTAL HAZARDS

This chemical is highly toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other water unless in accordance with the requirements of a National Pollution 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 EPA. **PHYSICAL OR CHEMICAL HAZARDS**

To avoid spontaneous combustion, soak oily cloths in water after use or place in a closed metal container away from buildings and other combustible materials. Combustible. Do not use or store near heat or open flame.

**DO NOT TAKE INTERNALLY
KEEP OUT OF THE REACH OF CHILDREN**

PERSONAL PROTECTION EQUIPMENT (PPE)

Applicators and all other handlers must wear:

- Coveralls over short sleeved shirt and short pants
- Socks and chemical resistant footwear
- Chemical-resistant gloves, such as barrier laminate, nitrile rubber, neoprene rubber or viton
- Respirator with dust/mist filter (MSHA/NIOCH approval number prefix TC-21C) or a NIOSH approved respirator with any F, P, or HE filter.

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USER SAFETY RECOMMENDATIONS –Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing immediately if product gets inside. Then wash thoroughly and put on clean clothing. Users should remove clothing immediately after handling this product. As soon as possible, wash thoroughly.

NOTICE: DELAYED EFFECTS FROM LONG TERM OVEREXPOSURE
Contains solvents which can cause permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

For Semitransparent preservatives:

[Optional Product Name] Beautifies and highlights the rich grain and texture of wood. A semi-transparent wood preservative stain designed for maximum penetration on bare exterior wood surfaces. Also provides uniform and natural color plus for protection from water damage, rot, mildew, and deterioration, and mildew. For above ground use on exterior wood. Covers unfinished or previously stained (semi-transparent only) wood siding, shingles, shakes, fences, railings, picnic tables, furniture, decks and floors. For above ground use on wood exposed to moisture and weather. ~~A semi-transparent wood preservative stain designed for maximum penetration on bare exterior wood surfaces. Also provides for protection from water damage, rot, mildew, and deterioration.~~ *[PRODUCT NAME]* contains TBTO and FOLPET - wood preservative, mildewcide and fungicide. Its water repellency allows water to bead up and roll off.

OR

For Clear Preservative:

FOR ABOVE-GROUND USE ON WOOD EXPOSED TO MOISTURE AND WEATHER.

Beautifies and highlights the rich grain and texture of wood. A clear wood preservative designed for maximum penetration on bare exterior wood surfaces. Also provides for protection from water damage, rot, mildew, and deterioration. Covers unfinished wood siding, shingles, shakes, fences, railings, picnic tables, furniture, decks and floors. For above ground use on wood exposed to moisture and weather. *[PRODUCT NAME]* contains TBTO and FOLPET - wood preservative, mildewcide and fungicide. Its water repellency allows water to bead up and roll off.

DIRECTIONS FOR USE—It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that it will contact workers or other persons or pets. Do not allow this product to drift.

STORAGE AND DISPOSAL -Do not contaminate water, food, or feed by storage and disposal.
Pesticide Storage: Store in cool and dry place away from heat and flame. Do not transfer to other containers for storage.
Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
Container Disposal: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of container in a sanitary landfill, or by other procedures approved by state and local authorities.

For Clear Preservative:

SURFACE PREPARATION

Remove dirt and debris. Sand down badly weathered surfaces to fresh wood. Remove previous finishes

Remove mildew by scrubbing with a mixture of one quart liquid bleach in three quarts of water. Wear protective glasses or goggles and waterproof gloves. Quickly wash off mixture that touches skin. Do not add detergents or ammonia to bleach/water mixture.

APPLICATION

Stir thoroughly before and occasionally during use. Under normal environmental and application conditions, thinning—not required. Use at 50°F and above. Apply uniformly with brush, pad or spray. Covers 100 to 200 square feet per gallon on rough or porous surfaces. Up to 350 square feet per gallon on smooth, non-porous surfaces. Allow to dry 24 hours under normal drying conditions (70°F & 50% humidity) before re-coating or walking on. **Important** Minimize lapping by: 1) Do not apply in direct sun or on hot surface. 2) Always apply into a wet edge. 3) Apply up and down along vertical siding and across horizontal siding.

4) Use two coats on badly weathered or unfinished wood and whenever prominent, unsightly lap marks appear on first coat. Do not use on composition board or wood roofs. Be sure decks and floors are either bare or well worn before coating. Please note: Coatings wear under foot traffic which may leave a different appearance in the wear area versus unworn areas.

CLEAN UP - Use a paint thinner or mineral spirits for cleaning tools and equipment following manufacturer's safety instructions. Any solvent soaked material, such as rags, should be placed in water when discarded.

STAINING INSTRUCTIONS

Surface Preparation: Remove dirt and debris. Sand down badly weathered surface to fresh wood. Remove mildew by scrubbing with a mixture of one quart household liquid bleach to three quarts of water. Wear protective glasses or goggles and waterproof gloves. Quickly wash off any of the solution that touches your skin. Do not mix bleach and detergents. Previous finishes, other than semi-transparent stain, must be removed.

Application - Stir thoroughly before and occasionally during use. Use at 50°F (10°C) and above. Apply uniformly with brush, pad or spray. Cover 100 to 200 sq. ft. (9 to 19 sq. meters) per gallon on rough or porous surfaces. Up to 350 sq. ft. (33 sq. meters) per gallon on smooth, non-porous wood surfaces.

Important! All stains tend to lap mark (darker color where two freshly painted areas overlap). Minimize laps by: 1) Don't stain in direct sun or on hot surfaces. 2) Always stain into a wet edge—stain up and down along vertical siding and across horizontal siding. 3 Use two coats on badly weathered or unfinished wood, and whenever prominent unsightly lap marks appear on first coat.

Do not use on composition board or wood roofs. Be sure decks and floors are either bare or well worn before staining. Please note: Stains wear under foot traffic leaving a different color in the wear area versus unworn areas. Allow 24 hours drying if a second coat is necessary or before walking on.

CLEAN UP - Use paint thinner or mineral spirits for cleaning tools and equipment following manufacturer's safety instructions. Any solvent soaked material such as rags should be placed in water when discarded.

OR

For Semitransparent preservatives:

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SATISFACTION GUARANTEED

This coating is a result of extensive research and testing by _____
_____. We guarantee your satisfaction in the use of this
product or your purchase price will be cheerfully refunded.

Or

[COMPANY OR DISTRIBUTOR NAME] LIMITED WARRANTY

This product will perform as stated on this label following label instructions.
If the product fails to meet this warranty, you will be supplied additional
product equal to the quantity purchased or, at your option, a refund of the
purchase price of the product will be made at the place of purchase.

The Sherwin-Williams Company
Cleveland, Ohio 44115
Phone number 1-216-566-2000

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b/b