

8177-73

1-15-2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

January 15, 2008

Christina M. Swick
Agent for The Valspar Corporation
Lewis & Harrison
122 C Street NW, Suite 740
Washington, DC 20001

Subject: Notification Application Per PR Notice 98-10
Enterprise Clear Wood Preservative
EPA Registration No.8177-73
Application Date: January 7, 2008
Receipt Date: January 8, 2008

Dear Ms. Swick:

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

Proposed Notification:

- Label revision

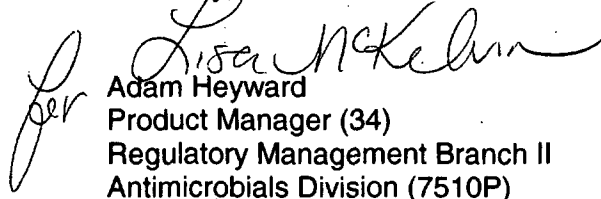
General Comment:

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

The notification application is acceptable. 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 during the hours of 8:00 am to 4:00 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)

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LEWIS & HARRISON

Consultants in Government Affairs

122 C Street, N.W., Suite 740
Washington, D.C. 20001

telephone 202.393.3903
fax 202.393.3906

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January 7, 2008

VIA FEDERAL EXPRESS

Document Processing Desk [NOTIF]
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington VA 22202

ATTENTION: Adam Heyward
Product Manager # 34

SUBJECT: The Valspar Corporation
Enterprise Clear Wood Preservative (EPA Reg. No. 8177-73)
Label Notification per PR Notice 98-10

Dear Mr. Heyward:

On behalf of The Valspar Corporation ("Valspar"), I am submitting a notification for Enterprise Clear Wood Preservative (EPA Reg. No. 8177-73). The purpose of this notification is to revise the product label as follows:

1. Add optional marketing language.
2. Add the language listed below as required by the Paint & Coatings Council. Please note that you previously agreed that the addition of this language could be made via notification (see attached email).
 - o "Combustible Liquid and Vapor"
 - o "Contains petroleum distillates"
 - o "NOTICE - Spontaneous Combustion Hazard: Rags, steel wool or waste soaked with this product may spontaneously catch fire if improperly discarded. Immediately after each use, place rags, steel wool or waste in a sealed, water-filled metal container and dispose of according to local regulations."
3. Revise the use instructions in accordance with the changes made to the product formulation (approved on November 13, 2007).

Enclosed please find the following documents in support of this notification:

1. Application for Pesticide Notification (OPP ID No. 265394), which includes a signed statement certifying compliance with PR Notice 98-10;
2. One (1) copy of the labeling with changes highlighted; and,
3. Two (2) copies of the final label.

Insofar as Lewis and Harrison serves as the "Company Contact" and "Company Agent" for Valspar, please relay all correspondence regarding this notification submission directly to us. If you have any questions, please contact me by phone at 202-393-3903 ext. 16, by fax at 202-393-3906 or by email at cswick@lewisharrison.com.

Sincerely,

Christina M. Swick

Christina M. Swick
Agent for,
The Valspar Corporation





EPA

United States
Environmental Protection Agency
 Washington, DC 20460

- Registration
 Amendment
 Other: NOTIFICATION

OPP Identifier Number
265394

Application for Pesticide - Section I

1. Company/Product Number 8177-73	2. EPA Product Manager Adam Heyward	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Enterprise Clear Wood Preservative	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) The Valspar Corporation 1101 Third Street South Minneapolis, MN 55415 <u>PLEASE SEND ALL CORRESPONDENCE TO "CONTACT POINT" LISTED BELOW</u>	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

- 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.)

Label Notification (see cover letter for details)

Notification of ALTERNATE BRAND NAMES in Accordance With PR Notice 98-10

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.

Signature: Christina M. Swick Date: 1/7/08

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
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"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product				<input type="checkbox"/> Other _____	
				<input type="checkbox"/> Lithograph <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 Christina M. Swick, Lewis & Harrison 122 C St. NW Suite 740, Washington DC 20001	Title Agent for The Valspar Corporation	Telephone No. (Include Area Code) (202) 393-3903 x16
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 <u>Christina M. Swick</u>	3. Title Agent for The Valspar Corporation	
4. Typed Name Christina M. Swick	5. Date January 7, 2008	

[Front Panel]

- WOOD PRESERVATIVE
- DEEP PENETRATING

NOTIFICATION
 Date Reviewed: 1-15-08
 Reviewed By: *[Signature]*

Enterprise Clear Wood Preservative

A TRANSLUCENT WOOD FINISH FOR DECKS, SIDING, FENCES AND TRIM

KEEP OUT OF REACH OF CHILDREN

WARNING

Combustible Liquid and Vapor

See back panel for additional precautionary statements.

Active Ingredients:

3-Iodo-2-Propynyl Butyl Carbamate.....0.57%

Inert Ingredients.....99.43%

TOTAL.....100.00%

Contains petroleum distillates

EPA Reg. No. 8177-73

EPA Est. No.

This product must be used before the expiration date.

Expiration Date:

Net Contents:

[Back Panel]

PRECAUTIONARY STATEMENTS:

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING: Causes skin irritation and moderate eye irritation. Do not get on skin or on clothing. Avoid contact with eyes. Wear protective clothing, chemical-resistant gloves and protective eyewear (goggles, face shield, or safety glasses) when handling. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

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.

In case of emergency call toll free 1-888-345-5732.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

Warning: This product contains chemicals known to the State of California to cause cancer.

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 when disposing of equipment washwater or rinsate.

PHYSICAL AND CHEMICAL HAZARDS: DO NOT USE, POUR SPILL OR STORE NEAR HEAT OR OPEN FLAME. PROTECT FROM FREEZING.

NOTICE - Spontaneous Combustion Hazard: Rags, steel wool or waste soaked with this product may spontaneously catch fire if improperly discarded. Immediately after each use, place rags, steel wool or waste in a sealed, water-filled metal container.

GENERAL INFORMATION:

Enterprise Clear Wood Preservative is formulated with a blend of resin and oil to provide a natural finish for bare wood. Easy to apply, Enterprise Clear Wood Preservative slightly darkens

wood when first applied leaving a flat, translucent-toned finish, which weathers with time to a natural wood hue. For use on new or reconditioned exterior wood only, including decks, siding, shingles, shakes, trim and on log homes.

DIRECTIONS FOR USE:

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Apply this product only as specified on the label.

Application Instructions: Stir product thoroughly before using. Apply only with a natural bristle brush or pad to horizontal surfaces. Apply with natural bristle brush or professional spray equipment on vertical surfaces. Start at one edge and follow through to the end of the boards to avoid lap marks.

Type of Finish: Clear

Where to Use: For use only above-ground on new or reconditioned exterior wood, including decks, siding, shingles, shakes, trim and on log homes.

Coverage: Approximately 200 - 400 sq. ft. (18.6 - 37.2 m²) per gallon depending upon method of application, porosity and density of wood. Do not thin. Do not tint.

Drying Time: Approximately 24 hours depending on temperature and humidity.

Cleanup: Clean equipment with mineral spirits.

Surface Preparation: Be sure surface is free of all dirt, mildew stains and loose wood fibers. Surfaces must be sound and absolutely dry (moisture content below 15%). Finish must be able to penetrate wood surface. Prepare unpainted weathered wood with Cabot® Problem-Solver® Wood Cleaner or Wood Brightener. Previously stained surfaces must be stripped with Cabot® Wood Strippers.

GENERAL PRECAUTIONS AND RESTRICTIONS:

- DO NOT apply this product in a way that will contact any person or pet.
- DO NOT USE on interior surfaces.
- DO NOT USE on previously stained, painted, varnished or sealed surfaces or hardboard siding.
- DO NOT USE on wood used for food, feed or potable water contact.
- DO NOT mix Enterprise Clear Wood Preservative with any other product.
- DO NOT apply in direct sunlight or on days when air or surface temperatures are below 50°F (10°C).
- DO NOT use where dairy and farm animals may come into contact with the treated wood.
- Cover desirable plants and shrubs to avoid possible injury.

STORAGE AND DISPOSAL:

- Pesticide Storage:** Store product in original container within locked storage area.
- Pesticide and Container Disposal:** Dispose of container and any unused product by securely wrapping container in several layers of newspaper. Then discard in trash. DO NOT REUSE CONTAINER.

This product contains less than 350 g/l VOC (2.9 lb/gal VOS)

LIMITED WARRANTY

If this product does not perform as stated on the label after you apply it according to label directions, Valspar will either replace this product or refund its purchase price, at its option.

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Valspar disclaims all other implied or express warranties. Valspar will not provide or pay for labor for removal or application of the product. This warranty excludes all incidental or consequential damages. This warranty gives you specific legal rights, and you may have other rights which vary from state to state.

Cabot®

The Valspar Corporation
Newburyport, MA 01950