9339-20

2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D C 20460

## SEPA United Status Environmental Protection Office of Pesticide Programs

MAY 1 4 2010

Flexdel Corporation 1969 Ruthers University Blvd Lakewood, NJ 08701

Attention Hamdi Latif

SubjectFlexgard X / Bottom Gard Antifouling PaintEPA Registration No9339-20Notification Dated April 10, 2010

This will acknowledge receipt of your notification to update the container handling statement per PR Notice 2007-4 and make other minor changes to the product label, submitted under the provision of FIFRA Section 3(c)(9)

### **Proposed Notification**

Revise label per PR Notice 2007-4 and additional minor changes

## **General Comments**

Based on a review of the submitted material, the following comments apply

The Notification dated January 11, 2010 is in compliance with the PR Notice 98-10 and is acceptable This information has been added to your file

If you have any questions concerning this letter, please contact Zebora Johnson at (703) 308-7080

Sincerely

Marshall Swindell Product Manger (33) Regulatory Management Branch I Antimicrobial's Division (7501P)

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1969 RUTGERS UNIVERSITY BOULEVARD, LAKEWOOD, NJ 08701

TELEPHONE • 732-901-6500

FAX • 732-901-6504

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April 10 2010

Via Email/Reg Mail

## **USEPA Headquarters**

Document Processing Desk (RESPIRATOR) Office of Pesticide Programs (7504C) U S Environmental Protection Agency Room 266A Crystal Mall 2 1921 Jefferson Davis Highway Arlington VA 22202

Attention Marshall Swindell Product Manager 33 Regulatory Management Branch 1 Antimicrobial Division (7505-C)

Regarding Flexgard X (9339-20)/Bottom Gard Antifouling Paint (9339-20-70383)

Dear Mr Swindell

Please find enclosed Form 8570-1 for a Notification on the Bottom Gard Antifouling Paint Application to notify you of the changes we made to comply with the State of New York for Approval Along with Bottom Gard Antifoling label

Thank you for your assistance If any additional information is needed, please do not hesitate to contact me

Regards 20 late Hamdi Latif - Technical Director hlatif@flexabar.com

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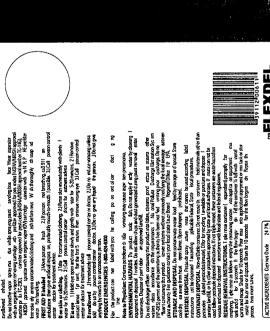
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ACTIVE INDREDIENTS Orrest Oude 24 7% (OSPATINGEDIENTS (OSPA 11 21 21 31 31) 1 tal \_\_\_\_\_\_\_10000F



# PRECAUTIONARY STATEMENTS "WARNING" HAZARDOUS TO HUMANS AND DOMESTIC ANIMALS

Causes eye imitation. Harmful if absorbed through skin. Avoid contact with skin eyes or clothing Wear protective clothing such as gloves long sleeved shirt long pants and hat. May be fatal if swallowed or inhaled

Swatower of Inflated Do not breather vapor spray mist or dust while spraying paint or sanding boat surface. Wear respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C) or a canster approved for pesticides (MSHA/NIOSH approval number TC-14G) or a NIOSH approved resp rator with an organic vapor (OV) cartridge or canster with any N R P or HE prefilter Immediately remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling.

FIRST ALD: If inhafed 1) Move person to fresh air 2;) if person is not breathing, call 911 or an ambulance then give artificial respiration preferably mouth-to-mouth if possible 3;) Call a poison control center or doctor for treatment advice

center or doctor for treatment advice If on skin or clofting 1) Take of foortammated clothing. 2) Rinse skin immediately with plenty of water for 15-20 minutes 3) Call a poison control center or doctor for treatment advice If in eyes: 1) Hold eye open and nise slowly and gently with water for 15-20 minutes. 2) Remove contact lenses: foresent after the first 5 minutes then continue nising eye. 3) Call a poison control center or doctor for treatment advice

**If swallowed** 1) Immediately call a poison control center or doctor. 2) Do not induce vomiting unless told to do so by a poison control center or doctor 3) Do not give any liquid to the person 4) Do not give anything by mouth to an unconscious person.

PRODUCT EMERGENCIES 1-800-424-9300

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

Note to Physician: Contains petroleum distillate vomiting may cause aspiration pneumonia ENVIRONMENTAL HAZARDS This product is toxic to fish. Do not apply directly to water by deaning of equipment or disposal of wastes. Do not allow chups and dust generated during paint removal to enter waterways. Dispose of paint debris in an approved landfill.

Valerways Dispose of paint debris in an approved landfill Do not discharge effluent containing this product into lakes streams ponds estuanes oceans or other waters unless in accordance with the requirements of a National Pollutan Discharge EI mation System (NP-DES) permit and the permitting authority has been notified in writing prior to discharge Do not effluent containing this product to server systems without previously notifying the local savage treatment plant authority Foe guidance contact your local state Eater Board or Regional Office of the EPA. STORAGE AND DISPOSAL. Do not containnate water food or feed by storage or disposal Store in cool dry area away from heat or open flame. Open dumping is prohibited **PESTICIDE DISPOSAL**. Not-refitable container. Do not reuse that cannot be used according to label instructions must be disposed of according to applicable Federal State or local procedures. **CONTAINER DISPOSAL**. Non-refitable container. Do not reuse this container to hold materials other than pesticides or diluted pesticides (instate). Offer for recycling if available or puncture and dispose of in a santary landfill or by other procedures approached by state and local autionnes. If must can not be used follow pesticide disposed in accordance with local state and red regulations. **RESIDUE ERMOVAL INSTRUCTIONS**. Tince this perior and regulations are acute hazandous wastas and must be disposed in accordance with local state and red regulations.

Wastes and must be usposed in accurate with the state and reteran regulations. **RESIDUE ERMOVAL INSTRUCTIONS** They here may ensure in the order of requivalently formpity after emptying Triple rinse as follows empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drap. Fill the container Y full with mineral spints and recard Shake for 10 seconds Pour Insate into application equipment or mix tank or store insate for later use or disposal. Drain for 10 seconds after the flow begins to drap. Repeat this process two more times



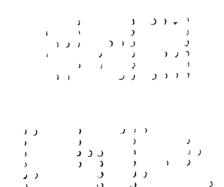
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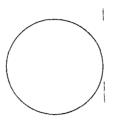
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ACTIVE INGREDIENTS Cuprous Oxide	247%
INERT INGREDIENTS	753%
(Copper as Metallic – 21 99)	
Total	100 00%

This product contains petroleum distillates.

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### DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling

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This is a cuprous oxide pigmented coating formulated especially to prevent the attachment of both plant and animal fouling on vessels immersed in both seawater and brackish water

### 1A) Surface preparation New / Bare Fiberglass Hulls

Wipe down surface with Aquagard 180 Wash & Dewaxer Change rags frequently to assure complete removal of wax and mold release agent & contaminates Sand surface thoroughly with 80 or 100 grit sand paper Wipe down surface again with Aquagard 180 Wash & Dewaxer to remove sanding residue and immediately apply one (1) coats of Aquagard 181 Primer with a roller or brush Allow Primer to dry for minimum of two (2) hours

### 1B) Surface preparation For previously painted surface

To prepare the surface for coating remove all loose coating and fouling residue by either washing with high pressure water scraping or by sanding Apply a small patch of Flexdel Bottom Gard Anti Fouling Paint to test compatibility with the old paint If Flexdel Bottom Gard Anti Fouling Paint cracks or lifts all the old paint will have to be removed Then follow the Bare Fiberglass Hulls system specified above If nothing appears to happen when this product is applied let the test patch dry for several hours and then scrape this product to see if it is adhering to the old paint satisfactorily If the adhesion looks good sand the entire surface thoroughly with 60 girt sandpaper

Previously painted surfaces in poor condition (such as chipping peeling or flaking) should be stripped to bare fiberglass. Then proceed with the Bare Fiberglass Hulls preparation

2) Application A clean dry surface (free of scale corrosion dirt grease oil marine fouling or other foreign matteri will provide the optimum performance of this coating when used for either complete coating or touch up Wipe down surface with Aquagard 180 Wash & Dewaxer Inadequate surface preparation will result in unsatisfactory performance Mix the coating thoroughly for a minimum of five [5] minutes to insure complete pigment reincorporation Apply by ether brush roller or spray Flexdel Bottom Gard Anti Fouling Paint Allow four (4) hours drying time between coats Let final coat dry eight twelve (8-12) hours before launching the boat. The theoretical coverage of this product is approximately 400 square feet per gallon Clean up with paint thinner or white spirits when finished

DISCLAIMER The performance of any marine paint or coating depends on many factors outside the control of Flexdel Corp including environmental conditions. Therefore Flexdel Corp cannot guarantee this products suitability for your particular purpose of application Implied warranties of fitness for particular purpose and of merchantability are excluded Flexdel Corp shall not under any circumstances be liable for incidental or consequential damages. By purchase or use of this product, buyer agrees that sole and exclusive remedy if any is limited to the refund of the purchase price or replacement of the product a Hexdel Corp option.