

8959-53

8/24/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

AUG 24 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Marianne Radtke, Regulatory Affairs Manager
Applied Biochemists
W175 N11163 Stonewood Drive, Suite 234
Germantown, WI 53022

Subject: Notification per PR Notice 98-10
Cutrine Ultra Algaecide/Herbicide Cyanobacteriocide
EPA Registration Number: 8959-53
Application Date: July 17, 2009
Receipt Date: July 27, 2009

Dear Ms. Radtke:

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

Proposed Notification:

Label changes as per PR Notice 98-10 and PR Notice 2007-4

Comments:

The notification is acceptable. A copy has been inserted in your file for future reference.

Should you have further questions concerning this letter, please contact Killian Swift by telephone at 703-308-6346 or by email at swift.killian@epa.gov. When submitting information or data in response to this letter, a copy of this letter should accompany the submission to facilitate processing.

Sincerely yours,

A handwritten signature in black ink, appearing to read "ShaRon Carlisle".

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

2009



United States
Environmental Protection Agency
Washington, DC 20460

Registration
Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 8959-53	2. EPA Product Manager Tracy Lantz	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Cutrine Ultra Algaecide/Herbicide/Cyanobactericide	PM# 34	
5. Name and Address of Applicant (Include ZIP Code) APPLIED BIOCHEMISTS W175 N11163 STONEWOOD DR. STE 234 GERMANTOWN, WI 53022 <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 checked="" 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.)

Update the Medical Emergency contact information
Required Certification Statement attached.

Update to comply with container regulations in 2007-4.
Required Certification Statement attached
PRIA fees are not required for these changes.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes <input 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	Metal <input checked="" type="checkbox"/> Plastic Glass Paper Other (Specify) _____		
* 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 1, 2-1.2, 5, 55		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 checked="" type="checkbox"/> Other screenprinted		

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Marianne Radtke	Title Regulatory Affairs Manager	Telephone No. (Include Area Code) 800-558-5106 ext 328
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>Marianne Radtke</i>	3. Title Regulatory Affairs Manager	
4. Typed Name Marianne Radtke	5. Date <i>July 17, 2009 re-submit</i> May 17, 2009	

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APPLIED BIOCHEMISTS

W175 N11163 Stonewood Drive Suite 234
Regulatory Services
Marianne Radtke
Germantown, WI 53022-4799
262 255-4619 Fax
262 255-4449 ext. 328
E-mail -mradtke@advantistech.com

July 15, 2009

Office of Pesticide Programs (7504P)
Document Processing Desk (NOTIF)
U.S. Environmental Protection Agency
One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501
Attn: Tracy Lantz -- Acting PM (34)

Subject: Cutrine Ultra Algaecide/Herbicide Cyanobactericide
EPA Reg. No. 8959-53
Application Date May 18, 2009

Tracy,

This is a resubmittal of this product due to the fact that the verbiage from 2007-4 will be allowed.

Applied Biochemists is submitting a Notification for the above subject product for:

- Update the Medical Emergency contact information
- Update to comply with container language as specified in PR Notice 2007-4.

In support of this application for notification, enclosed are the following documents:

- A completed application for notification (EPA 8570-1) form with attached certification statements as required by PR 98-10 and PR Notice 2007-4.
- Two copies of the product labeling with changes highlighted.

If you have any questions please contact me at 800-558-5106 ext 328 or by e-mail at mradtke@advantistech.com if there are any questions.

Sincerely,



Marianne Radtke
Regulatory Affairs Manager

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CUTRINE® - ULTRA

ALGAECIDE / HERBICIDE / CYANOBACTERIOCIDE

Pat. No. 5,407,899

EPA Reg. No. 8959-53

EPA Est. No. 42291-GA-1

FOR USE IN:
LAKES, POTABLE WATER RESERVOIRS, FARMS, FISH AND INDUSTRIAL PONDS
FISH HATCHERIES AND RACEWAYS, CROP AND NON-CROP IRRIGATION CONVEYANCE
SYSTEMS, DITCHES, CANALS and LATERALS

ACTIVE INGREDIENTS:

COPPER AS ELEMENTAL.....*9.0%

INERT INGREDIENTS:

.....91.0%

TOTAL:100.0%

CUTRINE-ULTRA® contains 0.909 lbs. of elemental copper per gallon.

*From mixed Copper-Ethanolamine complexes in an emulsified formulation

KEEP OUT OF REACH OF CHILDREN DANGER

FIRST AID

If inhaled:	- 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 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 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 do so by a 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. If a medical emergency arises contact Arch Chemicals Emergency Action Network in the US call 1-800-654-6911 or outside the US call 423-780-2970. For help with a spill, leak, fire or exposure involving this material call CHEMTREC 1-800-424-9300.

See Additional Precautions on Back Panel

NET CONTENTS: _____ GALLONS (_____ Liters)

MANUFACTURED FOR:



GERMANTOWN, WISCONSIN 53022
1-800-558-5106

NOTIFICATION
Date Reviewed: 9/24/09
Reviewed By: *[Signature]*

GENERAL INFORMATION

CUTRINE-ULTRA is a chelated copper formulation containing an emulsified surfactant/penetrant combination for highly effective control of coarse (thick cell-walled) filamentous algae, muscilaginous (colonial) planktonic algae, Chara and copper-sensitive vascular aquatic plants. **CUTRINE-ULTRA**, under field conditions, controls mat-forming, filamentous forms such as Spirogyra, Cladophora, Hydrodictyon, Vaucheria, Ulothrix, and Lyngbya; planktonic cyanobacteria such as Anabaena, Aphanizomenon, Microcystis, Psuedanabaena, Oscillatoria; and attached, bottom-growing forms such as Chara, Nitella, Gleotrichia. **CUTRINE-ULTRA** has also been proven effective in controlling the rooted aquatic plant, *Hydrilla verticillata*, *Egeria densa* and other copper-sensitive species. The ethanalamines in **CUTRINE-ULTRA** prevent the precipitation of copper with carbonates and bicarbonates in the water. Waters treated with **CUTRINE-ULTRA** may be used for swimming, fishing, drinking, livestock watering or irrigating turf, ornamental plants or crops immediately after treatment.

DIRECTIONS FOR USE

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

**SURFACE SPRAY/INJECTION
ALGAECIDE APPLICATION**

For effective control, proper chemical concentration should be maintained for a minimum of three hours contact time. The application rates in the chart are based on static or minimal flow situations. Where significant dilution or loss of water from unregulated inflows or outflows occur (raceways) within a three hour period, chemical may have to be metered in.

Identify the aquatic growth present as one of the following types: Planktonic (suspended), Filamentous (mat forming), or Chara/Nitella.

Determine the surface acreage (1 acre=43,560 sq. ft.) and average depth of infested area. For planktonic algae (suspended) algae and free-floating filamentous algae mats, application rates should be based upon treating the depth to which the algae are growing.

Refer to the chart below to determine gallons of **CUTRINE-ULTRA** to apply per surface acre.

If average depth of infestation exceeds 4 feet, multiply average depth times application rate for the one foot depth rates to calculate gallons of **CUTRINE-ULTRA** needed in deeper areas.

Select lower dosage rates for lighter infestations and higher rates for heavy infestations.

**Application Rates
Gallons Per Surface Acre**

ALGAE TYPE	PPM COPPER	DEPTH IN FEET			
		1	2	3	4
Planktonic	0.2 - 0.6	0.6 - 1.8	1.2 - 3.6	1.8 - 5.4	2.4 - 7.2
Filamentous	0.2 - 0.8	0.6 - 2.4	1.2 - 4.8	1.8 - 7.2	2.4 - 9.6
Chara/Nitella	0.4 - 1.0	1.2 - 3.0	2.4 - 6.0	3.6 - 9.0	4.8 - 12.0

Under conditions of heavy infestation or low oxygen levels, treat only 1/3 to 1/2 of the water body at a time to avoid fish suffocation caused by oxygen depletion from decaying algae.

Before applying, dilute the required amount of **CUTRINE-ULTRA** with enough water to

ensure even distribution with the type of equipment being used. (e.g. 9 parts of water to 1 part Cutrine Ultra in a hand sprayer). For most effective results, apply under calm and sunny conditions when water temperature is at least 60°F. Break up floating algae mats before spraying or while application is being made.

Use hand or power sprayer adjusted to rain-sized droplets or inject underwater in a manner to ensure even distribution of product. Spray shoreline areas first to avoid trapping fish.

CUTRINE-PLUS Granular Algaecide may be used as an alternative in low volume flow situations, spot treatments or treatment of bottom-growing algae in deep water.

HERBICIDE APPLICATION

CUTRINE-ULTRA:

Control of **Hydrilla verticillata**, **Egeria densa** and other copper-sensitive vascular aquatic [plant species can be obtained from copper concentrations of 0.4 to 1.0 ppm resulting from **CUTRINE-ULTRA** treatment. Choose the application rate based upon stage and density of plant growth and respective water depth from the chart below.

Application Rates
Gallons/Surface Acre*

Growth/Stage Relative Density	PPM Copper	DEPTH IN FEET					
		1	2	3	4	5	6
Early Season Low Density	0.4	1.2	2.4	3.6	4.8	6.0	7.2
	0.5	1.5	3.0	4.5	6.0	7.5	9.0
Mid-Season Moderate Density	--0.6--	--1.8--	--3.6--	--5.4--	--7.2--	--9.0--	--10.8--
	0.7	2.1	4.2	6.3	8.4	10.5	12.6
	--0.8--	--2.4--	--4.8--	--7.2--	--9.6--	--12.0--	--14.4--
Late Season/ High Density	0.9	2.7	5.4	8.1	10.8	13.5	16.2
	1.0	3.0	6.0	9.0	12.0	15.0	18.0

CUTRINE®-ULTRA: HARVESTER TANK MIX

On waters where enforcement of use restrictions for recreational, domestic and irrigation uses are acceptable, the following mixture can be used as an alternative Hydrilla control method.

Tank mix 3 gallons of **CUTRINE-ULTRA** with 2 gallons of **HARVESTER**. Apply mixture at the rate of 5 gallons per surface acre. Dilute with at least 9 parts water and apply as a surface spray or underwater injection. Observe all cautions and restrictions on the labels of both products used in this mixture.

PERMITS:

Some states may require permits for the application of this product to public waters. Check with your local authorities.

DRIP SYSTEM APPLICATION

FOR USE IN POTABLE WATER AND IRRIGATION CONVEYANCE SYSTEMS

- **CUTRINE®-ULTRA** should be applied as soon as algae or targeted, rooted vascular species begins to interfere noticeably with normal delivery of water (clogging of lateral headgates, suction screens, weed screens and siphon tubes). Delaying treatment could perpetuate the problem causing massing and compacting of plants. Heavy infestations and low flow conditions increasing water flow rate during application may be necessary.
- Prior to treatment it is important to accurately determine water flow rates. In the absence of weirs, orifices, or similar devices which give accurate water flow measurements, volume of flow may be estimated by the following formula:

$$\text{Average Width (feet)} \times \text{Average Depth (feet)} \times \text{Velocity* (feet/second)} \times 0.9 = \text{Cubic Feet per Second (C.F.S.)}$$

*Velocity is the time it takes a floating object to travel a given distance. Dividing the distance traveled (feet) by the time (seconds) will yield velocity (feet/second). This measurement should be repeated at least three times at the intended application site and then averaged.

- After accurately determining the water flow rate in C.F.S. or gallons/minute, find the corresponding **CUTRINE-ULTRA** drip rate on the chart below.

WATER FLOW RATE		CUTRINE-ULTRA DRIP RATE*		
C.F.S.	Gal/Min	Qts/Hr.	ml/Min.	FL.Oz./Min.
1	450	1	16	0.5
2	900	2	32	1.1
3	1350	3	47	1.6
4	1800	4	63	2.1
5	2250	5	79	2.7

- Calculate the amount of **CUTRINE-ULTRA** needed to maintain the drip rate for a period of 3 hours by multiplying Qts./Hr. x 3; ml/Min. x 180; or Fl. Oz./Min. x 180. Dosage will maintain 1.0 ppm Copper concentration in the treated water for the 3 hour period. Introduction of the chemical should be made in the channel at weirs or other turbulence-creating structures to promote the dispersion of chemical.
- Pour the required amount of **CUTRINE-ULTRA** into a drum or tank equipped with a brass needle valve and constructed to maintain a constant drip rate. Use a stop watch and appropriate measuring container to set the desired drip rate. Readjust accordingly if flow rate changes during the 3 hour treatment period.
- Distance of control obtained down the waterway will vary depending upon density of vegetation growth. Periodic maintenance treatments may be required to maintain seasonal control.
- * Application rates for depths greater than six feet may be obtained by adding the rates given for the appropriate combination of depths. Application rates should not result in excess of 1.0 ppm copper concentration within treated water.

GENERAL TREATMENT NOTES

The following suggestions apply to the use of **CUTRINE-ULTRA** as an algaecide or herbicide in all approved use sites:

For optimum effectiveness...

- Apply early in the day under calm, sunny conditions when water temperatures are at least 60°F.
- Treat when growth first begins to appear or create a nuisance, if possible.
- Apply in a manner that will ensure even distribution of the chemical within the treatment area.
- Re-treat areas if regrowth begins to appear and seasonal control is desired. Where fish are present, allow one to two weeks between consecutive total volume treatments or test for recovery of oxygen levels before retreatment.
- Allow seven to ten days to observe the effects of treatment (bleaching and breaking apart of plant material).

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER

CORROSIVE. Causes substantial but temporary eye damage. Causes skin burns. Do not get in eyes, on skin or clothing. Harmful if swallowed or absorbed through skin.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear long-sleeve shirt and long pants, socks plus shoes, goggles or face shield and rubber gloves.

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USER SAFETY RECOMMENDATIONS: Users must wash hands before eating, drinking, chewing gum, using tobacco, or using toilet. Users must remove PPE clothing immediately after handling this product. Wash outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENVIRONMENTAL HAZARDS:

This product may be toxic to trout and other species of fish. Fish toxicity is dependent upon the hardness of water and sensitivity of the fish species present. Do not use in water containing trout if the carbonate hardness of water does not exceed 50 ppm. Do not use in waters containing Koi and hybrid goldfish. Not intended for use in small volume, garden pond systems.

STORAGE & DISPOSAL:

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

PESTICIDE STORAGE: Keep container closed when not in use. Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Do not reuse or refill container. Do not contaminate feed, feedstuffs, or drinking water. Do not store or transport near feed or food.

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.

(For <5gallon non-refillable containers only):

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse container. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning if available or puncture and dispose of in approved landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. Consult Federal, State or local authorities for approved alternative procedures.

(For >5gallon non-refillable containers only):

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse container. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ with water and recap. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand container on its end and tip it back and forth several times. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning if available or puncture and dispose of in approved landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. Consult Federal, State or local authorities for approved alternative procedures.

(For 275Gallon refillable container only):

CONTAINER DISPOSAL: Refillable container. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill container about 10 percent full with water. Agitate vigorously or recirculate water with pump for 2 minutes. Repeat rinsing procedure two more times.

WARRANTY

To the extent consistent with applicable law neither the manufacturer nor the seller makes any warranty, expressed or implied concerning the use of this product other than indicated on the label.

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To the extent consistent with applicable law buyer assumes risk of use of this material when such use is contrary to label instructions. Read and follow the label directions.