



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

October 29, 2021

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Brian Hogan
Agent
KRK Consulting LLC
New Nautical Coatings, Inc.
14805 49th Street North
Clearwater, FL 33762

Subject: Notification per PRN 98-10 – Addition of marketing statement, “for Fiberglass & Wooden Boats”
Product Name: Flexagard XI Waterbase Preservative Copper Paint
EPA Registration Number: 44891-23
Received Date: 8/5/2021
Action Case Number: 00315506

Dear Brian Hogan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the above referenced product. The Antimicrobials Division (AD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10.

The label submitted with the application has been stamped “Notification” and will be placed in our records.

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) lists 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 Assurance.

If you have any questions, you may contact Steven Snyderman at (202) 564-0910 or via email at snyderman.steven@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Steven Snyderman".

Steven Snyderman, Product Manager 33
Regulatory Management Branch II
Antimicrobials Division (7510P)
Office of Pesticide Programs

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]
[ADD AS ALTERNATIVE NAME]
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
Antifouling Bottom Paint

NOTIFICATION

44891-23

The applicant has certified that no changes, other than those reported to the Agency have been made to the labeling. The Agency acknowledges this notification by letter dated:

10/29/2021

Crab Pot & Lobster Pot Dip
Waterbase Net Dip
American Made
Hand Crafted in the USA
Waterbase Antifouling Coatings
Multi Season
Waterbase Coating
for Fiberglass & Wooden Boats

[Optional Graphics]

FLEXDEL

AQUAGARD



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 49th 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.

FIRST AID	
IF SWALLOWED:	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.
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 INHALED:	{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.
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
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.	
IN CASE OF SPILL OR LEAK: Ventilate area. Absorb with an inert material and dispose of in accordance with applicable local regulations.	
IN CASE OF FIRE: Use CO2, dry chemical, foam or water spray/fog. Cool closed containers with water.	

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.

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 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.

(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 the 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.

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