

35896-21

09-22-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

SEP 22 2009

Ronald L. Miller
Director of Registrations
Phibro-Tech, Inc.
2395 Cains Mill Road
Sumter, SC 29154.

Subject: Notification in Accordance with PR Notice 98-10
Cupric Oxide Technical
EPA Registration No. 35896-21
Application Date: August 26, 2009
Receipt Date: August 27, 2009

Dear Mr. Miller:

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

Proposed Notification

- Label change due to PR Notice 2007-4
- Add statement: "This product may be used to formulate products for additional uses not listed on this label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding the support of such uses" to the Directions for Use.

General Comments

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

The notification application is acceptable and a copy has been inserted in your file for future reference.

Should you have any questions concerning this letter, please contact Renae Whitaker by telephone at (703) 308-7003 or email address at: whitaker.renae@epa.gov during the hours of 8:00 am to 3:30 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,

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

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United States
Environmental Protection Agency
Washington, DC 20460

<input type="checkbox"/>	Registration
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Other

OPP Identifier Number

Application for Pesticide – Section I

1. Company/Product Number 35896-21	2. EPA Product Manager Sharon Carlisle (acting)	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product Name CUPRIC OXIDE TECHNICAL	PM # 34	
5. Name and Address of Applicant (Include ZIP Code) Phibro-Tech, Inc. 2395 Cains Mill Road Sumter, SC 29154 <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.)
Added statement "This product may be used to formulate products for additional uses not listed on this label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding the support of such uses." to Directions for Use. Updated container disposal language per PR Notice 2007-4.

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				<input checked="" type="checkbox"/> Glass	<input checked="" type="checkbox"/> Paper
If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Packaging wgt.	No. per container	Other (Specify) <u>fiber drum</u>	
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"/> 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 Ronald L. Miller	Title Director of Registrations	Telephone No. (Include Area Code) (803) 481 - 8528 ext 215
Certification I certify that the statements I have made in 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 both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Director of Registrations	
4. Typed Name Ronald L. Miller	5. Date 8-26-2009	

PHIBROTECH, INC.

Charles H. Bendheim Memorial Laboratories
Phibro-Tech Inc.
2395 Cains Mill Road, Sumter, SC 29154
Telephone: (803) 481-8528 FAX: (803) 481-5245

August 26, 2009

Document Processing Desk
Office of Pesticide Programs (7504P)
US Environmental Protection Agency
1 Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

Attention: Ms. Sharon Carlisle (acting PM #34)
RE: Cupric Oxide Technical, EPA Registration Number 35896-21
Notification of label change

Dear Ms. Carlisle:

Enclosed are three printed copies and one electronic copy of the label for the above product. I have also included a Certification with Respect to Data Integrity for the electronic label.

There are two proposed changes in the label. We propose to add the statement "This product may be used to formulate products for additional uses not listed on this label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding the support of such uses." to the Directions for Use. We have also updated the container disposal language per PR Notice 2007-4.

In support of this action please find attached the following:

- EPA Form 8570-1
- Certification with Respect to Data Integrity (for the electronic label)
- Three (3) paper copies of the revised label.
- CD with electronic copy of the label

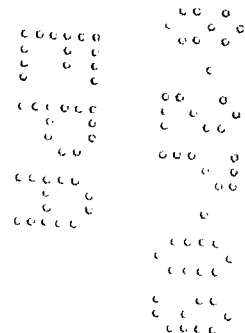
Should you have any questions or wish to reach me, please feel free to contact me at (803) 481-8528 ext. 5215 or by e-mail at Ronald.miller@pahc.com.

Sincerely,



Ronald L. Miller
Director of Registrations

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PHIBRO-TECH, INC.

CUPRIC OXIDE TECHNICAL

ACTIVE INGREDIENT:

Cupric Oxide*	97.6%
Other Ingredients:	<u>2.4%</u>
Total	100.0%

*(Metallic Copper Equivalent 78%)

NET WEIGHT _____ LBS.

KEEP OUT OF REACH OF CHILDREN

CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

FIRST AID

IF SWALLOWED: Call a 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 a poison control center or doctor.

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 rise 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 artificial respiration, preferably, mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

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

EPA Reg. No. 35896-21

NOTIFICATION
 Date Reviewed: 8/22/09
 Reviewed By: R. Whitaker

EPA Est. Nos: 35896-SC-01
 11435-CA-01
 35896-IL-01

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

Harmful if swallowed or absorbed through skin. May cause skin sensitization in certain individuals. Do not get in eyes or inhale dust. Wear goggles or face shield and dust mask while handling, mixing or loading. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and wildlife. 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 apply where runoff is likely to occur. Do not contaminate water when disposing of equipment washwaters.

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or public waters unless in accordance with the requirements 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.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store unused product in original container only in a cool, dry area out of reach of children and animals. If container or bag is damaged, place the container or bag in a plastic bag. Shovel any spills into plastic bags and seal with tape.

PESTICIDE DISPOSAL: Open dumping is prohibited. Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide 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.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Completely empty bag or fiber drum into application or manufacturing equipment by shaking and tapping sides and bottom to loosen clinging particles. If not emptied in this manner, the bag or fiber drum may be considered an acute hazardous waste and must be disposed of in accordance with local, state and federal regulations. When completely empty, offer for recycling if available or dispose of empty bag or fiber drum in a sanitary landfill or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This product is intended for use in formulating wood preservatives, roofing materials formulations, and copper-based pesticide products. This product may be used to formulate products for additional uses not listed on this label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding the support of such uses. It is the responsibility of formulators using this product to register all pesticidal formulations made from it with the EPA before using this product.

WARRANTY STATEMENT

PHIBRO-TECH, INC. warrants that this 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 use 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 nor reasonably foreseeable to seller and buyer assumes all risk of any such use.

PHIBRO-TECH, INC.
Sumter, SC

