

1022-518

10/24/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

October 24, 2008

Gail Watson
Registrations Representative
IBC Manufacturing Company
416 East Brooks Road
Memphis, TN 38109

Subject: Notification Application Per PR Notice 98-10
Cunapsol-1
EPA Registration No. 1022-518
Application Date: October 3, 2008
Receipt Date: October 7, 2008

Dear Ms. Watson:

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

Proposed Notification:

- Minor label revisions per the state of Arizona

General Comment:

Based on a review of the material submitted, the following comment applies:

The notification application is acceptable and a copy has been inserted in your file for future reference.

Should you have any questions concerning this letter, you may contact me by telephone at (703) 308-6422 or by e-mail at heyward.adam@epa.gov or Lisa McKelvin by telephone at (703) 308-7496 or by email at mckelvin.lisa@epa.gov.

Sincerely,

Lisa R. McKelvin

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



United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 1022-518	2. EPA Product Manager Heyward	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cunapsol-1	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) IBC Manufacturing Company 416 East Brooks Road Memphis, TN 38109 <input type="checkbox"/> Check if this is a new address	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 _____	<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.)

Notification of Minor Label Changes.
This notification is consistent with the provisions of PR Notice 98-10 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 98-10 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.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
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		<input type="checkbox"/> Metal	<input type="checkbox"/> Plastic
				<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			<input type="checkbox"/> Other _____		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Gail Watson	Title Registrations Representative	Telephone No. (Include Area Code) _____
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 or both under applicable law.		6. Date Application Received (Stamped)
2. Signature <i>Gail Watson</i>	3. Title Registrations Representative	
4. Typed Name Gail Watson	5. Date 10-3-08	

October 3, 2008

Mr. Adam Heyward, Team Leader (34)
Regulatory Management Branch II
Antimicrobials Division (7510W)
U.S. Environmental Protection Agency
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Re: Cunapsol-1 (EPA Reg. No. 1022-518)

Dear Mr. Heyward:

The State of Arizona is requiring a statement on product labels with that have termiticide claims with pre-treatment application. These statements indicate that the state may have more restrictive requirements regarding applications. They are giving registrants a choice of which statements to use. Because this label is a "master label", I am adding all of the allowed statements under the "Other" statements section.

I have been advised by the State of Arizona that this can be accomplished by notification and have submitted as such. Enclosed please find the application form and one copy of the label with this change highlighted for ease of review.

This notification is consistent with the provisions of PR Notice 98-10 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 98-10 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 questions or need additional information, I can be reached at 901-344-5316 or "watsong@ibio.com".

Sincerely,



Gail Watson
Registrations Representative

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Enclosures

Cunapsol-1 Wood Preservative

FOR EXTERIOR USE ONLY

- [Color statement(s)]
- [Use statement(s)]
- [Control statement(s)]
- [Other statement(s)]

NOTIFICATION
 Date Reviewed: 10-24-08
 Reviewed By: J. G. Smith

ACTIVE INGREDIENTS:

Copper Naphthenate	9.08%*
Inert Ingredients:	<u>90.92%</u>
Total:	100.00%

*Equivalent to 1% metallic copper.

Cunapsol 1 weighs approximately 8.5 lbs. per gallon.

EPA Reg. No. 1022-518 EPA Est. No. 1022-TN-1

KEEP OUT OF REACH OF CHILDREN
DANGER
See Back Panel for Precautionary Statements

- Net Contents: 1 U.S. Quart (.9 Liters)
 1 U.S. Gallon (3.785 Liters)
 5 U.S. Gallons (18.925 Liters)

IBC Manufacturing Company
 416 East Brooks Road
 Memphis, Tennessee 38109
 901-344-5350

FIRST AID	
IF IN EYES:	<ul style="list-style-type: none"> ▪ 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:	<ul style="list-style-type: none"> ▪ 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 treatment advice.
<p>In case of emergency, call Chemtrec at 1-800-424-9300.</p> <p>Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment.</p>	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Causes irreversible eye damage. Do not get in eyes, on skin or on clothing. Wear goggles or face shield. Harmful if inhaled. Avoid breathing spray mist. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. DO NOT breathe vapors or mist during brush, roll, spray and dip applications. Wear an NIOSH/MHSA-approved mist/vapor respirator when spraying for continued or prolonged use of this product or for frequent use of the product. In case of medical questions, emergencies or accidents involving this product, call Chemtrec at 1-800-424-9300. Application of this product may produce strong, lingering, unpleasant odor.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic organisms. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or public 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 sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Use only the application method specified for a particular use.

Cunapsol-1 Wood Preservative is a multi-purpose, water-based exterior wood preservative and insecticide pre-treatment for below ground, ground contact, fresh water contact and above ground applications where either pressure-treated or non-pressure-treated wood has been used. When applied as directed, Cunapsol-1 provides protection against attack from termites and other wood boring insects and decay fungi, including mildew, mold, rot and decay organisms. It also controls warping, swelling and end checking due to its anti-wicking property, which resists moisture absorption and movement from end to end. This preservative will impart a color to wood that will fade over time, but if undesirable, can be top-coated with paint or stain.

Cunapsol-1 Wood Preservative requires no dilution before use. Use as received, following label directions.

Wood treated with this preservative should not be used where it may come in contact with food, feed or potable water.

RECOMMENDED USES: Landscape timbers, railroad ties, fence posts, poles, pickets and rails, construction posts, foundation sills, steps, stairs, porches, siding, millwork, shakes, shingles, roofs, windows, window frames, doors, docks, piers, boats or other non-pressure-treated exterior wood exposed to moisture, weather or wood destroying insects. Also recommended for pressure-treated wood end cut protection, especially on decks.

Since Cunapsol-1 Wood Preservative has very low phytotoxicity, it can be used to treat wood for greenhouses, nursery flats, etc. Pretreatment only. Do not apply at sites on or near water or wetlands.

Powder post beetles which invade structural lumber are killed by application of this preservative. These insects will not attack the treated wood. Wood to be protected against subterranean termites should be treated before use in construction. Termites will not attack wood treated with this preservative.

In addition to preventing decay, blue stain, and insect attack on wood, Cunapsol-1 Wood Preservative controls warping, swelling, shrinking and end-checking caused by changes in moisture content of lumber and plywood products.

BEFORE YOU START: Make sure wood is dry and free of dust, dirt and debris. Stir or shake well before using. IMPORTANT: This product has a color that slowly fades with time, but can be stained or painted after 24 hours, or re-applied at any time. Always test in an inconspicuous area for color satisfaction.

APPLICATION PROCEDURES: For best results, apply when outside temperatures are between 50°F and 90°F, and when 24 hours of precipitation-free weather is expected. Apply by dip treatment, brush, roller or pump sprayer.

Below Ground, Ground or Fresh Water Contact:
Seasoned (weathered) or green (new) wood may be treated. Make certain the wood is free of bark, then immerse in Cunapsol-1 for 12 to 48 hours or until the sapwood is completely penetrated. If dipping is not possible, 2 brush coats, roller or spray applications should be applied. Allow at least 1 hour between applications. Make certain all areas are fully treated to get the maximum benefits. Allow wood to dry for 24 hours before installation.

Above Ground Contact:
The best results will be obtained if wood to be treated is immersed for 3 minutes or longer. If dipping is not possible, 2 brush coats, roller or spray applications should be applied. Allow at least 1 hour between applications. Make certain all areas are fully treated to get the maximum benefits. Allow 24 hours or longer after application of the preservative prior to installation, painting and/or staining.

COVERAGE: One gallon covers 100 – 300 sq ft (9 – 28 m²), depending upon the wood age and species, surface porosity and method of application. One quart covers 40– 50 sq. ft. (4 – 5 m²).

CLEAN-UP: Clean tools and equipment after use with soap and water.

STORAGE AND DISPOSAL

STORAGE:

Store in a secure, well-ventilated area protected from extreme temperatures. Do not transfer to unmarked containers. Keep container closed when not in use.

DISPOSAL:

If Empty: Do not reuse this container. Place in trash or offer for recycling if available.
If Partially Filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

**WARRANTY AND
LIMITATION OF DAMAGES**

Seller warrants to those persons lawfully acquiring title to this product that at the time of the first sale of this product by seller this product conformed to its chemical description and that it was reasonably fit for the purposes stated on the product label when used both in accordance with the Direction for Use appearing on the product label and under normal conditions of use. Buyers and users of this product assume the risk of all loss or damage from use or handling of this product that results from their failure to read and comply with the Directions for Use of this product which appear on the product label. SELLER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY, INCLUDING ANY OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY, AND NO AGENT OF SELLER IS AUTHORIZED TO DO SO. Unless expressly prohibited by state law, the liability of seller for any breach of warranty shall not exceed the purchase price of the product as to which a claim is made.

Label to include any of the following statements

(Color Statements)

- Green Wood Preservative
- Black Wood Preservative
- Brown Wood Preservative
- Cedartone Wood Preservative
- Imparts Green Color
- Imparts Black Color
- Imparts Brown Color
- Imparts Cedartone Color
- Imparts Long-Lasting, Black Color to Wood, Similar to Creosote
- Looks like Creosote
- With brown color additive
- Brown
- Cedar Color

(Use Statements)

- Above or Below Ground & Ground Contact
- Above or Below Ground, Ground and Water Contact
- Use above or below ground
- For wood in contact with soil and water
- Docks & Piers, Construction Posts, Fencing, and End Cuts
- End Cut Protection
- Ideal for End Cut Protection
- Landscape Ties, Fence Posts & Rails, and Construction Posts
- Construction Posts and Outdoor Decor
- Great for Small Projects
- Brush on preservative especially formulated for the coating of freshly sawn ends of pressure treated Outdoor wood.
- Cedar Shake Roof Preservative
- Ground Contact Preservative
- Decks
- Fences
- Shakes
- Shingles
- Roofs
- Posts
- Pressure-Treated Wood End Cut Protection
- Exterior
- For Preserving Cedar Shake Roofs

- This product is not designed for application on decks, outdoor furniture or other structures intended for seating or heavy foot traffic.
- Wolmanized End Cut Solution is a brush-on preservative especially formulated for the coating of freshly sawn ends of pressure-treated wood products that have been surface coated with a brown stain.

(Control Statements)

- Prolongs the life of non-pressure treated wood
- Prevents termite and other insect attack
- Protects against rot and decay
- Resists mold, mildew and stain fungi
- Anti-wicking – controls moisture damage
- Stops rot, decay and insect attack
- Protects against wood rot, warping swelling, termite damage, mildew and moisture
- Kills powder post beetles, termite attack above or below the ground
- Prevents decay, warping & swelling
- Preserves Wood
- Wood Preservative
- Protects Against Decay

(Other Statements)

- Paintable and Stainable
- Deep Penetrating formula
- Easy soap and water clean-up
- Water clean up
- Note: application of product on redwood and cedar will darken wood.
- Application of this product may produce strong, lingering odor
- Ready to Use
- Cunapsol Wood Preservative
- Approved for Outdoor Wood® Lifetime Warranty
- Wolmanized® Pressure-Treated Wood End Cut Solution
- Made in USA
- Printed in USA
- Volatile Organic Compounds <350 gm./liter.
- VOS (excluding water) < 0.35 kg./liter
- VOC Content 221 g/L (1.84 lbs/gal)

(Other Statements - continued)

- The State Regulatory agency for the use of termiticides may have laws and rules that are more restrictive (including mandatory licensure or certification and specific use requirements) than these label directions and must be followed in addition to the label directions. This product must not be sold, or used by, a person not properly licensed by the State Regulatory Agency.
- For use by individuals/firms or registered by the state to apply Termiticide products. States may have more restrictive requirements regarding qualifications of person using this product. Consult the structural pest control regulatory agency of your state prior to use of this product.
- States may have more restrictive requirements regarding qualification of person using this product. Consult the structural pest control regulatory agency of your state prior to the use of this product.
- When used as a Termiticide, individuals/firms must be licensed by the state to apply this product. States may have more restrictive requirements regarding qualifications of person using this product. Consult with your pest control regulatory agency of your state prior to use of this product.