

577-543

07/25/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

July 25, 2008

Madelyn K. Harding
Manager, Regulatory Affairs
The Sherwin-Williams Company
101 West Prospect Avenue
Cleveland, OH 44115-1075

Subject: Notification in Accordance with PR Notice 98-10
Cuprinol® Clear Wood Preservative
EPA Registration Number 577-543
Application: June 26, 2008
Receipt Date: June 27, 2008

Dear Ms. Harding:

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

Proposed Notification:

- Minor label changes

General Comment:

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

The notification application is acceptable.

Should you have any questions concerning this letter, please contact me by telephone at (703) 308-6422 or email address at: heyward.adam@epa.gov, or Renae Whitaker telephone at (703) 308-7003 or email address at: whitaker.renae@epa.gov during the hours of 8:00 am to 3:30 pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,

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

CONCURRENCES

SYMBOL							
SURNAME							
DATE							



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

BY FEDERAL EXPRESS

June 26, 2008

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: EPA Reg. No. 577-543, Application for Pesticide Notification, OPP Identifier No. 155122

QUALIFIES FOR FAST TRACK REVIEW

Dear Mr. Swindell,

This letter and the attached Application (OPP Identifier Number 155122) are a notification to make minor changes to the label, removing several marketing phrases, adding a few EPA establishments, and removing the brand name so that other brands can market the product. One copy of the proposed label shows the changes, with new language underlined and with deleted language shown as crossed out. In addition, five "clean" copies of the proposed label are enclosed.

We certify that

"This notification is consistent with the provisions of PR Notice 95-2 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 95-2 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."

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 216-263-8612. Thank you for your prompt attention to this matter.

Sincerely,

Madelyn K. Harding, Corporate Manager
Regulatory Affairs
Attachment

Section I

1. Company/Product Number 577-543	2. EPA Product Manager Marshall Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cuprinol® Clear Wood Preservative	PM# 33	
5. Name and Address of Applicant (Include ZIP Code) THE SHERWIN-WILLIAMS COMPANY 101 WEST PROSPECT AVENUE CLEVELAND, OH 44115-1075 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3C(3)(b)(1), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section II

Amendment – Explain below Final printed labels in response to Agency letter Dated _____
 Resubmission in response to Agency letter dated: _____ “Me Too” Application.
 Notification – Explain below. Other – explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Minor changes to the label, shown with underlines for new language and crossouts for deleted language. The purpose of these changes is to remove several marketing phrases, to add a few new EPA establishments, and to allow other brands to market the product.

Section III

1. Material This Product Will Be Packaged In:

Child Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	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) _____
Certification must be submitted.		If Yes, No. per Unit Package wt. container	If Yes,* No. per Package wt. Container

3. Location of Net Contents Information
 Label Container

4. Size(s) of Retail Container

5. Location of Label Directions
 On Label
 On Labeling accompanying product


6. Manner in Which Label Is Affixed To Product Lithograph Paper glued Stenciled Other (_____)

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
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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	5. Date 6/26/08	

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FRONT OF LABEL

By the Cuprinol® Group
Sherwin-Williams

NOTIFICATION
Reviewed: _____
Reviewed By: REW

In logo: SWP cover the earth

Contractor Series™

PRODUCT NAME AND IDENTIFICATION NUMBER

Clear Wood Preservative
Penetrates to protect against mildew and rot
Seals water out
Lets wood gray and weather naturally

Above Ground Use
Oil Base Water Cleanup
We promise the best

KEEP OUT OF REACH OF CHILDREN
CAUTION
See side panel for additional Precautionary Statements

ACTIVE INGREDIENT:

3-iodo-2-propynyl Butyl Carbamate.....	0.50%
OTHER INGREDIENTS.....	99.50%
TOTAL.....	100.00%

EPA Reg. No. 577-543
EPA Est. No. 577-GA-1, 577-IL-1, 577-IL-2, 577-TX-1, 577-KY-1, 577-KS-1, 577-NC-1, 577-OH-1, 577-MD-1, 577-NJ-1, 577-FL-1, 577-CA-1, 577-CA-3, 577-KS-2, 577-MS-1, 577-VA-1

5 Gallons
18.92 Liter

~~Front or Side Panels~~
~~The Cuprinol Promise~~

~~We promise that Cuprinol products will save you time and help protect and beautify wood. We also promise that Cuprinol products will perform to your satisfaction or we'll refund your money. If you have any questions about Cuprinol products, where, how and when to use them, please call us at 1-800-424-5837.~~

BACK AND SIDE PANELS:

CUPRINOL

Seals, penetrates and preserves against rot.

- Dries clear – appears milky in the can
- Penetrating oil-based formula is specially engineered with an effective wood preservative to provide protection against decay and rot, as well as mildew
- Use on bare wood above ground – wood siding, decks, roof shingles, outdoor furniture, fences
- Now with more powerful water repellents to keep water out and protect against cracking and splitting. Exceeds Federal Specification TT-W-572b for water repellency.
- With special ingredients to make water bead up and roll off wood.
- May be applied immediately to new wood
- New advanced formula has lower odor, is nonflammable and safer to use
- Lets wood gray and weather naturally
- Easy to use: apply by spray or brush; now conveniently cleans up with soap and water
- Recommended as a primer before paint to minimize blistering and peeling due to water absorption, and to provide decay resistance

Formulated to meet the strictest Volatile Organic Compound (VOC) air pollution regulations in the United States. VOC's contained in this product are below 350 grams/liter or 2.9 pounds/gallon.

~~For preservation below ground and for wood in contact with water, use Cuprinol® No. 10 Green Wood Preservative.~~

~~Use Cuprinol REVIVE® Easy Deck Cleaner to remove dirt and stains caused by mildew and algae leaving a fresh, natural look.~~

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 will contact workers or other persons.

PREPARATION: THIS PRODUCT MUST BE APPLIED OUT-OF-DOORS TO WOOD INTENDED FOR EXTERIOR USE, NOT FOR INTERIOR USE. This product can be used for all suitable above ground applications. (Use Cuprinol® No. 10 Green Wood Preservative where any portion of the wood will be below ground.) Use on cedar, redwood, pressure-treated and most other woods. Do not apply over hardboard or particle board. Do not use on wood that will be in contact with food, feed or potable water, or where prolonged skin contact is expected. Wood may be damp but not wet and must be free of bark, mildew and any finish. May be applied immediately to new wood. Before and during use, thoroughly mix contents of can. DO NOT MIX WITH ANY OTHER PRODUCTS. DO NOT THIN. Product appears milky in the can but dries clear.

This preservative should not be applied to a mildewed surface. Test for mildew by applying 50/50 solution of bleach and water. Mildew is present if the area lightens. Spray all mildew-infected surfaces with a solution of 1 qt. household bleach and 3 qts warm water. Let stand for 30 minutes, then rinse with clean water.

Redwood and cedar contain natural extractives. To minimize extractive discoloration, apply a solution of 1 part oxalic acid and 9 parts water. Let it sit for half an hour. Then rinse with clean water.

APPLICATION: Apply by synthetic brush or spray. For best results, apply when surface temperatures are between 50°F and 90°F which will not fall below 40°F during 24 hours after application. Thoroughly cover cut ends with two coats. The more preservative absorbed by the wood, the longer and more effective the protection. If the first coat is quickly absorbed, apply a second coat at any time after the initial application has dried to the touch. Do not apply more than two coats. Treat to saturation, but be sure to pick up puddles with a brush. On initial treatment of new wood siding, two coats are recommended.

Use only one thin coat if used as primer before painting. Wait at least 24 to 36 hours after application before painting with a good quality oil-based paint or primer. During humid conditions a longer drying time may be necessary. Wait 6 to 12 months before applying latex paints or clear finishes.

We recommend that wood be re-treated within 3 years. Roofs should be retreated within 2 years. Areas subject to direct water contact or severe exposure may require an earlier reapplication.

COVERAGE: Ranges from 150-300 sq. ft. per gallon depending on wood porosity, surface texture, and dryness of wood. Cuprinol® Clear Wood Preservative dries to the touch in 5 hours but thorough drying requires 24 hours.

CLEANUP: Clean brushes and tools immediately after use with soap and water. If cleanup is delayed, use mineral spirits or paint thinner.

STORAGE AND DISPOSAL

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

STORAGE: Close container tightly and store upright to prevent leakage.

Do not store near excessive heat, sparks or flames. Avoid storage near feed or food products.

KEEP FROM FREEZING. Soak up spills or leaks with sand, dirt or synthetic absorbent.

DISPOSAL:

If empty: Do not reuse this container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Use out-of-doors only. Applicators and other handlers must wear goggles, chemical-resistant gloves (such as water proof material) and protective clothing (long-sleeved shirt and long pants, shoes plus socks) when applying or handling freshly treated lumber.

USER SAFETY RECOMMENDATIONS

User should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. User should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove personnel protective equipment immediately after handling this product. Wash the outside of gloves before removing. As soon as possible wash thoroughly.

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, 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 if possible.
- Call a Poison Control Center or doctor for further treatment advice.

IF SWALLOWED

- Call a 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.

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. You may also contact 1-216-566-2917 for emergency medical treatment information.

NOTE TO PHYSICIAN: 3-iodo-2-propynyl Butyl Carbamate is a cholinesterase inhibitor. Treat symptomatically. Atropine only by injection is antidotal.

Do not apply this product in a way that will contact any person or pet. User should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. User should remove personal protective equipment (PPE) immediately after handling this product. Wash the outside of gloves before removing. As soon as possible wash thoroughly. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions exist for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENVIRONMENTAL HAZARDS: This pesticide 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 contaminate water by disposal of equipment wash waters. 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 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 EPA.

Cas No.	Ingredient
7732-18-5	Water
Unknown	Alkyd Polymer
111-76-2	2-Butoxyethanol
8002-74-2	Paraffin Wax

VOC: 350GMS/L – 2.9LBS/GAL
NON-PHOTOCHEMICALLY REACTIVE
KEEP FROM FREEZING
158-0364

LIMITED WARRANTY

Cuprinol Group will replace this product if it is shown to be defective within one year of the date of purchase. Claims must be sent within that warranty period, together with proof of purchase, to: Cuprinol Group, 101 Prospect Ave., Cleveland, OH 44115.

~~This warranty does not apply if the product is not used as directed. THE DURATION OF ANY IMPLIED WARRANTIES IS LIMITED TO THE DURATION OF THIS LIMITED WARRANTY. CUPRINOL GROUP'S LIABILITY UNDER ANY WARRANTY, WHETHER EXPRESS OR IMPLIED, IS LIMITED SOLELY TO REPLACEMENT OF THE PRODUCT AND DOES NOT INCLUDE LABOR OR OTHER INCIDENTAL OR CONSEQUENTIAL DAMAGES. Some states do not allow limitations on how long an implied warranty lasts or exclusions or limitations of incidental or consequential damages, so the above limitations or exclusions may not apply to you. This warranty gives you specific legal rights, and you may have other rights which vary from state to state.~~

OR

SATISFACTION GUARANTEED

~~When used according to label instructions, if this product fails to perform, Cuprinol will furnish an equivalent amount of new product at no charge or will refund the purchase price upon proof of purchase. This guarantee does not include labor or cost of labor for the application of product.~~

~~For consumer information, call Cuprinol® Customer Service
1-800-424-5837~~

~~Cuprinol Group
A division of The Sherwin-Williams Company
101 W. Prospect Avenue
Cleveland, OH 44115~~

~~©year~~

