

1022-522

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-5
EPA Registration No. 1022-522
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 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)

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United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 1022-522	2. EPA Product Manager Heyward	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cunapsol-5	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
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
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		

ISK Biocides, Inc.

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-5 (EPA Reg. No. 1022-522)

Dear Mr. Heyward:

The State of Arizona is requiring a statement on product labels with that have termiticide claims with pre-treatment application before they will renew the state registration.

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".

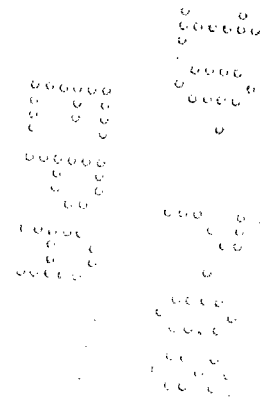
Sincerely,



Gail Watson
Registrations Representative

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Enclosures



NOTIFICATION
Date Reviewed: 10-24-08
Reviewed By: L.M.C. [Signature]

**CUNAPSOL-5
Wood Preservative**

FOR EXTERIOR USE ONLY

Ingredient Statement

Active Ingredient:
Copper Naphthenate.....45.4%*
Inert Ingredients:54.6%
Total:100.0%

*Equivalent to 5% metallic copper

Cunapsol-5 weighs approximately 8.75 lbs. per gallon

EPA Reg. No. 1022-522

EPA Est. No. 1022-TN-1

KEEP OUT OF REACH OF CHILDREN

DANGER

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. • Call a Poison Control Center or doctor for treatment advice.
IF ON SKIN OR CLOTHING	<ul style="list-style-type: none"> • 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 SWALLOWED	<ul style="list-style-type: none"> • 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 to by a Poison Control Center or doctor. • Do not give anything by mouth to an unconscious person.
In case of emergency, call Chemtrec at 1-800-424-9300.	
Have the product container or label with you when calling a Poison Control Center or doctor or going in for treatment.	
Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.	

**Manufactured by:
IBC Manufacturing Company
416 East Brooks Road
Memphis, TN 38109**

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Corrosive. Causes burns and irreversible eye damage. May be harmful if inhaled. Harmful if swallowed. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield, protective clothing and rubber gloves. Wash thoroughly with soap and water after handling. Remove and wash contaminated clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals.

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 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 sewage treatment plant authority. For guidance, contact your State Water Board of Regional Office of the EPA.

PHYSICAL AND 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.

Products formulated or repackaged from this product must be labeled for "Exterior Use Only", and must bear all the statements listed under the section entitled Precautionary Statements and the formulator(s) or repackager(s) telephone number.

Cunapsol-5 is a concentrate and requires dilution with water before use. To treat wood for use in moderate decay hazard locations, dilute one volume of Cunapsol-5 with 4 volumes of water. To treat wood for use in high decay hazard locations, such as ground contact, dilute one volume of Cunapsol-5 with 1.5 volumes of water. It is intended for wood products that usually require painting or stenciling such as millwork and the like or in special situations to treat lumber for long storage in the open or in ground contact by simple non-pressure method.

PARTICLE BOARD

Cunapsol-5 is employed as a preservative for particle board, insulation board, and other wood base fiber and particle panel materials. In this use, Cunapsol-5 is mixed with furnish resin or binding agent at 1 to 3% based on dry weight of wood.

FOR TREATMENT BY DIP, ROLLER, BRUSH, AND SPRAYING

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 painting.

GROUND CONTACT

Seasoned or green wood may be treated. Make certain the wood is free of bark, then immerse in Cunapsol-5 for 12 to 48 hours or until the sapwood is completely penetrated.

COVERAGE: One gallon covers 100-300 sq. ft. depending upon the wood species, porosity of the wood, and method of application.

Water repellents may be admixed with Cunapsol-5 to improve dimensional stability of the treated wood. Colorants may be admixed for aesthetics and additional uv protection. This product is compatible and may be colored by the universal machine colorants employed to color oil or water-based paints. Note that colorants weather differently, and that color development varies with species, grain and wood undertone.

RECOMMENDED FOR

Cunapsol-5 is recommended for windows, window frames, doors, siding, shakes & shingles, trellises, fence pickets and rails, arbors and beverage cases. Powder post beetles which invade structural lumber are killed by application of this preservative. These insects will not attack the treated wood.

Cunapsol-5 may also be used on fence posts, poles, foundation sills, decks, and all exterior wood exposed to moisture or weather. Do not apply on or near water or wetlands.

Since Cunapsol-5 has very low phytotoxicity it can be used to treat wood for greenhouses, nursery flats, etc.

In addition to preventing decay, blue stain, and insect attack on wood, Cunapsol-5 controls warping, swelling, shrinking and end checking caused by changes in moisture content of lumber and plywood products.

Wood to be protected against subterranean termites should be treated before use in construction. Termites will not attack wood treated with Cunapsol-5 Wood Preservative.

{ 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. }

Wood treated with Cunapsol-5 should not be used where it may come in contact with food, feed or potable water.

STORAGE AND DISPOSAL

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

PESTICIDE 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 – COMMERCIAL / INDUSTRIAL:

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

GENERAL: Consult Federal, State or Local disposal authorities for approved alternative procedures.

DISPOSAL – RESIDENTIAL / HOMEOWNER:

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.