

3008-76

09/14/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

SEP 14 2009

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Teri Muchow  
Osmoste Utilities Services, Inc.  
980 Ellicott Street  
Buffalo, NY 14209

Subject: Osmoste Technical Grade Cupric Oxide  
EPA Registration No.: 3008-76  
Application Date: August 25, 2009  
Receipt Date: August 26, 2009

Dear Ms. Muchow:

This acknowledges receipt of the notification identified above submitted under the provision section 3 (c) 9 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended and PR Notice 98-10.

**Proposed Notification:**

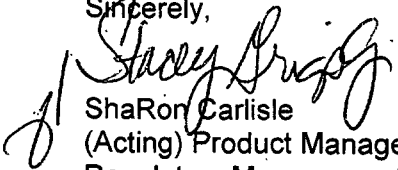
Revised Precautionary Statements:

- Update Container Language as per PR Notice 2007-4

**General Comment:**

A copy of this accepted notification has been inserted in your file for future reference.

Should you have any questions or comments concerning this letter, you may contact Stacey Grigsby by telephone at (703) 305-6440 or by e-mail at [grigsby.stacey@epa.gov](mailto:grigsby.stacey@epa.gov) during the hours of 8:00am to 4:00pm EST. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely,  
  
ShaRon Carlisle  
(Acting) Product Manager (34)  
Regulatory Management Branch II  
Antimicrobials Division (7510P)

CONCURRENCES

SYMBOL	SURNAME	DATE					



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	United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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**Application for Pesticide - Section I**

1. Company/Product Number 3008-76	2. EPA Product Manager Sharon Carlisle (acting)	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) OSMOSE TECHNICAL GRADE CUPRIC OXIDE	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) Osmose, Inc. 980 Ellicott Street Buffalo, NY 14209  <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 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:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) <u>Fibre super sack</u>		
* Certification must be submitted		If "Yes" Unit Packaging wgt.    No. per container	If "Yes" Package wgt    No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions	
6. Manner in Which Label is Affixed to Product		<input checked="" 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 <b>Teri Muchow</b>	Title Manager - Regulatory Administration	Telephone No. (Include Area Code) 716-319-3255
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 		
3. Title Manager - Regulatory Administration		
4. Typed Name Teri Muchow		5. Date August 25, 2009



# OSMOSE® TECHNICAL GRADE CUPRIC OXIDE FOR MANUFACTURING USE ON

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ACTIVE INGREDIENT:  
 CUPRIC OXIDE.....98.0%  
 INERT INGREDIENTS.....2.0%  
 TOTAL 100.0%

(METALLIC COPPER EQUIVALENT.....78%)

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

EPA Reg. No. 3008-76

EPA Est. No. xxxx

Net Contents \_\_\_\_\_

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

Harmful if inhaled or absorbed through skin. Causes moderate eye and skin irritation. Avoid breathing dust and contact with eyes or skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

**DIRECTIONS FOR USE**

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.  
 For use only in formulating wood preservative products. It is the responsibility of formulators using this product to register all formulations made for it with the EPA as a fungicide. Before using the product to formulate any wood preservative, be sure to consult the technical manual, which is available from the manufacturer.

**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 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
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 swallowed	Call 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 the poison control center or doctor. Do not give anything by mouth to an unconscious person.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

**STORAGE AND DISPOSAL**

Do not contaminate water, food, or feed by storage or disposal.  
**Pesticide Storage:** Store product in a cool, dry area.  
**Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.  
**Container Handling:** *Nonrefillable container. Do not reuse or refill this container.* Completely empty bag into application equipment. Then *offer for recycling if available or* dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

**WARRANTY STATEMENT**

Osmose, Inc., warrants that the product conforms to the chemical description on the label and is reasonably fit for the purposes set forth on the label when used according to directions under normal conditions. THERE ARE NO OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING A WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. This warranty does not extend to the handling or use of this product contrary to label instructions or under abnormal conditions or under conditions not foreseeable to seller and buyer assumes risk of any such use.

**ENVIRONMENTAL HAZARDS**

Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters. This pesticide 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 requirement 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. Do not apply where runoff is likely to occur. Do not apply when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to fish and aquatic organisms in adjacent sites.

Distributed by:

**OSMOSE, INC.**  
**980 Ellicott Street, Buffalo, NY 14209**  
**USA**

**BATCH NUMBER:** \_\_\_\_\_