

9339-22

12-12-2002

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Antimicrobials Division (7510C)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EPA Reg. Number:
9339-22

Date of Issuance:
DEC 12 2002

NOTICE OF PESTICIDE:
 X Registration
 Re-registration

Term of Issuance:
CONDITIONAL

Name of Pesticide Product:
AQUAGARD II Waterbase
Antifouling Paint for
Aluminum Hulls

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP code):

Flexabar Corporation
1969 Rutgers University Blvd.
Lakewood, NJ 08701

Note: Changes in labeling differing in substance from that accepted in registration must be submitted to and accepted by the Antimicrobials Division prior to the date of registration. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA Section 3(c)(7)(A) provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA Section 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for re-registration of your product under FIFRA Section 4, or as required by registration review under FIFRA Section 3(g).
2. Make the following labeling changes:
 - a. Revise the EPA Registration Number to read, "EPA Reg. No. 9339-22".
 - b. Place the appropriate Establishment No. on the product labeling.

Signature of Approving Official:

Marshall Swindell, Product Manager, Team 33,
Regulatory Management Branch I, Antimicrobials Division

Date:

DEC 12 2002

3. Submit three copies of a final printed production label.

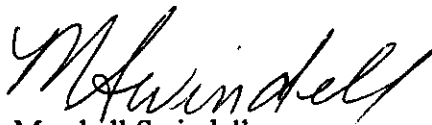
The Confidential Statement of Formula dated November 7th, 2002, is acceptable.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA Section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the accepted label is enclosed for your records.

If you have any questions concerning this letter, please contact Karen M. Leavy-Munk at (703)-308-6237.

Sincerely,



Marshall Swindell
Product Manager 33
Regulatory Management Branch 1
Antimicrobial Division(7510C)

Enclosure

ACCEPTED
with COMMENTS
in EPA Letter Dated:

DEC 12 2002

Under the Federal Insecticide,
Fungicide, and Rodenticide Act as amended, for the pesticide,
registered under EPA Reg. No. **9339-22**

AQUAGARD II

Waterbase Antifouling Paint For Aluminum Hulls

ENVIRONMENTAL HAZARDS:

This pesticide is toxic to aquatic organisms including fish and shellfish.

"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. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility."

STORAGE & DISPOSAL

STORAGE

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Store in cool dry area away from heat or open flame. Keep from freezing.

PESTICIDE DISPOSAL

Pesticide spray mixture or rinse water, which cannot be used according to label instructions, must be disposed of according to applicable Federal, State or Local procedures.

CONTAINER DISPOSAL

Do not re-use empty container. Replace cap and dispose of in a sanitary landfill or by other approved State, Federal and local procedures. Do not puncture or incinerate.

COMMERCIAL

ACTIVE INGREDIENTS:

Cuprous Oxide 3.88%

INERT INGREDIENTS 96.12%

TOTAL 100.00%

FIRST AID

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 INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance. Then, give 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 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.

NOTE TO PHYSICIAN: Probable mucosal damage may contra-indicate the use of gastric lavage.

NOTE: Have the product container or label with you when calling a Poison Control Center or doctor or when going for treatment.

WARNING

KEEP OUT OF REACH OF CHILDREN

PRECAUTIONARY STATEMENTS, HAZARDS TO HUMANS (& DOMESTIC ANIMALS)

~~Causes eye irritation.~~ Causes eye irritation. Do not get in eyes, on skin or on clothing. Wear goggles or face shield. Wear protective clothing such as gloves, long-sleeved cotton shirt, long pants and hat. Harmful if inhaled. Avoid breathing spray mist, vapor or dust. While spraying, sanding or blasting, wear a mask or pesticide respirator approved by The National Institute of Occupational Safety and Health. Remove contaminated clothing and wash before re-use.

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

NET CONTENTS:

EPA Registration No. 9339
EPA Est. No.

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

Product may cause skin irritation.

PREPARATION:

To prepare the surface for coating, remove all loose coating and fouling residue by either washing with high pressure water, scraping or by disc sanding. Be sure to use the proper protective equipment to prevent inhalation or ingestion of the paint dust generated.

APPLICATION:

A clean dry surface, free of scale, corrosion, dirt, grease, oil, marine fouling or other foreign matter will provide the optimum performance of this coating when used for either complete coating or for touch up. Inadequate surface preparation will result in unsatisfactory performance. Be sure to remove all dust, debris and other surface contaminants that are generated by the cleaning process prior to painting.

MIX the coating with either a high mixer or a paint shaker for a minimum of five (5) minutes to insure complete pigment re-incorporating. In the event the coating is too thick, thin with water up to 5% in order to apply easily. Clean up with water when finished.

USE de-waxer or solvent wash. Surface should be sandblasted or disc sanded using a coarse sandpaper. Apply one (1) thin coat of recommended Zinc Chromate Primer. Then apply two (2) coats of Aquagard 190 Primer, allowing two to four (2-4) hours drying time between coats. Let dry overnight and sand lightly. Follow these instructions carefully.

THEN apply two (2) coats of Aquagard II Waterbase Antifouling Paint for Aluminum Hulls by either brush, roller or spray. Be sure to follow mixing instructions applying the correct thickness (approximately 4 mils). Allow a minimum of four (4) hours between coats and a minimum of twenty four (24) hours before undocking the vessel.

BARE ALUMINUM HULLS:

Abrade to bright metal by sandblasting, sanding or wire brushing. Wipe clean of blasting residue and immediately apply one (1) thin coat of recommended Zinc Chromate Primer. Then, apply two (2) coats of Aquagard 190 Primer, allowing two to four (2-4) hours drying time between coats. Let dry overnight and sand lightly. Follow these instructions carefully. Then, apply two (2) coats of Aquagard II Waterbase Antifouling Paint for Aluminum Hulls, allowing two to four (2-4) hours drying time between coats. Let second coat dry overnight. Allow a minimum of twenty four (24) hours before undocking the vessel.

PREVIOUSLY PAINTED ALUMINUM HULLS:

If the previous antifouling paint is a vinyl type, sand it thoroughly with 80 grit sandpaper. Wipe clean of sanding residue and apply at least two (2) coats of Aquagard II Waterbase Antifouling Paint for Aluminum Hulls. If the old paint type is unknown, apply a small patch of Aquagard II Waterbase Antifouling Paint for Aluminum Hulls to test compatibility with the old paint. If Aquagard II Waterbase Antifouling Paint for Aluminum Hulls cracks or lifts, all the old paint will have to be removed. Then, follow the bare aluminum system specified above. If nothing appears to happen when this product is applied, let the test patch dry for several hours. 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 80 grit sandpaper and apply at least two (2) coats of Aquagard II Waterbase Antifouling Paint for Aluminum Hulls. Previously painted surfaces in poor condition (chipping, peeling or flaking) should be stripped to bare metal. Then, proceed with the bare aluminum system specified above.

Medical Emergencies: 1-800-424-9300

MANUFACTURED by FLEXABAR CORPORATION
1969 Rutgers University Blvd, Fairwood NJ 08701

DIRECTIONS FOR USE

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

Product may cause skin irritation.

PREPARATION:

To prepare the surface for coating, remove all loose coating and fouling residue by either washing with high pressure water, scraping or by disc sanding. Be sure to use the proper protective equipment to prevent inhalation or ingestion of the paint dust generated.

APPLICATION:

A clean dry surface, free of scale, corrosion, dirt, grease, oil, marine fouling or other foreign matter will provide the optimum performance of this coating when used for either complete coating or for touch up. Inadequate surface preparation will result in unsatisfactory performance. Be sure to remove all dust, debris and other surface contaminants that are generated by the cleaning process prior to painting.

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AG II
ALUM
Hulls
(RIGHT
PANEL)
enlarged
FOR
SCANNING