

577-570

3/4/2009

1 of 6

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



United States
Environmental Protection
Agency

Office of Pesticide Programs

MAR 4 2009

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

Attention: Madelyn K. Harding, Corporate Manager
Regulatory Affairs

Subject: HMF Antifouling Paint
EPA Registration No. 577-570
Notification Dated February 11, 2009

This will acknowledge receipt of your notification to revise the label to comply with PR Notice 2007-4, submitted under the provisions of FIFRA Section 3(c)(9). Based on a review of the submitted material, the following comments apply.

The Notification dated February 11, 2009 is in compliance with PR Notice 98-10 and is acceptable. However, the sentence on page 3 of the product label which states "Contains unique metal-free organic biocide technology to comply with the IMO ban on TBT coating Technology" is not permitted and must be deleted. This sentence implies safety and unfair marketing claims.

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

Sincerely

A handwritten signature in cursive script that reads "M Swindell".

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

2096

(A) 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"/> Notification	OOP Identifier Number 155125-B
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Section I

1. Company/Product Number 577- 570	2. EPA Product Manager M. Swindell	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) HMF Antifouling Paint	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 3©(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	<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.)

CORRECTION TO PREVIOUS SUBMISSION OF Verbatim label changes as required by PR Notice 2007-4, corrected April 29, 2008. No other changes.

"Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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."

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) _____
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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 Corporate 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 Corporate Manager Regulatory Affairs	6. Date Application Received (Stamped)
4. Typed Name Madelyn K. Harding	5. Date February 11, 2009	



SHERWIN-WILLIAMS®

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

BY FEDERAL EXPRESS

February 11, 2009\

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

332

RE: EPA Registration Number 577-570, HMF Antifouling Paint, OPP Identifier No.

QUALIFIES FOR FAST TRACK REVIEW

Dear Mr. Swindell,

This letter and the attached Application (OPP Identifier Number 155125 are a CORRECTION to the previously submitted notification to revise the label to comply with PR Notice 2007-4. We certify that

"Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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."

Enclosed please find one copy of the proposed label showing the changes, with new language underlined and with deleted language shown as crossed out and five "clean" copies of the proposed label.

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

Attachments

4096

Front of Label

HMF ANTI-FOULING PAINT

Product Color (optional)

For protecting underwater ship hulls from marine growth

Product Number (optional)

ACTIVE INGREDIENT

Zinc Pyrithione	6.38%
1H-Pyrrole-3-carbonitrile,4-bromo-2-(4-chlorophenyl)-5-(trifluoromethyl).....	7.28%

INERT INGREDIENTS..... 86.34%

TOTAL..... 100.00%

CONTAINS PETROLEUM DISTILLATES

5 U.S. Gal
18.92 L

EPA Reg. No.
577- 570

EPA Est. No.
577-VA-01
577-CA-03
577-GA-01

**KEEP OUT OF REACH OF CHILDREN.
LIMITATION FOR USE BY COMMERCIAL OR GOVERNMENT SHIPYARDS
WARNING
COMBUSTIBLE! VAPOR HARMFUL. IRRITATES EYES, SKIN AND
RESPIRATORY TRACT.
SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS**



Back or Side of Label

SeaGuard HMF Antifoulant is a solvent-based copper and tin free antifoulant coating, containing a unique blend of biocides to deter both soft and hard fouling.

- ~~Contains unique metal-free organic biocide technology to comply with the IMO ban on TBT coating technology.~~
- Biocides are non-persistent in the environment, with very short half lives
- Low VOC to comply with environmental regulations

DIRECTIONS FOR USE

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

Mix thoroughly prior to use.

Application temperature 50-100 °F/ 10-38 °C.

Apply by airless spray, conventional spray, brush or roller.

Apply at 5 – 10 mils wet per coat. (3.0 – 6.0 dry mils per coat)

Recoat Time: 16 hours

Launch Time: 24 hours

Thinning: If needed, do not exceed more than 5% by volume SW R7K100, R2K4, or R6K9.

Shelf Life: 24 months, unopened

Note: Refer to product data sheet for additional application and performance characteristics.

FOR MARINE APPLICATIONS ONLY.

[OTHER INFORMATION]

VOC: Unreduced or reduced with R6K9: Less than 330 g/l (2.78 lbs./gal, maximum)
Reduced with other solvents at 5%: Less than 350 g/l, 2.92 lbs/gal

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE DISPOSAL

Pesticide that can not be used according to label instructions must be disposed of according to federal, state or local procedures under the Resources Conservation and Recovery Act.

CONTAINER DISPOSAL

Nonrefillable container. Do not reuse or refill this container. ~~Triple-rinse or equivalent. Then offer for recycling or reconditioning, if available, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.~~

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.

FIRST AID

IF SWALLOWED: Call a Poison Control Center or doctor immediately for treatment advice. Have a person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a Poison Control Center or doctor. 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: 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 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.

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

Note to Physician

Contains petroleum distillate - vomiting may cause aspiration pneumonia.

PRECAUTIONARY STATEMENTS

WARNING: HAZARDS TO HUMAN AND DOMESTIC ANIMALS

Causes substantial, but temporary eye injury. Harmful if swallowed or inhaled. Do not get in eyes or on clothing. Avoid breathing vapor or spray mist. Avoid contact with skin. Wear goggles, face shield, or safety glasses. Wash thoroughly with soap and water after handling and before eating, drinking, smoking, chewing gum, using tobacco, or using restroom. Remove and wash contaminated clothing before reuse.

When used in confined areas or while spraying and/or sanding boat surface, wear a mask or a respirator jointly approved by the Mining Enforcement and Safety Administration and the National Institute for Occupational Safety and Health, under the provisions of 30 CFR 11.

ENVIRONMENTAL HAZARDS

Do not contaminate waters by cleaning of equipment or disposal of wastes. Do not allow chips and dust generated during paint removal to enter waters. Dispose wastes debris in an approved landfill.

PHYSICAL OR CHEMICAL HAZARDS

COMBUSTIBLE. FLASH POINT APPROXIMATELY 102°F. Do not use or store near heat or open flame. Pesticide, container or rinse solution that cannot be used according to label instructions must be disposed of according to Federal or approved State procedures under Subtitle C of the Resource Conservation and Recovery Act.

NOTICE: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

The Sherwin-Williams Company
Cleveland, Ohio 44115