



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

November 16, 2020

Kevin Kutcel  
Agent  
New Nautical Coatings Inc.  
14805 49<sup>th</sup> Street  
Clearwater, FL 33762

Subject: Label Amendment – Add optional marking statement, revise directions for use and add alternate brand names.  
Product Name: Flexgard XI Waterbase Preservative Copper Paint  
EPA Registration Number: 44891-23  
Application Date: February 12, 2020  
Decision Number: 560709

Dear Mr. Kutcel:

The amended label referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable. This approval does not affect any conditions that were previously imposed on this registration. You continue to be subject to existing conditions on your registration and any deadlines connected with them.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

The following alternate brand names have been added to the product record:

- Flexgard XI
- Aquagard Waterbase Antifouling paint
- Aquagard Bottom Paint
- Aquagard Waterbase Bottom Paint
- Flexgard XI Net Dip
- Flexgard X Antifouling Bottom Paint

Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6. If you have any questions, please contact Zebora Johnson by phone at (703) 308-7080 or via email at [johnson.zebora@epa.gov](mailto:johnson.zebora@epa.gov).

Sincerely,



John Hebert, Chief  
Regulatory Management Branch 1  
Antimicrobials Division (7510P)  
Office of Pesticide Programs

Enclosure: Accepted Label

**ACCEPTED**

11/16/2020

Under the Federal Insecticide, Fungicide  
and Rodenticide Act as amended, for the  
pesticide registered under  
EPA Reg. No. 44891-23

Notes to reviewer are bracketed [ ]  
Statements in parenthesis are optional or alternative text ( )  
[Delete] Strike Through

[Brand Names]  
Flexgard XI Waterbase Preservative Copper Paint  
[Alternative Brand Names]  
Flexgard XI  
Aquagard Waterbase Antifouling Paint  
Aquagard Bottom Paint  
Aquagard WaterBase Bottom Paint  
Flexgard XI Net Dip  
Flexgard X Antifouling Bottom Paint

## **FLEXGARD XI WATERBASE PRESERVATIVE COPPER PAINT**

**ACTIVE INGREDIENT**

Cuprous Oxide CAS No. 1317-39-1 .....26.37%

OTHER INGREDIENTS..... 73.63%

TOTAL... ..... 100.00%

Copper expressed as metallic 22.68%

### **KEEP OUT OF REACH OF CHILDREN WARNING**

**SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS**

#### **[OPTIONAL MARKETING STATEMENTS:]**

Inflatable  
Waterbase  
Ablative Action Repels Barnacles & Other Growth  
Water Base Paint Rolls on Easily  
Soap and Water Clean-up  
Non-Toxic Fumes  
Antifouling Coating  
Self Polishing  
Antifouling Paint  
Ablative  
Crab Pot & Lobster Pot Dip  
Antifouling Bottom Paint

Hand Crafted in the USA  
Waterbase Antifouling Coatings  
Waterbase Net Dip  
American Made  
Multi Season  
Waterbase Coating  
10001 Black  
10101 Black  
10002 Red  
10102Red  
10003 Blue  
10103 Blue  
10004 Green  
10104 Green  
10005 Teal  
10105 Teal  
10006 Horizon Blue  
10105 Horizon Blue  
10007 Shark White  
10107 Shark White  
Black  
Red  
Blue

**[Optional Graphics]**

# **FLEXDEL**



8 11577 01595 9

**[ABOVE BAR CODE WILL APPEAR ON EACH CAN AND THE NUMBERS PROVIDED THE ABOVE WILL CORRESPOND WITH THE BAR CODE ISSUED FOR THAT PRODUCT.]**

Manufactured By: New Nautical Coatings, Inc.  
14805 49<sup>th</sup> Street North  
Clearwater, FL 33762

DISCLAIMER: The performance of any marine paint or coating depends on many factors outside the control of New Nautical Coatings, Inc. including environmental conditions. Therefore, New Nautical Coatings, Inc. cannot guarantee this product's suitability for your particular purpose of application. Implied warranties of fitness for particular purpose and of merchantability are excluded. New Nautical Coatings, Inc. 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 at New Nautical Coatings, Inc., option.

[Above will be used with contents and manufacturer depending on the size]

[Net Contents:] (5-gallon pail 18.927 Liters), (Gallon 3.785 Liters), (Quart 0.9463 Liters) (55-gallon Drum 207.9 Liters) (275-gallon IBC 1039.5 Liters)

(Batch Code) [to appear on front or back panel of the label or immediate container depending on the container type/size]

## **SIDE PANEL**

### **PRECAUTIONARY STATEMENTS**

#### **HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

**WARNING.** Causes substantial but temporary eye injury. May be fatal if swallowed or inhaled. Harmful if absorbed through skin. Do not get in eyes or clothing. Do not breathe vapors or spray mist, or dust or chips from sanding. Avoid contact with skin, eyes or clothing. Wear protective eyewear (goggles, face shield, or safety glasses). While spraying paint or sanding boat surface, wear a minimum of a NIOSH-approved particulate filtering facepiece respirator with any N1,R, or P filter; OR a NIOSH-approved elastomeric particulate respirator with any N1, R, or P filter; OR a NIOSH-approved powered air purifying respirator with HE filters. Wear protective clothing (long-sleeved cotton shirt, long pants and hat) and waterproof gloves. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash before reuse.

### **DIRECTIONS FOR USE**

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

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 & contaminants. 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) coat 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 (This Product) to test compatibility with the old paint. If (this product) Antifouling Bottom 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 80 grit 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 matter) 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 either brush roller or spray. (This product) should be applied at or above 50°F. Apply two (2) coats of (this product) 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 water when finished.

### **ENVIRONMENTAL HAZARDS**

This material is toxic to fish and aquatic invertebrates. Do not apply directly to water by cleaning of equipment or disposal of wastes. Do not allow chips and dust generated during paint removal to enter water. Dispose of paint debris in an approved landfill. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans and other waters unless in accordance with the requirements of a National Pollution Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent into sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

<b>FIRST AID</b>	
<b>IF SWALLOWED:</b>	Call 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.
<b>IF ON SKIN OR CLOTHING:</b>	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.
<b>IF INHALED:</b>	Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.
<b>IF IN EYES:</b>	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
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-222-1222 for emergency medical treatment information.	
For Hazardous Materials [or Dangerous Goods] Incident Spill, Leak, Fire, Exposure, or Accident Call CHEMTREC Day or Night. Within USA and Canada 1-800-424-9300. Outside USA and Canada +1-703-741-5970 CHEMTREC. Account #15570.	
<b>IN CASE OF SPILL OR LEAK:</b> Ventilate area. Absorb with an inert material and dispose of in accordance with applicable local regulations.	
<b>IN CASE OF FIRE:</b> Use CO2, dry chemical, foam or water spray/fog. Cool closed containers with water.	

### **STORAGE AND DISPOSAL**

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

**Storage:** Keep container closed when not in use. Keep container tight and upright to prevent leakage. Do not store near heat or open flame. Store below 100°F/38°C. Store in well-ventilated area.

**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.

**Container Disposal:** Non-refillable container. Do not reuse or refill this container. Prior to container disposal, allow any remaining paint residue in the container to air dry. Dispose of the container in accordance with Federal, State or local disposal regulations.

**E.P.A. Reg. No. 44891-23 / E.P.A. Est. No. 44891-FL-1**